

FEMA REAUTHORIZATION ACT OF 2017

—————  
JUNE 23, 2017.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. SHUSTER, from the Committee on Transportation and  
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2548]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom  
was referred the bill (H.R. 2548) to reauthorize the programs and  
activities of the Federal Emergency Management Agency, having  
considered the same, report favorably thereon with an amendment  
and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose of Legislation .....	5
Background and Need for Legislation .....	5
Hearings .....	9
Legislative History and Consideration .....	10
Committee Votes .....	11
Committee Oversight Findings .....	11
New Budget Authority and Tax Expenditures .....	11
Congressional Budget Office Cost Estimate .....	11
Performance Goals and Objectives .....	13
Advisory of Earmarks .....	13
Duplication of Federal Programs .....	13
Disclosure of Directed Rule Makings .....	14
Federal Mandate Statement .....	14
Preemption Clarification .....	14
Advisory Committee Statement .....	14
Applicability of Legislative Branch .....	14
Section-by-Section Analysis of Legislation .....	14
Changes in Existing Law Made by the Bill, as Reported .....	15

The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “FEMA Reauthorization Act of 2017”.

**SEC. 2. REAUTHORIZATION OF FEDERAL EMERGENCY MANAGEMENT AGENCY.**

Section 699 of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 6 U.S.C. 811) is amended—

- (1) by striking “administration and operations” each place it appears and inserting “management and administration”;
- (2) in paragraph (2), by striking “; and”;
- (3) in paragraph (3), by striking the period and inserting “; and”; and
- (4) by adding at the end the following:
  - “(4) for fiscal year 2018, \$1,049,000,000;
  - “(5) for fiscal year 2019, \$1,065,784,000; and
  - “(6) for fiscal year 2020, \$1,082,836,544.”.

**SEC. 3. COMPREHENSIVE STUDY OF DISASTER COSTS AND LOSSES.**

(a) **ESTABLISHMENT.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall begin, acting through the National Advisory Council, a comprehensive study relating to disaster costs and losses and Federal disaster assistance.

(b) **ADDITIONAL MEMBERSHIP.**—For the purposes of the comprehensive study required under subsection (a), as soon as practicable after the date of enactment of this Act, the Administrator shall appoint the following members to the National Advisory Council:

- (1) Individuals who have the requisite technical knowledge and expertise on issues related to disaster costs and losses.
- (2) Representatives of the insurance industry.
- (3) Experts in and representatives of the construction and building industry.
- (4) Individuals nominated by national organizations representing State, local, and tribal governments and personnel.
- (5) Academic experts.
- (6) Representatives of the private industry, such as vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for emergency management services.
- (7) Other members, as the Administrator considers appropriate.

(c) **CONSULTATION WITH NONMEMBERS.**—For the purposes of the comprehensive study required under subsection (a), the National Advisory Council shall consult with other relevant agencies and entities that are not represented on the National Advisory Council to consider research, data, findings, recommendations, innovative technologies and developments, including—

- (1) entities engaged in federally funded research; and
- (2) academic institutions engaged in relevant work and research.

(d) **STUDY REQUIREMENTS.**—Not later than 120 days after the date of enactment of this Act, the National Advisory Council shall convene to evaluate disaster costs and losses and Federal disaster assistance, including consideration of the following:

- (1) **TRENDS AND CONTRIBUTING FACTORS.**—An assessment of trends, and factors contributing to such trends (such as shifting demographics and aging infrastructure), in disaster costs and losses and Federal disaster assistance, including the following:
  - (A) Loss of life and injury.
  - (B) Property damage and other costs to individuals, the private sector, and each level of government.
  - (C) Presidentially declared disasters.
  - (D) Disaster assistance available from all Federal sources.
- (2) **DISASTER ROLES AND RESPONSIBILITY.**—Fundamental principles that drive national disaster assistance decision making, including the appropriate roles for each level of government, the private sector, and individuals.

(e) **RECOMMENDATIONS.**—The National Advisory Council shall develop recommendations to reduce disaster costs and losses in the United States and to more efficiently and effectively deliver Federal disaster assistance, including consideration of the following:

- (1) Actions to enhance national disaster assistance decision making.
- (2) Incentives, including tax incentives, to reduce disaster costs and losses and promote a more efficient and effective use of Federal disaster assistance.
- (3) Mechanisms to promote disaster cost and loss reduction, mitigation, and resiliency.
- (4) Legislative proposals, including proposals for implementing the recommendations in the report compiled pursuant to the requirement in section 1111 of the Sandy Recovery Improvement Act of 2013 (Public Law 113–2; 127 Stat. 49).

(5) Legal, societal, geographic, technological, and other challenges to implementation of recommendations.

(6) Projected dollar savings and efficiencies, including measures of effectiveness, from recommendations.

(f) REPORT TO ADMINISTRATOR AND CONGRESS.—Not later than 1 year after the National Advisory Council convenes under subsection (d), the National Advisory Council shall submit a report containing the data, analysis, and recommendations developed under subsections (d) and (e) to—

(1) the Administrator;

(2) the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) the Committee on Homeland Security and Governmental Affairs of the Senate.

(g) AVAILABILITY OF INFORMATION.—The Administrator shall make the data collected pursuant to this section publicly available on the website of the Agency.

#### SEC. 4. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is amended—

(1) in subsection (d) by striking paragraphs (1) and (2) and inserting the following:

“(1) for the Center for Domestic Preparedness—

“(A) \$63,939,000 for fiscal year 2018;

“(B) \$64,962,024 for fiscal year 2019; and

“(C) \$66,001,416 for fiscal year 2020; and

“(2) for the members referred to in paragraphs (2) through (7) of subsection (b)—

“(A) \$101,000,000 for fiscal year 2018;

“(B) \$102,606,000 for fiscal year 2019; and

“(C) \$104,247,856 for fiscal year 2020.”; and

(2) in subsection (e) in the matter preceding paragraph (1), by striking “2007” and inserting “2015”.

#### SEC. 5. NATIONAL PREPARATION AND RESPONSE EFFORTS RELATING TO EARTHQUAKES AND TSUNAMIS.

The Administrator of the Federal Emergency Management Agency shall be responsible for the Nation’s efforts to reduce the loss of life and property, and to protect the Nation, from an earthquake, tsunami, or combined earthquake and tsunami event by developing the ability to prepare and plan for, mitigate against, respond to, recover from, and more successfully adapt to such an event.

#### SEC. 6. AUTHORITIES.

Notwithstanding any other provision of law, the non-federally funded actions of private parties, State, local, or Tribal governments, on State, local, Tribal, and private land, and the effects of those actions, shall not be attributed to the Federal Emergency Management Agency’s actions under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (subtitle A of title II of division F of Public Law 112–141; 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020) for the purposes of section 7 (16 U.S.C. 1536) and section 9 (16 U.S.C. 1538) of the Endangered Species Act. Actions taken under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, the Biggert Waters Flood Insurance Reform Act of 2012, and the Homeowner Flood Insurance Affordability Act of 2014, that may influence private actions do not create a Federal nexus for the purpose of applying the requirements of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

#### SEC. 7. TECHNICAL AMENDMENTS TO NATIONAL EMERGENCY MANAGEMENT.

(a) HOMELAND SECURITY ACT OF 2002.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 501 et seq.) is amended—

(1) in section 501(8) (6 U.S.C. 311(8))—

(A) by striking “National Response Plan” each place it appears and inserting “National Response Framework”; and

(B) by striking “502(a)(6)” and inserting “504(a)(6)”;

(2) in section 503(b)(2)(A) (6 U.S.C. 313) by inserting “and incidents impacting critical infrastructure” before the semicolon;

(3) in section 504(a) (6 U.S.C. 314(a))—

(A) in paragraph (3) by striking “, including—” and inserting “(that includes incidents impacting critical infrastructure), including—”;

(B) in paragraph (4) by inserting “, including incidents impacting critical infrastructure” before the semicolon;

(C) in paragraph (5) by striking “and local” and inserting “local, and tribal”;

(D) in paragraph (6) by striking “national response plan” and inserting “national response framework, which shall be reviewed and updated as required but not less than every 5 years”;

(E) by redesignating paragraphs (7) through (21) as paragraphs (8) through (22), respectively;

(F) by inserting after paragraph (6) the following:

“(7) developing integrated frameworks, to include consolidating existing Government plans addressing prevention, protection, mitigation, and recovery with such frameworks reviewed and updated as required, but not less than every 5 years;”;

(G) in paragraph (14), as redesignated, by striking “National Response Plan” each place it appears and inserting “National Response Framework”;

(4) in section 507 (6 U.S.C. 317)—

(A) in subsection (c)—

(i) in paragraph (2)(E), by striking “National Response Plan” and inserting “National Response Framework”; and

(ii) in paragraph (3)(A), by striking “National Response Plan” and inserting “National Response Framework”; and

(B) in subsection (f)(1)(G), by striking “National Response Plan” and inserting “National Response Framework”;

(5) in section 508 (6 U.S.C. 318)—

(A) in subsection (b)(1), by striking “National Response Plan” and inserting “National Response Framework”; and

(B) in subsection (d)(2)(A), by striking “The Deputy Administrator, Protection and National Preparedness” and inserting “A Deputy Administrator”;

(6) in section 509 (6 U.S.C. 319)—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) by striking “National Response Plan” and inserting “National Response Framework, National Protection Framework, National Prevention Framework, National Mitigation Framework, National Recovery Framework”;

(II) by striking “successor” and inserting “successors”; and

(III) by striking “plan” at the end of that paragraph and inserting “framework”; and

(ii) in paragraph (2), by striking “National Response Plan” each place it appears and inserting “National Response Framework”; and

(B) in subsection (c)(1)—

(i) in subparagraph (A)—

(I) by striking “NATIONAL RESPONSE PLAN” in the header and inserting “NATIONAL RESPONSE FRAMEWORK”; and

(II) by striking “National Response Plan” in the text and inserting “National Response Framework”; and

(ii) in subparagraph (B), by striking “National Response Plan” and inserting “National Response Framework”;

(7) in section 510 (6 U.S.C. 320)—

(A) in subsection (a), by striking “enter into a memorandum of understanding” and inserting “partner”;

(B) in subsection (b)(1)(A), by striking “National Response Plan” and inserting “National Response Framework”; and

(C) in subsection (c), by striking “National Response Plan” and inserting “National Response Framework”;

(8) in section 515(c)(1) (6 U.S.C. 321d(c)(1)), by striking “and local” each place it appears and inserting “, local, and tribal”;

(9) by striking section 524 (6 U.S.C. 321m); and

(10) in section 525(a) (6 U.S.C. 321n), by striking “Secretary” and inserting “Administrator”.

