

erwise, any reference to ‘this Act’ contained in this title [see Tables for classification] shall be treated as referring only to the provisions of this title.”

SUBCHAPTER I—PERSONNEL PROVISIONS

PART A—FEDERAL EMERGENCY MANAGEMENT AGENCY PERSONNEL

§ 711. Surge Capacity Force

(a) Establishment

(1) In general

Not later than 6 months after October 4, 2006, the Administrator shall prepare and submit to the appropriate committees of Congress a plan to establish and implement a Surge Capacity Force for deployment of individuals to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

(2) Authority

(A) In general

Except as provided in subparagraph (B), the plan shall provide for individuals in the Surge Capacity Force to be trained and deployed under the authorities set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5121 et seq.].

(B) Exception

If the Administrator determines that the existing authorities are inadequate for the training and deployment of individuals in the Surge Capacity Force, the Administrator shall report to Congress as to the additional statutory authorities that the Administrator determines necessary.

(b) Employees designated to serve

The plan shall include procedures under which the Secretary shall designate employees of the Department who are not employees of the Agency and shall, in conjunction with the heads of other Executive agencies, designate employees of those other Executive agencies, as appropriate, to serve on the Surge Capacity Force.

(c) Capabilities

The plan shall ensure that the Surge Capacity Force—

(1) includes a sufficient number of individuals credentialed in accordance with section 320 of this title that are capable of deploying rapidly and efficiently after activation to prepare for, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; and

(2) includes a sufficient number of full-time, highly trained individuals credentialed in accordance with section 320 of this title to lead and manage the Surge Capacity Force.

(d) Training

The plan shall ensure that the Administrator provides appropriate and continuous training to members of the Surge Capacity Force to ensure such personnel are adequately trained on the Agency’s programs and policies for natural disasters, acts of terrorism, and other man-made disasters.

(e) No impact on agency personnel ceiling

Surge Capacity Force members shall not be counted against any personnel ceiling applicable to the Federal Emergency Management Agency.

(f) Expenses

The Administrator may provide members of the Surge Capacity Force with travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 for the purpose of participating in any training that relates to service as a member of the Surge Capacity Force.

(g) Immediate implementation of Surge Capacity Force involving Federal employees

As soon as practicable after October 4, 2006, the Administrator shall develop and implement—

(1) the procedures under subsection (b); and

(2) other elements of the plan needed to establish the portion of the Surge Capacity Force consisting of individuals designated under those procedures.

(Pub. L. 109-295, title VI, §624, Oct. 4, 2006, 120 Stat. 1419.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a)(2)(A), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

PART B—EMERGENCY MANAGEMENT CAPABILITIES

§ 721. Evacuation preparedness technical assistance

The Administrator, in coordination with the heads of other appropriate Federal agencies, shall provide evacuation preparedness technical assistance to State, local, and tribal governments, including the preparation of hurricane evacuation studies and technical assistance in developing evacuation plans, assessing storm surge estimates, evacuation zones, evacuation clearance times, transportation capacity, and shelter capacity.

(Pub. L. 109-295, title VI, §632, Oct. 4, 2006, 120 Stat. 1421.)

Statutory Notes and Related Subsidiaries

GUIDANCE ON EVACUATION ROUTES

Pub. L. 115-254, div. D, §1209, Oct. 5, 2018, 132 Stat. 3441, provided that:

“(a) IN GENERAL.—

“(1) IDENTIFICATION.—The Administrator [of the Federal Emergency Management Agency], in coordination with the Administrator of the Federal Highway Administration, shall develop and issue guidance for State, local, and Indian tribal governments regarding the identification of evacuation routes.

“(2) GUIDANCE.—The Administrator of the Federal Highway Administration, in coordination with the Administrator, shall revise existing guidance or issue

new guidance as appropriate for State, local, and Indian tribal governments regarding the design, construction, maintenance, and repair of evacuation routes.

“(b) CONSIDERATIONS.—

“(1) IDENTIFICATION.—In developing the guidance under subsection (a)(1), the Administrator shall consider—

“(A) whether evacuation routes have resisted impacts and recovered quickly from disasters, regardless of cause;

“(B) the need to evacuate special needs populations, including—

“(i) individuals with a physical or mental disability;

“(ii) individuals in schools, daycare centers, mobile home parks, prisons, nursing homes and other long-term care facilities, and detention centers;

“(iii) individuals with limited-English proficiency;

“(iv) the elderly; and

“(v) individuals who are tourists, seasonal workers, or homeless;

“(C) the sharing of information and other public communications with evacuees during evacuations;

“(D) the sheltering of