(b) POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006.—

(1) CITATION CORRECTION.—Section 602(13) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701(13)) is amended by striking “502(a)(6)” and inserting “504(a)(6)”.

(2) CHANGE OF REFERENCE.—Chapter 1 of subtitle C of title VI of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295) is

amended by striking “National Response Plan” each place it appears and inserting “National Response Framework”.

#### PURPOSE OF LEGISLATION

H.R. 2548, as amended, reauthorizes the programs and activities of the Federal Emergency Management Agency (FEMA).

#### BACKGROUND AND NEED FOR LEGISLATION

##### *Federal Emergency Management Agency: History and Reauthorization*

FEMA was established in 1979 by Executive Order 12148 by President Carter in response to a number of massive disasters in the 1960s and 1970s. As a result of states trying to manage these disasters, the National Governors Association and others made a proposal to streamline and cut the number of agencies states were required to work with following a disaster. Prior to the creation of FEMA, the federal government’s emergency response mechanisms were scattered among many agencies throughout government. The creation of FEMA helped to centralize these authorities and the coordination of the federal government’s response to a disaster. *The Disaster Relief Act of 1974* (Public Law 93–288), which constituted the statutory authority for most federal disaster response activities, especially of FEMA, was later amended by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, (Stafford Act) (Public Law 100–707). Following more than two decades as an independent agency, the *Homeland Security Act of 2002* (Public Law 107–296) created the Department of Homeland Security (DHS), placed FEMA within DHS, and FEMA’s functions were dispersed among various offices and directorates within DHS.

##### *Post-Katrina Emergency Management Reform Act of 2006*

In 2005, Hurricanes Katrina and Rita devastated the Gulf Coast. Following the poor response that occurred, several investigations and congressional hearings took place to examine the preparation for, response to, and later recovery from these hurricanes. In particular, the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina was formed and culminated in the issuance of a report entitled, “*A Failure of Initiative: The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*” on February 15, 2006.

Not long after the issuance of this report, Congress enacted the *Post-Katrina Emergency Management Reform Act of 2006* (Public Law 109–295) (PKEMRA), which gave FEMA clear guidance on its mission and priorities, and provided it with the authorities and tools needed to become a more effective and efficient agency and a better partner to state, local, territorial, and tribal governments. PKEMRA authorized FEMA for the first time in legislation.

##### *FEMA Disaster Assistance Reform Act of 2017*

H.R. 2548, as amended, the *FEMA Reauthorization Act of 2017*, establishes a comprehensive study to assess disaster costs and develop recommendations for reducing those costs, reauthorizes FEMA’s overall management and administration through fiscal

year 2020, and reauthorizes other programs important to the Nation's emergency management capabilities and components of the disaster preparedness and response system.

*Comprehensive study for disaster costs and losses*

Disaster costs and losses continue to increase and H.R. 2548, as amended, requires a complete assessment of those losses, what is driving those losses, what federal disaster assistance is available to individuals and the public and private sectors, the appropriate roles of each of those parties, and what public policy changes would result in fewer disaster losses and lower disaster costs.

The study will be undertaken through the existing National Advisory Council established by FEMA pursuant to section 508 of PKEMRA (6 U.S.C. 318). The Administrator is required to appoint additional members for the purpose of the study to ensure that the full array of public and private sector stakeholders are involved and contributing. The Committee does not intend for these additional members to become permanent members of the National Advisory Council, but are to participate fully until the completion of the study and recommendations.

When the National Advisory Council develops recommendations related to "mechanisms to promote disaster cost and loss reduction, mitigation and resiliency" under section 3(e)(3) of H.R. 2548, as amended, the Council shall consider resiliency to mean: resistant to hazards related to major disasters, ability of the project to serve its primary function following a major disaster, ability to reduce the magnitude or duration of a disruptive event to the community, and have the absorptive and adaptive capacity and recoverability to withstand a potentially disruptive event. The Committee requests that the comprehensive study on disaster costs and losses consider the utility of disaster resistant construction techniques and green construction techniques to reduce the impact of major disasters or hazards. The study should include the methods that can be employed to create disaster resistant communities to reduce loss of life and property and should consider existing guidance and policies, the hazards against which they are intended to mitigate, and the process for reviewing and updating guidance. In addition, the study should identify any gaps, challenges, and limiting factors that exist, including required changes to statute or regulation. The Committee further believes it is important to ensure such guidance is readily available to key stakeholders.

The professional engineering industry has made valuable contributions to emergency response and recovery efforts in the wake of disasters and emergencies. Structural engineers evaluate and stabilize structures in support of emergency responders conducting search and rescue, and mechanical engineers are sometimes needed to help free victims. Disasters and emergencies, whether they are natural or manmade, are varied and unpredictable, and engineering services are needed for rescue, recovery, reconstruction, and remediation services. Unfortunately, property and lives are sometimes lost or damaged during a disaster and the ensuing emergency response effort.

The Committee is concerned that the potential threat of liability and other factors may deter professional engineers and other professionals from contributing their skills during times of disasters

and emergencies. The Committee requests FEMA to investigate any potential limiting factors that may deter professionals from contributing skills to disaster response efforts and how those factors may be appropriately mitigated. This is yet another important contributing factor to disaster costs and losses. In conducting the comprehensive study relating to disaster costs and losses, the members of the National Advisory Council conducting the study should include professional engineers and should consider issues of liability and other limiting factors that may deter engineers and other professionals from participating in disaster response and recovery.

As part of the comprehensive study, the Committee is interested in innovative ideas to aid long-term recovery efforts, mitigate future disaster damage, and engage communities in building local and regional resilience. The National Advisory Council should examine how to better inform and collaborate with individual, community, non-governmental organizations, and local governments, as well as whether and how to incorporate new technology and scientific research to address community vulnerabilities and assets. Further, the Council should consider whether a regionally based authority could aid in this effort.

FEMA is to be wholly transparent throughout the study by posting data, findings and other materials on their website, to the extent that the data and information does not include private, sensitive, or secure information. Periodic updates should be given to the Committee.

#### *Center for Domestic Preparedness*

The Center for Domestic Preparedness provides specialized, all-hazards preparedness training in support of the National Training and Education System to state, local, and tribal emergency responders on skills tied to national preparedness priorities, particularly those related to chemical, biological, radiological, and nuclear weapons of mass destruction. To date, the Center for Domestic Preparedness has trained more than 895,690 students from state, local, and tribal agencies. Training is designed to build the Nation's capacity to respond to and recover from disasters in a quick and robust fashion, therefore, strengthening the Nation's preparedness and resilience in support of emergency and disaster declarations, response operations, exercises, and National Special Security Events.

#### *National Domestic Preparedness Consortium*

The National Domestic Preparedness Consortium provides first responders with a comprehensive all-hazards training program that includes a focus on weapons of mass destruction and natural disasters aimed to improve their capacity to prevent, protect against, respond to, and recover from all hazards.

#### *FEMA's responsibilities for earthquake and tsunami events*

Currently, FEMA is responsible for leading "the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters . . ." (6 U.S.C. 313). This lead role should and does include earthquake and tsunami events. The Committee believes FEMA must provide the same attention and focus to the threat of earthquake and tsunami hazards and

events as it does to other hazards, such as flooding and hurricanes. The Committee also directs FEMA to work to ensure that other federal agencies with earthquake and tsunami programs ensure that those programs are coordinated with FEMA's activities.

#### *Authorities*

FEMA is not responsible for privately funded actions by private parties on private land. Yet other federal agencies have taken it upon themselves to interpret FEMA's authorities under FEMA's program in a manner contrary to Congress' intent and FEMA's long-standing interpretation. In order to prevent other federal agencies from attempting to broaden FEMA's authorities, the Committee is required to state again that privately funded actions taken by private parties on private land do not constitute federal actions, and actions taken under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the *Biggert-Waters Flood Insurance Reform Act of 2012* (Public Law 112-141 division F, title II, subtitle A; 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113-89; 128 Stat. 1020), that may influence private actions do not create a federal nexus that requires consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

#### *Other items*

##### *Vulnerable populations*

As FEMA carries out its authorities and responsibilities, the Committee directs FEMA to provide guidance and coordination to states, tribes, and local governments as they develop state, tribal and local preparedness plans to assure that they consider effective means for evacuating their elderly, disabled, and homeless populations. In particular, as FEMA provides funding, training, exercise, technical assistance, planning, and other assistance to build state, tribal, and local capabilities, FEMA should encourage and highlight the importance of ensuring these populations are consulted and included in State, tribal and local activities.

##### *Disaster Resilient Universities Network*

Colleges and universities are critical to the economic health of their surrounding communities. Often serving as regional, if not national, hubs for innovation and research, their ability to resume operations quickly following a disaster greatly speeds the recovery of the entire community. In 2000, six schools participated in the FEMA Disaster Resistant Universities pilot initiative. The intent of FEMA's initiative was to support university efforts to reduce and manage vulnerability to hazards. The pilot initiative yielded a grant program and a how-to guide focused on mitigation and risk reduction. The grant program was short-lived—there was only one funding cycle, and fewer than 20 schools received grant funding for campus mitigation planning.

Several institutions of higher education kept the core concept of the Disaster Resilient Universities (DRU) alive. They saw the need for a practical, peer-to-peer network to support emergency management and disaster planning on their campuses. In 2005, the Uni-



versity of Oregon started the DRU listserv with 35 members. The listserv quickly became the cornerstone of the DRU Network and served as a multidisciplinary, practitioner-based communication resource. The goal was simple: facilitate open communication, discussion, and resource sharing among university and college practitioners charged with making the Nation's campuses more disaster resilient. As of 2015, there are over 1,200 members on the DRU listserv.

The DRU concept has continued to evolve over time. Key to the evolution was the formation of the University and College Caucus (UCC) under the International Association of Emergency Managers. The DRU Network and UCC have developed a number of tools and resources on a peer-to-peer multidisciplinary basis. These include: DRU listserv and repository; Annual University and College Caucus workshop; regional DRU summits; practitioner-based training and course development in partnership with FEMA Emergency Management Institute; standards and resilience crosswalk tool; higher education guidance for the Emergency Management Accreditation Program, and DRU incident tracking system.

Over the past year, the International Association of Emergency Managers—Universities and College Caucus and Disaster Resilient Universities network has been working to develop the first National Intercollegiate Mutual Aid Agreement. The National Intercollegiate Mutual Aid Agreement among colleges and universities will provide a peer-to-peer network for institutions of higher education to coordinate assistance and share resources during emergencies. The Committee recognizes this as a positive step forward to protecting the mission of our nation's universities and colleges and commends the DRU and UCC for advancing disaster resilience on our nation's campuses.

#### HEARINGS

The Subcommittee on Economic Development, Public Buildings, and Emergency Management, held the following hearings and roundtable discussions on subjects related to matters contained in H.R. 2548, as amended, during the 114th and 115th Congress:

*“Rebuilding after the Storm: Lessening Impacts and Speeding Recovery”* held on January 27, 2015. The purpose of the hearing was to launch an assessment of the rising costs of disasters, the cost effectiveness of disaster assistance, strategies to reduce disaster losses, and the appropriate roles of government and the private sector, and to consider reforms to save lives through improved alerts and warning systems and search and rescue.

*“What is Driving the Increasing Costs and Rising Losses from Disasters?”* held on March 18, 2015. The purpose of the roundtable was to examine and discuss data related to disaster costs, the trends observed over time, and the projections for the future given the policies in place today.

*“Pacific Northwest Seismic Hazards: Planning and Preparing for the Next Disaster”* held on May 19, 2015. The purpose of the hearing was to assess the FEMA's role in earthquake hazard preparedness, mitigation, response, and recovery, and to examine the efforts of the Pacific Northwest and seismic hazard experts to reduce disaster impacts and build stronger communities.

*“The State of Pennsylvania and FEMA Region III are Leaders in Mitigating Disaster Costs and Losses”* held on May 28, 2015. The purpose of the roundtable was to examine disaster costs and losses, focus on hazards impacting Pennsylvania and the region, and identify best practices for mitigating and avoiding disaster impacts.

*“Federal Disaster Assistance: Roles, Programs and Coordination”* held on June 17, 2015. The purpose of the roundtable was to examine and discuss federal disaster assistance programs, the requirements and effectiveness of those programs, and coordination among various agencies and stakeholders.

*“Earthquake Early Warning in the Pacific Northwest: Preparing for the Big One”* held on September 22, 2015. The purpose of the roundtable was to convene federal, state and local officials and academics to discuss earthquake resiliency programs and efforts, the Shake Alert earthquake early warning system, and next steps for developing an offshore earthquake early warning system.

*“Controlling the Rising Cost of Federal Responses to Disaster”* held on May 12, 2016. The purpose of the hearing was to begin exploring potential solutions and the principles that should be driving solutions to lower the overall costs of disasters and to help avoid devastating losses.

*“An Examination of FEMA’s Limited Role in Local Land Use Development Decisions”* held on September 21, 2016. The purpose of the hearing was to examine FEMA’s role and authorities under the National Flood Insurance Program (NFIP), their impact on local land-use development decisions, and the national implications of FEMA’s implementation of the NFIP.

*“Building a 21st Century Infrastructure for America: The National Preparedness System”* held on March 16, 2017. The purpose of the hearing was to assess the development, successes, and challenges of the National Preparedness System and to understand how well the preparedness grant program is building national preparedness capabilities.

*“Building a 21st Century Infrastructure for America: Mitigating Damage and Recovering Quickly from Disasters”* held on April 27, 2017. The purpose of the hearing was to examine how to protect infrastructure against future disaster damage, how to lower the overall disaster costs, and to identify challenges facing FEMA in responding to, recovering from, and mitigating against disasters, both natural and manmade.

#### LEGISLATIVE HISTORY AND CONSIDERATION

On May 19, 2017, Subcommittee on Economic Development, Public Buildings, and Emergency Management Chairman, Congressman Lou Barletta (R-PA) introduced H.R. 2548, a bill to reauthorize the programs and activities of the FEMA, along with Subcommittee Ranking Member, Congressman Henry C. “Hank” Johnson, Jr. (D-GA); Full Committee Chairman, Congressman Bill Shuster (R-PA); and Full Committee Ranking Member, Congressman Peter A. DeFazio (D-OR).

On May 24, 2017, the Committee on Transportation and Infrastructure met in open session to consider H.R. 2548. The Committee considered one amendment offered by Full Committee Ranking Member Peter A. DeFazio (D-OR) which passed by voice vote.

The Committee ordered the bill, as amended, reported favorably to the House by voice vote with a quorum present.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each Committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those Members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 2548, as amended, or ordering the measure reported. A motion to order H.R. 2548, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.

#### COMMITTEE OVERSIGHT FINDINGS

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

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

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

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 2548, as amended, from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 22, 2017.*

Hon. BILL SHUSTER,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2548, the FEMA Reauthorization Act of 2017.

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

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 2548—FEMA Reauthorization Act of 2017*

Summary: H.R. 2548 would authorize appropriations for the administration and operation of the Federal Emergency Management Agency (FEMA) and for the National Domestic Preparedness Con-

sortium (NDPC) from 2018 through 2020. The bill also would require FEMA's National Advisory Council (NAC) to complete a comprehensive study of disaster costs and federal disaster assistance.

CBO estimates that implementing H.R. 2548 would cost about \$3.7 billion over the 2018–2022 period, assuming appropriation of the authorized and necessary amounts. Enacting H.R. 2548 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2548 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

**Estimated cost to the Federal Government:** The estimated budgetary effect of H.R. 2548 is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—						2017– 2022
	2017	2018	2019	2020	2021	2022	
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
FEMA Administration and Operation:							
Authorization Level .....	0	1,049	1,066	1,083	0	0	3,198
Estimated Outlays .....	0	629	954	1,064	421	97	3,165
National Domestic Preparedness Consortium:							
Authorization Level .....	0	165	168	170	0	0	503
Estimated Outlays .....	0	99	150	167	66	15	497
National Advisory Council Study:							
Estimated Authorization Level .....	0	4	0	0	0	0	4
Estimated Outlays .....	0	4	0	0	0	0	4
Total Increases							
Estimated Authorization Level .....	0	1,218	1,234	1,253	0	0	3,705
Estimated Outlays .....	0	732	1,104	1,231	487	112	3,666

Note: FEMA = Federal Emergency Management Agency.

**Basis of estimate:** For this estimate, CBO assumes that H.R. 2548 will be enacted near the end of 2017, that the authorized and necessary amounts will be appropriated for each year, and that spending will follow historical patterns for the affected programs.

#### *FEMA administration and operation*

FEMA is responsible for protecting against, responding to, and recovering from all hazards, including natural disasters, acts of terrorism, and other man-made disasters. H.R. 2548 would authorize the appropriation of about \$1 billion for 2018 and about \$3.2 billion over the 2018–2020 period for the administration and operation of FEMA; in 2017, the Congress appropriated \$1 billion for those purposes. CBO estimates that implementing this section would cost about \$3.2 billion over the 2018–2022 period.

#### *National domestic preparedness consortium*

The NDPC is a partnership of several nationally recognized organizations that address the counter-terrorism preparedness needs of the nation's emergency responders within the context of all hazards. FEMA uses this organization to identify, develop, test, and deliver training to state and local emergency responders. The bill

would authorize the appropriation of \$165 million for 2018 and \$503 million over the 2018–2020 period for operation of the NDPC; in 2016 FEMA allocated \$98 million for the NDPC (the latest year for which information is available). CBO estimates that implementing this section would cost \$497 million over the 2018–2022 period.

*National Advisory Council study*

H.R. 2548 would direct the NAC to complete a comprehensive study of the costs of recent disasters and the effectiveness of FEMA’s emergency assistance programs. The NAC also would submit recommendations to the Congress to improve the efficiency and effectiveness of federal disaster relief. Based on an analysis of information provided by FEMA on the cost of a similar study, CBO estimates that implementing this provision would cost \$4 million in 2018.

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

Intergovernmental and private-sector impact: H.R. 2548 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Robert Reese; Impact on state, local, and tribal governments: Rachel Austin; Impact on the private sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation, as amended, is to reauthorize the programs and activities of FEMA.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill, as amended, includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 2548, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of

Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee finds that enacting H.R. 2548, as amended, does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

#### FEDERAL MANDATE STATEMENT

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

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 2548, as amended, does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

H.R. 2548, as amended, requires a comprehensive study of disaster costs and losses through the existing National Advisory Council, as established pursuant to section 508 of the *Post-Katrina Emergency Management Reform Act of 2006* (6 U.S.C. 318) and provides for any costs associated with such committee be provided for from the amounts authorized in the legislation.

#### APPLICABILITY OF LEGISLATIVE BRANCH

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

#### SECTION-BY-SECTION ANALYSIS OF LEGISLATION

##### *Section 1: Short title*

Section 1 designates the short title as the “FEMA Reauthorization Act of 2017.”

##### *Section 2: Reauthorization of the Federal Emergency Management Agency (FEMA)*

This section reauthorizes FEMA through fiscal year 2020, consistent with current funding levels. For fiscal year 2018, \$1.05 billion; for fiscal year 2019, \$1.07 billion; for fiscal year 2020, \$1.08 billion.

*Section 3: Comprehensive study of disaster costs and losses*

This section directs the National Advisory Council to undertake a comprehensive study into the trends related to disaster assistance, costs and losses and provide recommendations to reduce the costs related to these events.

*Section 4: National Domestic Preparedness Consortium*

This section reauthorizes the Center for Domestic Preparedness through fiscal year 2020, consistent with current funding levels. For fiscal year 2018, \$63.9 million; for fiscal year 2019, \$65 million; for fiscal year 2020, \$66 million. This section also reauthorizes the National Domestic Preparedness Consortium through fiscal year 2020, consistent with current funding levels. For fiscal year 2018, \$101 million; for fiscal year 2019, \$102.6 million; for fiscal year 2020, \$104.2 million.

*Section 5: National preparation and response efforts relating to earthquakes and tsunamis*

This section states that the Administrator is responsible for the Nation's efforts to reduce the loss of life and property from an earthquake, tsunami, or combined event.

*Section 6: Authorities*

This section clarifies what constitutes a federal action for purposes of consultation.

*Section 7: Technical amendments to national emergency management*

This section makes technical changes to the national emergency management provisions of the law by making needed updates and corrections to unintentional errors.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

**POST-KATRINA EMERGENCY MANAGEMENT REFORM  
ACT OF 2006**

\* \* \* \* \*

## TITLE VI—NATIONAL EMERGENCY MANAGEMENT

\* \* \* \* \*

### SEC. 602. DEFINITIONS.

In this title—

(1) the term “Administrator” means the Administrator of the Agency;

(2) the term “Agency” means the Federal Emergency Management Agency;

(3) the term “appropriate committees of Congress” means—

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

(B) those committees of the House of Representatives that the Speaker of the House of Representatives determines appropriate;

(4) the term “catastrophic incident” means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

(5) the term “Department” means the Department of Homeland Security;

(6) the terms “emergency” and “major disaster” have the meanings given the terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(7) the term “emergency management” means the governmental function that coordinates and integrates all activities necessary to build, sustain, and improve the capability to prepare for, protect against, respond to, recover from, or mitigate against threatened or actual natural disasters, acts of terrorism, or other man-made disasters;

(8) the term “emergency response provider” has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act;

(9) the term “Federal coordinating officer” means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

(10) the term “individual with a disability” has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(11) the terms “local government” and “State” have the meaning given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101);

(12) the term “National Incident Management System” means a system to enable effective, efficient, and collaborative incident management;

(13) the term “National Response Plan” means the National Response Plan or any successor plan prepared under section ~~502(a)(6)~~ 504(a)(6) of the Homeland Security Act of 2002 (as amended by this Act);



(14) the term “Secretary” means the Secretary of Homeland Security;

(15) the term “surge capacity” means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident; and

(16) the term “tribal government” means the government of an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation.

\* \* \* \* \*

### Subtitle C—Comprehensive Preparedness System

\* \* \* \* \*

#### CHAPTER 1—NATIONAL PREPAREDNESS SYSTEM

\* \* \* \* \*

##### SEC. 648. TRAINING AND EXERCISES.

###### (a) NATIONAL TRAINING PROGRAM.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall carry out a national training program to implement the national preparedness goal, National Incident Management System, [National Response Plan] *National Response Framework*, and other related plans and strategies.

(2) TRAINING PARTNERS.—In developing and implementing the national training program, the Administrator 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 or emergency response 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.

###### (b) NATIONAL EXERCISE PROGRAM.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall carry out a national exercise program to test and evaluate the national preparedness goal, National Incident Management System, [National Response Plan] *National Response Framework*, and other related plans and strategies.

(2) REQUIREMENTS.—The national exercise program—

(A) shall be—

(i) as realistic as practicable, based on current risk assessments, including credible threats,

vulnerabilities, and consequences, and designed to stress the national preparedness system;

(ii) designed, as practicable, to simulate the partial or complete incapacitation of a State, local, or tribal government;

(iii) carried out, as appropriate, with a minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

(iv) designed to provide for the systematic evaluation of readiness and enhance operational understanding of the incident command system and relevant mutual aid agreements;

(v) designed to address the unique requirements of populations with special needs, including the elderly; and

(vi) designed to promptly develop after-action reports and plans for quickly incorporating lessons learned into future operations; and

(B) shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use and provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises (whether a model exercise program or an exercise designed locally) that—

(i) conform to the requirements under subparagraph (A);

(ii) are consistent with any applicable State, local, or tribal strategy or plan; and

(iii) provide for systematic evaluation of readiness.

(3) NATIONAL LEVEL EXERCISES.—The Administrator shall periodically, but not less than biennially, perform national exercises for the following purposes:

(A) To test and evaluate 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.

(B) To test and evaluate the readiness of Federal, State, local, and tribal governments to respond and recover in a coordinated and unified manner to catastrophic incidents.

**SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a remedial action management program to—

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

(2) generate and disseminate, as appropriate, after action reports to participants in exercises and real-world events; and

(3) conduct remedial action tracking and long-term trend analysis.

\* \* \* \* \*

**SEC. 653. FEDERAL PREPAREDNESS.**

(a) AGENCY RESPONSIBILITY.—In support of the national preparedness system, the President shall ensure that each Federal

agency with responsibilities under the [National Response Plan] *National Response Framework*—

(1) has the operational capability to meet the national preparedness goal, including—

(A) the personnel to make and communicate decisions;

(B) organizational structures that are assigned, trained, and exercised for the missions of the agency;

(C) sufficient physical resources; and

(D) the command, control, and communication channels to make, monitor, and communicate decisions;

(2) complies with the National Incident Management System, including credentialing of personnel and typing of resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320);

(3) develops, trains, and exercises rosters of response personnel to be deployed when the agency is called upon to support a Federal response;

(4) develops deliberate operational plans and the corresponding capabilities, including crisis planning, to respond effectively to natural disasters, acts of terrorism, and other man-made disasters in support of the [National Response Plan] *National Response Framework* to ensure a coordinated Federal response; and

(5) regularly updates, verifies the accuracy of, and provides to the Administrator the information in the inventory required under section 651.

(b) OPERATIONAL PLANS.—An operations plan developed under subsection (a)(4) shall meet the following requirements:

(1) The operations plan shall be coordinated under a unified system with a common terminology, approach, and framework.

(2) The operations plan shall be developed, in coordination with State, local, and tribal government officials, to address both regional and national risks.

(3) The operations plan shall contain, as appropriate, the following elements:

(A) Concepts of operations.

(B) Critical tasks and responsibilities.

(C) Detailed resource and personnel requirements, together with sourcing requirements.

(D) Specific provisions for the rapid integration of the resources and personnel of the agency into the overall response.

(4) The operations plan shall address, as appropriate, the following matters:

(A) Support of State, local, and tribal governments in conducting mass evacuations, including—

(i) transportation and relocation;

(ii) short- and long-term sheltering and accommodation;

(iii) provisions for populations with special needs, keeping families together, and expeditious location of missing children; and

(iv) policies and provisions for pets.

(B) The preparedness and deployment of public health and medical resources, including resources to address the needs of evacuees and populations with special needs.

(C) The coordination of interagency search and rescue operations, including land, water, and airborne search and rescue operations.

(D) The roles and responsibilities of the Senior Federal Law Enforcement Official with respect to other law enforcement entities.

(E) The protection of critical infrastructure.

(F) The coordination of maritime salvage efforts among relevant agencies.

(G) The coordination of Department of Defense and National Guard support of civilian authorities.

(H) To the extent practicable, the utilization of Department of Defense, National Air and Space Administration, National Oceanic and Atmospheric Administration, and commercial aircraft and satellite remotely sensed imagery.

(I) The coordination and integration of support from the private sector and nongovernmental organizations.

(J) The safe disposal of debris, including hazardous materials, and, when practicable, the recycling of debris.

(K) The identification of the required surge capacity.

(L) Specific provisions for the recovery of affected geographic areas.

(c) MISSION ASSIGNMENTS.—To expedite the provision of assistance under the [National Response Plan] *National Response Framework*, the President shall ensure that the Administrator, in coordination with Federal agencies with responsibilities under the [National Response Plan] *National Response Framework*, develops prescribed mission assignments, including logistics, communications, mass care, health services, and public safety.

(d) CERTIFICATION.—The President shall certify to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives on an annual basis that each Federal agency with responsibilities under the [National Response Plan] *National Response Framework* complies with subsections (a) and (b).

(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense with regard to—

(1) the command, control, training, planning, equipment, exercises, or employment of Department of Defense forces; or

(2) the allocation of Department of Defense resources.

\* \* \* \* \*

## Subtitle G—Authorization of Appropriations

### SEC. 699. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title and the amendments made by this title for the [administration and operations] *management and administration* of the Agency—

(1) for fiscal year 2008, an amount equal to the amount appropriated for fiscal year 2007 for [administration and operations] *management and administration* of the Agency, multiplied by 1.1;

(2) for fiscal year 2009, an amount equal to the amount described in paragraph (1), multiplied by 1.1[; and]

(3) for fiscal year 2010, an amount equal to the amount described in paragraph (2), multiplied by 1.1[.]; and

(4) for fiscal year 2018, \$1,049,000,000;

(5) for fiscal year 2019, \$1,065,784,000; and

(6) for fiscal year 2020, \$1,082,836,544.

\* \* \* \* \*

**SECTION 1204 OF THE IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007**

\* \* \* \* \*

**SEC. 1204. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.**

(a) **IN GENERAL.**—The Secretary is authorized to establish, operate, and maintain a National Domestic Preparedness Consortium within the Department.

(b) **MEMBERS.**—Members of the National Domestic Preparedness Consortium shall consist of—

- (1) the Center for Domestic Preparedness;
- (2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;
- (3) the National Center for Biomedical Research and Training, Louisiana State University;
- (4) the National Emergency Response and Rescue Training Center, Texas A&M University;
- (5) the National Exercise, Test, and Training Center, Nevada Test Site;
- (6) the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and
- (7) the National Disaster Preparedness Training Center, University of Hawaii.

(c) **DUTIES.**— The National Domestic Preparedness Consortium shall identify, develop, test, and deliver training to State, local, and tribal emergency response providers, provide on-site and mobile training at the performance and management and planning levels, and facilitate the delivery of training by the training partners of the Department.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary—

- [(1) for the Center for Domestic Preparedness—
  - [(A) \$57,000,000 for fiscal year 2008;
  - [(B) \$60,000,000 for fiscal year 2009;
  - [(C) \$63,000,000 for fiscal year 2010; and
  - [(D) \$66,000,000 for fiscal year 2011; and

[(2) for the National Energetic Materials Research and Testing Center, the National Center for Biomedical Research and Training, the National Emergency Response and Rescue Training Center, the National Exercise, Test, and Training Center,

the Transportation Technology Center, Incorporated, and the National Disaster Preparedness Training Center each—

- 【(A) \$22,000,000 for fiscal year 2008;
- 【(B) \$23,000,000 for fiscal year 2009;
- 【(C) \$24,000,000 for fiscal year 2010; and
- 【(D) \$25,500,000 for fiscal year 2011.】

(1) *for the Center for Domestic Preparedness—*

- (A) \$63,939,000 for fiscal year 2018;
- (B) \$64,962,024 for fiscal year 2019; and
- (C) \$66,001,416 for fiscal year 2020; and

(2) *for the members referred to in paragraphs (2) through (7) of subsection (b)—*

- (A) \$101,000,000 for fiscal year 2018;
- (B) \$102,606,000 for fiscal year 2019; and
- (C) \$104,247,856 for fiscal year 2020.

(e) SAVINGS PROVISION.—From the amounts appropriated pursuant to this section, the Secretary shall ensure that future amounts provided to each of the following entities are not less than the amounts provided to each such entity for participation in the Consortium in fiscal year ~~【2007】~~ 2015—

- (1) the Center for Domestic Preparedness;
- (2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;
- (3) the National Center for Biomedical Research and Training, Louisiana State University;
- (4) the National Emergency Response and Rescue Training Center, Texas A&M University; and
- (5) the National Exercise, Test, and Training Center, Nevada Test Site.

---

## HOMELAND SECURITY ACT OF 2002

\* \* \* \* \*

## TITLE V—NATIONAL EMERGENCY MANAGEMENT

### SEC. 501. DEFINITIONS.

In this title—

- (1) the term “Administrator” means the Administrator of the Agency;
- (2) the term “Agency” means the Federal Emergency Management Agency;
- (3) the term “catastrophic incident” means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;
- (4) the terms “credentialed” and “credentialing” mean having provided, or providing, respectively, documentation that identifies personnel and authenticates and verifies the qualifications of such personnel by ensuring that such personnel possess a minimum common level of training, experience, physical and

medical fitness, and capability appropriate for a particular position in accordance with standards created under section 510;

(5) the term “Federal coordinating officer” means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

(6) the term “interoperable” has the meaning given the term “interoperable communications” under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1));

(7) the term “National Incident Management System” means a system to enable effective, efficient, and collaborative incident management;

(8) the term “[National Response Plan] *National Response Framework*” means the [National Response Plan] *National Response Framework* or any successor plan prepared under section [502(a)(6)] 504(a)(6);

(9) the term “Regional Administrator” means a Regional Administrator appointed under section 507;

(10) the term “Regional Office” means a Regional Office established under section 507;

(11) the term “resources” means personnel and major items of equipment, supplies, and facilities available or potentially available for responding to a natural disaster, act of terrorism, or other man-made disaster;

(12) the term “surge capacity” means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident;

(13) the term “tribal government” means the government of any entity described in section 2(13)(B); and

(14) the terms “typed” and “typing” mean having evaluated, or evaluating, respectively, a resource in accordance with standards created under section 510.

\* \* \* \* \*

**SEC. 503. FEDERAL EMERGENCY MANAGEMENT AGENCY.**

(a) IN GENERAL.—There is in the Department the Federal Emergency Management Agency, headed by an Administrator.

(b) MISSION.—

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

(2) SPECIFIC ACTIVITIES.—In support of the primary mission of the Agency, the Administrator shall—

(A) lead the Nation’s efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-

made disasters, including catastrophic incidents *and incidents impacting critical infrastructure*;

(B) partner with State, local, and tribal governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(C) develop a Federal response capability that, when necessary and appropriate, can act effectively and rapidly to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural disaster, act of terrorism, or other man-made disaster;

(D) integrate the Agency's emergency preparedness, protection, response, recovery, and mitigation responsibilities to confront effectively the challenges of a natural disaster, act of terrorism, or other man-made disaster;

(E) develop and maintain robust Regional Offices that will work with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

(F) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department;

(G) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; and

(H) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation.

(c) ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Administrator shall be appointed from among individuals who have—

(A) a demonstrated ability in and knowledge of emergency management and homeland security; and

(B) not less than 5 years of executive leadership and management experience in the public or private sector.



(3) REPORTING.—The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

(4) PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.—

(A) IN GENERAL.—The Administrator is the principal advisor to the President, the Homeland Security Council, and the Secretary for all matters relating to emergency management in the United States.

(B) ADVICE AND RECOMMENDATIONS.—

(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency preparedness, protection, response, recovery, and mitigation options with respect to that matter.

(ii) ADVICE ON REQUEST.—The Administrator, as the principal advisor on emergency management, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

(iii) RECOMMENDATIONS TO CONGRESS.—After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency management as the Administrator considers appropriate.

(5) CABINET STATUS.—

(A) IN GENERAL.—The President may designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.

(B) RETENTION OF AUTHORITY.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.

#### **SEC. 504. AUTHORITY AND RESPONSIBILITIES.**

(a) IN GENERAL.—The Administrator shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from, or mitigate against a natural disaster, act of terrorism, or other man-made disaster, including—

(1) helping to ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies;

(2) with respect to the Nuclear Incident Response Team (regardless of whether it is operating as an organizational unit of the Department pursuant to this title)—

(A) establishing standards and certifying when those standards have been met;

(B) conducting joint and other exercises and training and evaluating performance; and

(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

(3) providing the Federal Government's response to terrorist attacks and major disasters **[, including—]** (*that includes incidents impacting critical infrastructure*), including—

(A) managing such response;

(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and (when operating as an organizational unit of the Department pursuant to this title) the Nuclear Incident Response Team;

(C) overseeing the Metropolitan Medical Response System; and

(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a terrorist attack or major disaster;

(4) aiding the recovery from terrorist attacks and major disasters, *including incidents impacting critical infrastructure*;

(5) building a comprehensive national incident management system with Federal, State, **[and local]** *local, and tribal* government personnel, agencies, and authorities, to respond to such attacks and disasters;

(6) consolidating existing Federal Government emergency response plans into a single, coordinated **[national response plan]** *national response framework, which shall be reviewed and updated as required but not less than every 5 years*;

*(7) developing integrated frameworks, to include consolidating existing Government plans addressing prevention, protection, mitigation, and recovery with such frameworks reviewed and updated as required, but not less than every 5 years*;

**[(7)]** (8) helping ensure the acquisition of operable and interoperable communications capabilities by Federal, State, local, and tribal governments and emergency response providers;

**[(8)]** (9) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and carrying out all functions and authorities given to the Administrator under that Act;

**[(9)]** (10) carrying out the mission of the Agency to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a risk-based, comprehensive emergency management system of—

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

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

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

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

[(10)] (11) increasing efficiencies, by coordinating efforts relating to preparedness, protection, response, recovery, and mitigation;

[(11)] (12) helping to ensure the effectiveness of emergency response providers in responding to a natural disaster, act of terrorism, or other man-made disaster;

[(12)] (13) supervising grant programs administered by the Agency;

[(13)] (14) administering and ensuring the implementation of the [National Response Plan] *National Response Framework*, including coordinating and ensuring the readiness of each emergency support function under the [National Response Plan] *National Response Framework*;

[(14)] (15) coordinating with the National Advisory Council established under section 508;

[(15)] (16) preparing and implementing the plans and programs of the Federal Government for—

(A) continuity of operations;

(B) continuity of government; and

(C) continuity of plans;

[(16)] (17) minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector;

[(17)] (18) maintaining and operating within the Agency the National Response Coordination Center or its successor;

[(18)] (19) developing a national emergency management system that is capable of preparing for, protecting against, responding to, recovering from, and mitigating against catastrophic incidents;

[(19)] (20) assisting the President in carrying out the functions under the national preparedness goal and the national preparedness system and carrying out all functions and authorities of the Administrator under the national preparedness System;

[(20)] (21) carrying out all authorities of the Federal Emergency Management Agency and the Directorate of Preparedness of the Department as transferred under section 505; and

[(21)] (22) otherwise carrying out the mission of the Agency as described in section 503(b).

(b) ALL-HAZARDS APPROACH.—In carrying out the responsibilities under this section, the Administrator shall coordinate the implementation of a risk-based, all-hazards strategy that builds those common capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against natural disasters, acts of terrorism, and other man-made disasters, while also building the unique capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against the risks of specific types of incidents that pose the greatest risk to the Nation.

\* \* \* \* \*

**SEC. 507. REGIONAL OFFICES.**

(a) **IN GENERAL.**—There are in the Agency 10 regional offices, as identified by the Administrator.

(b) **MANAGEMENT OF REGIONAL OFFICES.**—

(1) **REGIONAL ADMINISTRATOR.**—Each Regional Office shall be headed by a Regional Administrator who shall be appointed by the Administrator, after consulting with State, local, and tribal government officials in the region. Each Regional Administrator shall report directly to the Administrator and be in the Senior Executive Service.

(2) **QUALIFICATIONS.**—

(A) **IN GENERAL.**—Each Regional Administrator shall be appointed from among individuals who have a demonstrated ability in and knowledge of emergency management and homeland security.

(B) **CONSIDERATIONS.**—In selecting a Regional Administrator for a Regional Office, the Administrator shall consider the familiarity of an individual with the geographical area and demographic characteristics of the population served by such Regional Office.

(c) **RESPONSIBILITIES.**—

(1) **IN GENERAL.**—The Regional Administrator shall work in partnership with State, local, and tribal governments, emergency managers, emergency response 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 of a Regional Administrator under this section.

(2) **RESPONSIBILITIES.**—The responsibilities of a Regional Administrator include—

(A) ensuring effective, coordinated, and integrated regional preparedness, protection, response, recovery, and mitigation activities and programs for natural disasters, acts of terrorism, and other man-made disasters (including planning, training, exercises, and professional development);

(B) assisting in the development of regional capabilities needed for a national catastrophic response system;

(C) coordinating the establishment of effective regional operable and interoperable emergency communications capabilities;

(D) staffing and overseeing 1 or more strike teams within the region under subsection (f), to serve as the focal point of the Federal Government's initial response efforts for natural disasters, acts of terrorism, and other man-made disasters within that region, and otherwise building Federal response capabilities to respond to natural disasters, acts of terrorism, and other man-made disasters within that region;

(E) designating an individual responsible for the development of strategic and operational regional plans in support of the **[National Response Plan]** *National Response Framework*;

- (F) fostering the development of mutual aid and other cooperative agreements;
  - (G) identifying critical gaps in regional capabilities to respond to populations with special needs;
  - (H) maintaining and operating a Regional Response Coordination Center or its successor;
  - (I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, and other man-made disasters;
  - (J) assisting State, local, and tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multijurisdictional incident command system may quickly be established and operated from, if the need for such a system arises; and
  - (K) performing such other duties relating to such responsibilities as the Administrator may require.
- (3) TRAINING AND EXERCISE REQUIREMENTS.—
- (A) TRAINING.—The Administrator shall require each Regional Administrator to undergo specific training periodically to complement the qualifications of the Regional Administrator. Such training, as appropriate, shall include training with respect to the National Incident Management System, the [National Response Plan] *National Response Framework*, and such other subjects as determined by the Administrator.
  - (B) EXERCISES.—The Administrator shall require each Regional Administrator to participate as appropriate in regional and national exercises.
- (d) AREA OFFICES.—
- (1) IN GENERAL.—There is an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.
  - (2) ALASKA.—The Administrator shall establish an Area Office in Alaska, as a component in the appropriate Regional Office.
- (e) REGIONAL ADVISORY COUNCIL.—
- (1) ESTABLISHMENT.—Each Regional Administrator shall establish a Regional Advisory Council.
  - (2) NOMINATIONS.—A State, local, or tribal government located within the geographic area served by the Regional Office may nominate officials, including Adjutants General and emergency managers, to serve as members of the Regional Advisory Council for that region.
  - (3) RESPONSIBILITIES.—Each Regional Advisory Council shall—
    - (A) advise the Regional Administrator 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, protection, response, recovery, or mitigation more complicated or difficult; and
    - (C) advise the Regional Administrator of any weaknesses or deficiencies in preparedness, protection, response, recovery, and mitigation for any State, local, and tribal govern-

ment within the region of which the Regional Advisory Council is aware.

(f) REGIONAL OFFICE STRIKE TEAMS.—

(1) IN GENERAL.—In coordination with other relevant Federal agencies, each Regional Administrator shall oversee multi-agency strike teams authorized under section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5144) that shall consist of—

- (A) a designated Federal coordinating officer;
- (B) personnel trained in incident management;
- (C) public affairs, response and recovery, and communications support personnel;
- (D) a defense coordinating officer;
- (E) liaisons to other Federal agencies;
- (F) such other personnel as the Administrator or Regional Administrator determines appropriate; and
- (G) individuals from the agencies with primary responsibility for each of the emergency support functions in the [National Response Plan] *National Response Framework*.

(2) OTHER DUTIES.—The duties of an individual assigned to a Regional Office strike team from another relevant agency when such individual is not functioning as a member of the strike team shall be consistent with the emergency preparedness activities of the agency that employs such individual.

(3) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily within the region that corresponds to that strike team.

(4) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State, local, and tribal governments and private sector and nongovernmental entities which the strike team shall support when a natural disaster, act of terrorism, or other man-made disaster occurs.

(5) PREPAREDNESS.—Each Regional Office strike team shall be trained as a unit on a regular basis and equipped and staffed to be well prepared to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

(6) AUTHORITIES.—If the Administrator determines that statutory authority is inadequate for the preparedness and deployment of individuals in strike teams under this subsection, the Administrator shall report to Congress regarding the additional statutory authorities that the Administrator determines are necessary.

**SEC. 508. NATIONAL ADVISORY COUNCIL.**

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the Post-Katrina Emergency Management Reform Act of 2006, the Secretary shall establish an advisory body under section 871(a) to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters, to be known as the National Advisory Council.

(b) RESPONSIBILITIES.—

(1) IN GENERAL.—The National Advisory Council shall advise the Administrator on all aspects of emergency management. The National Advisory Council shall incorporate State, local, and tribal government and private sector input in the development and revision of the national preparedness goal, the national preparedness system, the National Incident Management System, the [National Response Plan] *National Response Framework*, and other related plans and strategies.

(2) CONSULTATION ON GRANTS.—To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies, as appropriate.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials, emergency managers, and emergency response providers from State, local, and tribal governments, the private sector, and nongovernmental organizations, including as appropriate—

(A) members selected from the emergency management field and emergency response providers, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency management personnel, or organizations representing such individuals;

(B) health scientists, emergency and inpatient medical providers, and public health professionals;

(C) experts from Federal, State, local, and tribal governments, and the private sector, representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community, particularly those with expertise in the emergency preparedness and response field;

(D) State, local, and tribal government officials with expertise in preparedness, protection, response, recovery, and mitigation, including Adjutants General;

(E) elected State, local, and tribal government executives;

(F) experts in public and private sector infrastructure protection, cybersecurity, and communications;

(G) representatives of individuals with disabilities and other populations with special needs; and

(H) such other individuals as the Administrator determines to be appropriate.

(2) COORDINATION WITH THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND TRANSPORTATION.—In the selection of members of the National Advisory Council who are health or emergency medical services professionals, the Administrator shall work with the Secretary of Health and Human Services and the Secretary of Transportation.

(3) EX OFFICIO MEMBERS.—The Administrator shall designate 1 or more officers of the Federal Government to serve as ex officio members of the National Advisory Council.

(4) TERMS OF OFFICE.—

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

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

- (i) one-third shall be appointed for a term of 1 year; and
- (ii) one-third shall be appointed for a term of 2 years.

(d) RESPONSE SUBCOMMITTEE.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of the RESPONSE Act of 2016, the Administrator shall establish, as a subcommittee of the National Advisory Council, the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation Subcommittee (referred to in this subsection as the “RESPONSE Subcommittee”).

(2) MEMBERSHIP.—Notwithstanding subsection (c), the RESPONSE Subcommittee shall be composed of the following:

(A) **【The Deputy Administrator, Protection and National Preparedness】** A *Deputy Administrator* of the Federal Emergency Management Agency, or designee.

(B) The Chief Safety Officer of the Pipeline and Hazardous Materials Safety Administration, or designee.

(C) The Associate Administrator for Hazardous Materials Safety of the Pipeline and Hazardous Materials Safety Administration, or designee.

(D) The Director of the Office of Emergency Communications of the Department of Homeland Security, or designee.

(E) The Director for the Office of Railroad, Pipeline and Hazardous Materials Investigations of the National Transportation Safety Board, or designee.

(F) The Chief Safety Officer and Associate Administrator for Railroad Safety of the Federal Railroad Administration, or designee.

(G) The Assistant Administrator for Security Policy and Industry Engagement of the Transportation Security Administration, or designee.

(H) The Assistant Commandant for Response Policy of the Coast Guard, or designee.

(I) The Assistant Administrator for the Office of Solid Waste and Emergency Response of the Environmental Protection Agency, or designee.

(J) Such other qualified individuals as the co-chairpersons shall jointly appoint as soon as practicable after the date of the enactment of the RESPONSE Act of 2016 from among the following:

- (i) Members of the National Advisory Council that have the requisite technical knowledge and expertise



to address rail emergency response issues, including members from the following disciplines:

(I) Emergency management and emergency response providers, including fire service, law enforcement, hazardous materials response, and emergency medical services.

(II) State, local, and tribal government officials.

(ii) Individuals who have the requisite technical knowledge and expertise to serve on the RESPONSE Subcommittee, including at least 1 representative from each of the following:

(I) The rail industry.

(II) Rail labor.

(III) Persons who offer oil for transportation by rail.

(IV) The communications industry.

(V) Emergency response providers, including individuals nominated by national organizations representing State and local governments and emergency responders.

(VI) Emergency response training providers.

(VII) Representatives from tribal organizations.

(VIII) Technical experts.

(IX) Vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for emergency responder services.

(iii) Representatives of such other stakeholders and interested and affected parties as the co-chairpersons consider appropriate.

(3) CO-CHAIRPERSONS.—The members described in subparagraphs (A) and (B) of paragraph (2) shall serve as the co-chairpersons of the RESPONSE Subcommittee.

(4) INITIAL MEETING.—The initial meeting of the RESPONSE Subcommittee shall take place not later than 90 days after the date of enactment of the RESPONSE Act of 2016.

(5) CONSULTATION WITH NONMEMBERS.—The RESPONSE Subcommittee and the program offices for emergency responder training and resources shall consult with other relevant agencies and groups, including entities engaged in federally funded research and academic institutions engaged in relevant work and research, which are not represented on the RESPONSE Subcommittee to consider new and developing technologies and methods that may be beneficial to preparedness and response to rail hazardous materials incidents.

(6) RECOMMENDATIONS.—The RESPONSE Subcommittee shall develop recommendations, as appropriate, for improving emergency responder training and resource allocation for hazardous materials incidents involving railroads after evaluating the following topics:

(A) The quality and application of training for State and local emergency responders related to rail hazardous materials incidents, including training for emergency responders serving small communities near railroads, including the following:

(i) Ease of access to relevant training for State and local emergency responders, including an analysis of—  
 (I) the number of individuals being trained;  
 (II) the number of individuals who are applying;  
 (III) whether current demand is being met;  
 (IV) current challenges; and  
 (V) projected needs.

(ii) Modernization of training course content related to rail hazardous materials incidents, with a particular focus on fluctuations in oil shipments by rail, including regular and ongoing evaluation of course opportunities, adaptation to emerging trends, agency and private sector outreach, effectiveness and ease of access for State and local emergency responders.

(iii) Identification of overlap in training content and identification of opportunities to develop complementary courses and materials among governmental and nongovernmental entities.

(iv) Online training platforms, train-the-trainer, and mobile training options.

(B) The availability and effectiveness of Federal, State, local, and nongovernmental funding levels related to training emergency responders for rail hazardous materials incidents, including emergency responders serving small communities near railroads, including—

(i) identifying overlap in resource allocations;  
 (ii) identifying cost savings measures that can be implemented to increase training opportunities;  
 (iii) leveraging government funding with nongovernmental funding to enhance training opportunities and fill existing training gaps;  
 (iv) adaptation of priority settings for agency funding allocations in response to emerging trends;  
 (v) historic levels of funding across Federal agencies for rail hazardous materials incident response and training, including funding provided by the private sector to public entities or in conjunction with Federal programs; and  
 (vi) current funding resources across agencies.

(C) The strategy for integrating commodity flow studies, mapping, and rail and hazardous materials databases for State and local emergency responders and increasing the rate of access to the individual responder in existing or emerging communications technology.

(7) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the RESPONSE Act of 2016, the RESPONSE Subcommittee shall submit a report to the National Advisory Council that—

(i) includes the recommendations developed under paragraph (6);  
 (ii) specifies the timeframes for implementing any such recommendations that do not require congressional action; and

(iii) identifies any such recommendations that do require congressional action.

(B) REVIEW.—Not later than 30 days after receiving the report under subparagraph (A), the National Advisory Council shall begin a review of the report. The National Advisory Council may ask for additional clarification, changes, or other information from the RESPONSE Subcommittee to assist in the approval of the recommendations.

(C) RECOMMENDATION.—Once the National Advisory Council approves the recommendations of the RESPONSE Subcommittee, the National Advisory Council shall submit the report to—

- (i) the co-chairpersons of the RESPONSE Subcommittee;
- (ii) the head of each other agency represented on the RESPONSE Subcommittee;
- (iii) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (iv) the Committee on Commerce, Science, and Transportation of the Senate;
- (v) the Committee on Homeland Security of the House of Representatives; and
- (vi) the Committee on Transportation and Infrastructure of the House of Representatives.

(8) INTERIM ACTIVITY.—

(A) UPDATES AND OVERSIGHT.—After the submission of the report by the National Advisory Council under paragraph (7), the Administrator shall—

- (i) provide annual updates to the congressional committees referred to in paragraph (7)(C) regarding the status of the implementation of the recommendations developed under paragraph (6); and
- (ii) coordinate the implementation of the recommendations described in paragraph (6)(G)(i), as appropriate.

(B) SUNSET.—The requirements of subparagraph (A) shall terminate on the date that is 2 years after the date of the submission of the report required under paragraph (7)(A).

(9) TERMINATION.—The RESPONSE Subcommittee shall terminate not later than 90 days after the submission of the report required under paragraph (7)(C).

(e) 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 National Advisory Council.

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

**SEC. 509. NATIONAL INTEGRATION CENTER.**

(a) IN GENERAL.—There is established in the Agency a National Integration Center.

## (b) RESPONSIBILITIES.—

(1) IN GENERAL.—The Administrator, through the National Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the [National Response Plan] *National Response Framework, National Protection Framework, National Prevention Framework, National Mitigation Framework, National Recovery Framework*, and any [successor] *successors* to such system or [plan] *framework*.

(2) SPECIFIC RESPONSIBILITIES.—The National Integration Center shall periodically review, and revise as appropriate, the National Incident Management System and the [National Response Plan] *National Response Framework*, including—

(A) establishing, in consultation with the Director of the Corporation for National and Community Service, a process to better use volunteers and donations;

(B) improving the use of Federal, State, local, and tribal resources and ensuring the effective use of emergency response providers at emergency scenes; and

(C) revising the Catastrophic Incident Annex, finalizing and releasing the Catastrophic Incident Supplement to the [National Response Plan] *National Response Framework*, and ensuring that both effectively address response requirements in the event of a catastrophic incident.

## (c) INCIDENT MANAGEMENT.—

## (1) IN GENERAL.—

(A) [NATIONAL RESPONSE PLAN] *NATIONAL RESPONSE FRAMEWORK*.—The Secretary, acting through the Administrator, shall ensure that the [National Response Plan] *National Response Framework* provides for a clear chain of command to lead and coordinate the Federal response to any natural disaster, act of terrorism, or other man-made disaster.

(B) ADMINISTRATOR.—The chain of the command specified in the [National Response Plan] *National Response Framework* shall—

(i) provide for a role for the Administrator consistent with the role of the Administrator as the principal emergency management advisor to the President, the Homeland Security Council, and the Secretary under section 503(c)(4) and the responsibility of the Administrator under the Post-Katrina Emergency Management Reform Act of 2006, and the amendments made by that Act, relating to natural disasters, acts of terrorism, and other man-made disasters; and

(ii) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 302(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)).

(2) PRINCIPAL FEDERAL OFFICIAL; JOINT TASK FORCE.—The Principal Federal Official (or the successor thereto) or Director of a Joint Task Force established under section 708 shall not—

(A) direct or replace the incident command structure established at the incident; or

(B) have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.

**SEC. 510. CREDENTIALING AND TYPING.**

(a) IN GENERAL.—The Administrator shall [enter into a memorandum of understanding] *partner* with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, and organizations that represent emergency response providers, to collaborate on developing standards for deployment capabilities, including for credentialing and typing of incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to natural disasters, acts of terrorism, and other man-made disasters.

(b) DISTRIBUTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Administrator shall provide the standards developed under subsection (a), including detailed written guidance, to—

(A) each Federal agency that has responsibilities under the [National Response Plan] *National Response Framework* to aid that agency with credentialing and typing incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster; and

(B) State, local, and tribal governments, to aid such governments with credentialing and typing of State, local, and tribal incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.

(2) ASSISTANCE.—The Administrator shall provide expertise and technical assistance to aid Federal, State, local, and tribal government agencies with credentialing and typing incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.

(c) CREDENTIALING AND TYPING OF PERSONNEL.—Not later than 6 months after receiving the standards provided under subsection (b), each Federal agency with responsibilities under the [National Response Plan] *National Response Framework* shall ensure that incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other manmade disaster are credentialed and typed in accordance with this section.

(d) CONSULTATION ON HEALTH CARE STANDARDS.—In developing standards for credentialing health care professionals under this

section, the Administrator shall consult with the Secretary of Health and Human Services.

\* \* \* \* \*

**SEC. 515. NATIONAL OPERATIONS CENTER.**

(a) **DEFINITION.**—In this section, the term “situational awareness” means information gathered from a variety of sources that, when communicated to emergency managers, decision makers, and other appropriate officials, can form the basis for incident management decisionmaking and steady-state activity.

(b) **ESTABLISHMENT.**—The National Operations Center is the principal operations center for the Department and shall—

(1) provide situational awareness and a common operating picture for the entire Federal Government, and for State, local, tribal, and territorial governments, the private sector, and international partners as appropriate, for events, threats, and incidents involving a natural disaster, act of terrorism, or other man-made disaster;

(2) ensure that critical terrorism and disaster-related information reaches government decision-makers; and

(3) enter into agreements with other Federal operations centers and other homeland security partners, as appropriate, to facilitate the sharing of information.

(c) **STATE AND LOCAL EMERGENCY RESPONDER REPRESENTATION.**—

(1) **ESTABLISHMENT OF POSITIONS.**—The Secretary shall establish a position, on a rotating basis, for a representative of State **[and local]**, *local*, and *tribal* emergency responders at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State **[and local]**, *local*, and *tribal* emergency response services.

(2) **MANAGEMENT.**—The Secretary shall manage the position established pursuant to paragraph (1) in accordance with such rules, regulations, and practices as govern other similar rotating positions at the National Operations Center.

\* \* \* \* \*

**[(SEC. 524. VOLUNTARY PRIVATE SECTOR PREPAREDNESS ACCREDITATION AND CERTIFICATION PROGRAM.**

**[(a) ESTABLISHMENT.—**

**[(1) IN GENERAL.—**The Secretary, acting through the officer designated under paragraph (2), shall establish and implement the voluntary private sector preparedness accreditation and certification program in accordance with this section.

**[(2) DESIGNATION OF OFFICER.—**The Secretary shall designate an officer responsible for the accreditation and certification program under this section. Such officer (hereinafter referred to in this section as the “designated officer”) shall be one of the following:

**[(A) The Administrator, based on consideration of—**

**[(i) the expertise of the Administrator in emergency management and preparedness in the United States; and**

[(ii) the responsibilities of the Administrator as the principal advisor to the President for all matters relating to emergency management in the United States.

[(B) The Assistant Secretary for Infrastructure Protection, based on consideration of the expertise of the Assistant Secretary in, and responsibilities for—

[(i) protection of critical infrastructure;

[(ii) risk assessment methodologies; and

[(iii) interacting with the private sector on the issues described in clauses (i) and (ii).

[(C) The Under Secretary for Science and Technology, based on consideration of the expertise of the Under Secretary in, and responsibilities associated with, standards.

[(3) COORDINATION.—In carrying out the accreditation and certification program under this section, the designated officer shall coordinate with—

[(A) the other officers of the Department referred to in paragraph (2), using the expertise and responsibilities of such officers; and

[(B) the Special Assistant to the Secretary for the Private Sector, based on consideration of the expertise of the Special Assistant in, and responsibilities for, interacting with the private sector.

[(b) VOLUNTARY PRIVATE SECTOR PREPAREDNESS STANDARDS; VOLUNTARY ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.—

[(1) ACCREDITATION AND CERTIFICATION PROGRAM.—Not later than 210 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the designated officer shall—

[(A) begin supporting the development and updating, as necessary, of voluntary preparedness standards through appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards and voluntary consensus standards development organizations; and

[(B) in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 102(f)(4), appropriate representatives of State and local governments, including emergency management officials, and appropriate private sector advisory groups, such as sector coordinating councils and information sharing and analysis centers—

[(i) develop and promote a program to certify the preparedness of private sector entities that voluntarily choose to seek certification under the program; and

[(ii) implement the program under this subsection through any entity with which the designated officer enters into an agreement under paragraph (3)(A), which shall accredit third parties to carry out the certification process under this section.

[(2) PROGRAM ELEMENTS.—

[(A) IN GENERAL.—

[(i) PROGRAM.—The program developed and implemented under this subsection shall assess whether a private sector entity complies with voluntary preparedness standards.

[(ii) GUIDELINES.—In developing the program under this subsection, the designated officer shall develop guidelines for the accreditation and certification processes established under this subsection.

[(B) STANDARDS.—The designated officer, in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, representatives of appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 102(f)(4), appropriate representatives of State and local governments, including emergency management officials, and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers—

[(i) shall adopt one or more appropriate voluntary preparedness standards that promote preparedness, which may be tailored to address the unique nature of various sectors within the private sector, as necessary and appropriate, that shall be used in the accreditation and certification program under this subsection; and

[(ii) after the adoption of one or more standards under clause (i), may adopt additional voluntary preparedness standards or modify or discontinue the use of voluntary preparedness standards for the accreditation and certification program, as necessary and appropriate to promote preparedness.

[(C) SUBMISSION OF RECOMMENDATIONS.—In adopting one or more standards under subparagraph (B), the designated officer may receive recommendations from any entity described in that subparagraph relating to appropriate voluntary preparedness standards, including appropriate sector specific standards, for adoption in the program.

[(D) SMALL BUSINESS CONCERNS.—The designated officer and any entity with which the designated officer enters into an agreement under paragraph (3)(A) shall establish separate classifications and methods of certification for small business concerns (under the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) for the program under this subsection.

[(E) CONSIDERATIONS.—In developing and implementing the program under this subsection, the designated officer shall—

[(i) consider the unique nature of various sectors within the private sector, including preparedness standards, business continuity standards, or best practices, established—

[(I) under any other provision of Federal law; or



[(II) by any sector-specific agency, as defined under Homeland Security Presidential Directive—7; and

[(ii) coordinate the program, as appropriate, with—  
[(I) other Department private sector related programs; and

[(II) preparedness and business continuity programs in other Federal agencies.

[(3) ACCREDITATION AND CERTIFICATION PROCESSES.—

[(A) AGREEMENT.—

[(i) IN GENERAL.—Not later than 210 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the designated officer shall enter into one or more agreements with a highly qualified nongovernmental entity with experience or expertise in coordinating and facilitating the development and use of voluntary consensus standards and in managing or implementing accreditation and certification programs for voluntary consensus standards, or a similarly qualified private sector entity, to carry out accreditations and oversee the certification process under this subsection. An entity entering into an agreement with the designated officer under this clause (hereinafter referred to in this section as a “selected entity”) shall not perform certifications under this subsection.

[(ii) CONTENTS.—A selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this subsection and accredit qualified third parties to carry out the certification program established under this subsection.

[(B) PROCEDURES AND REQUIREMENTS FOR ACCREDITATION AND CERTIFICATION.—

[(i) IN GENERAL.—Any selected entity shall collaborate to develop procedures and requirements for the accreditation and certification processes under this subsection, in accordance with the program established under this subsection and guidelines developed under paragraph (2)(A)(ii).

[(ii) CONTENTS AND USE.—The procedures and requirements developed under clause (i) shall—

[(I) ensure reasonable uniformity in any accreditation and certification processes if there is more than one selected entity; and

[(II) be used by any selected entity in conducting accreditations and overseeing the certification process under this subsection.

[(iii) DISAGREEMENT.—Any disagreement among selected entities in developing procedures under clause (i) shall be resolved by the designated officer.

[(C) DESIGNATION.—A selected entity may accredit any qualified third party to carry out the certification process under this subsection.

[(D) DISADVANTAGED BUSINESS INVOLVEMENT.—In accrediting qualified third parties to carry out the certification process under this subsection, a selected entity shall ensure, to the extent practicable, that the third parties include qualified small, minority, women-owned, or disadvantaged business concerns when appropriate. The term “disadvantaged business concern” means a small business that is owned and controlled by socially and economically disadvantaged individuals, as defined in section 124 of title 13, United States Code of Federal Regulations.

[(E) TREATMENT OF OTHER CERTIFICATIONS.—At the request of any entity seeking certification, any selected entity may consider, as appropriate, other relevant certifications acquired by the entity seeking certification. If the selected entity determines that such other certifications are sufficient to meet the certification requirement or aspects of the certification requirement under this section, the selected entity may give credit to the entity seeking certification, as appropriate, to avoid unnecessarily duplicative certification requirements.

[(F) THIRD PARTIES.—To be accredited under subparagraph (C), a third party shall—

[(i) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under subparagraph (B);

[(ii) agree to perform certifications in accordance with such procedures and requirements;

[(iii) agree not to have any beneficial interest in or any direct or indirect control over—

[(I) a private sector entity for which that third party conducts a certification under this subsection; or

[(II) any organization that provides preparedness consulting services to private sector entities;

[(iv) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this subsection;

[(v) maintain liability insurance coverage at policy limits in accordance with the requirements developed under subparagraph (B); and

[(vi) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this subsection.

[(G) MONITORING.—

[(i) IN GENERAL.—The designated officer and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this subsection to ensure that the third party is complying with the procedures and requirements established under subparagraph (B) and all other applicable requirements.

[(ii) REVOCATION.—If the designated officer or any selected entity determines that a third party is not meeting the procedures or requirements established under subparagraph (B), the selected entity shall—

[(I) revoke the accreditation of that third party to conduct certifications under this subsection; and

[(II) review any certification conducted by that third party, as necessary and appropriate.

[(4) ANNUAL REVIEW.—

[(A) IN GENERAL.—The designated officer, in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, appropriate representatives of State and local governments, including emergency management officials, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this subsection to ensure the effectiveness of such program (including the operations and management of such program by any selected entity and the selected entity's inclusion of qualified disadvantaged business concerns under paragraph (3)(D)) and make improvements and adjustments to the program as necessary and appropriate.

[(B) REVIEW OF STANDARDS.—Each review under subparagraph (A) shall include an assessment of the voluntary preparedness standard or standards used in the program under this subsection.

[(5) VOLUNTARY PARTICIPATION.—Certification under this subsection shall be voluntary for any private sector entity.

[(6) PUBLIC LISTING.—The designated officer shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this subsection, if that private sector entity consents to such listing.

[(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as—

[(1) a requirement to replace any preparedness, emergency response, or business continuity standards, requirements, or best practices established—

[(A) under any other provision of federal law; or

[(B) by any sector-specific agency, as those agencies are defined under Homeland Security Presidential Directive–7;

or

[(2) exempting any private sector entity seeking certification or meeting certification requirements under subsection (b) from compliance with all applicable statutes, regulations, directives, policies, and industry codes of practice.]

**SEC. 525. ACCEPTANCE OF GIFTS.**

(a) **AUTHORITY.**—The [Secretary] *Administrator* may accept and use gifts of property, both real and personal, and may accept gifts of services, including from guest lecturers, for otherwise authorized activities of the Center for Domestic Preparedness that are related

to efforts to prevent, prepare for, protect against, or respond to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

(b) PROHIBITION.—The Secretary may not accept a gift under this section if the Secretary determines that the use of the property or services would compromise the integrity or appearance of integrity of—

- (1) a program of the Department; or
- (2) an individual involved in a program of the Department.

(c) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report disclosing—

- (A) any gifts that were accepted under this section during the year covered by the report;
- (B) how the gifts contribute to the mission of the Center for Domestic Preparedness; and
- (C) the amount of Federal savings that were generated from the acceptance of the gifts.

(2) PUBLICATION.—Each report required under paragraph (1) shall be made publically available.

\* \* \* \* \*

ROB BISHOP OF UTAH  
CHAIRMAN

JASON KNOX  
STAFF DIRECTOR

RAÚL GRIJALVA OF ARIZONA  
RANKING MEMBER

DAVID WATKINS  
DEMOCRATIC STAFF DIRECTOR

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

June 13, 2017

The Honorable Bill Shuster  
Chairman  
Committee on Transportation and Infrastructure  
2251 Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 2548, the FEMA Reauthorization Act of 2017, which was ordered reported from the Committee on Transportation and Infrastructure on May 24, 2017. This bill contains a provision (Section 6) under the jurisdiction of the Committee on Natural Resources.

I recognize and appreciate your desire to House of Representatives consider this measure in an expeditious manner, and accordingly, I will agree that the Committee on Natural Resources will not insist on its referral and allow itself to be discharged. I do so with the understanding that this action does not affect the jurisdiction of the Committee on Natural Resources, and that the Committee expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask that you support any such request.

I also ask that a copy of this letter and your response be included in the bill report for H.R. 2548.

Thank you for your work on this important issue, and I look forward to its enactment soon.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
The Honorable Kevin McCarthy, Majority Leader  
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Jr., Parliamentarian



**Committee on Transportation and Infrastructure  
U.S. House of Representatives**

Washington, DC 20515

**Bill Shuster**  
Chairman

**Peter A. DeFazio**  
Banking Member

June 13, 2017

Matthew M. Storges, Staff Director

Katherine W. Doehick, Democratic Staff Director

The Honorable Rob Bishop  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Bishop:

Thank you for your letter regarding H.R. 2548, the FEMA Reauthorization Act of 2017, which was ordered to be reported out of the Committee on Transportation and Infrastructure on May 24, 2017.

I acknowledge that by agreeing to be discharged on H.R. 2548, the Committee on Natural Resources is not waiving any of its jurisdiction and will not in any way be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation. Further, I agree to support your request for conferees on that provision.

I appreciate your cooperation regarding this legislation and I will include our letters in the report of H.R. 2548.

Sincerely,

Bill Shuster  
Chairman

cc: The Honorable Paul D. Ryan  
The Honorable Peter A. DeFazio  
The Honorable Raúl M. Grijalva  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

JEB HENSARLING, TX, CHAIRMAN

United States House of Representatives  
Committee on Financial Services  
2129 Rayburn House Office Building  
Washington, DC 20515

MAXINE WATERS, CA, RANKING MEMBER

June 20, 2017

The Honorable Bill Shuster  
Chairman  
Committee on Transportation and Infrastructure  
2165 Rayburn House Office Building  
Washington, DC 20515

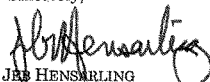
Dear Chairman Shuster:

I am writing concerning H.R. 2548, the FEMA Reauthorization Act of 2017.

As a result of your having consulted with the Committee on Financial Services concerning provisions in the bill that fall within our Rule X jurisdiction, I agree to forgo action on the bill so that it may proceed expeditiously to the House Floor. The Committee on Financial Services takes this action with our mutual understanding that, by foregoing consideration of H.R. 2548 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 2548 and would ask that a copy of our exchange of letters on this matter be included in your committee's report to accompany the legislation, as well as in the *Congressional Record* during floor consideration thereof.

Sincerely,



JEB HENSARLING  
Chairman

cc: The Honorable Paul Ryan  
The Honorable Maxine Waters  
The Honorable Peter A. DeFazio  
Mr. Thomas Wickham, Jr.



**Committee on Transportation and Infrastructure  
U.S. House of Representatives**

**Bill Shuster**  
Chairman

Washington, DC 20515

**Peter A. DeFazio**  
Banking Member

June 20, 2017

Matthew M. Stargos, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Jeb Hensarling  
Chairman  
Committee on Financial Services  
2129 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Hensarling:

Thank you for your letter regarding H.R. 2548, the FEMA Reauthorization Act of 2017, which was ordered to be reported out of the Committee on Transportation and Infrastructure on May 24, 2017.

I acknowledge that by agreeing to be discharged on H.R. 2548, the Committee on Financial Services is not waiving any of its jurisdiction and will not in any way be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation. Further, I agree to support your request for conferees any provisions that fall within your Committee's jurisdiction.

I appreciate your cooperation regarding this legislation and I will include our letters in the report of H.R. 2548, as well as in the *Congressional Record* during consideration on the floor.

Sincerely,

Bill Shuster  
Chairman

cc: The Honorable Paul D. Ryan  
The Honorable Peter A. DeFazio  
The Honorable Maxine Waters  
The Honorable Thomas J. Wickham, Jr., Parliamentarian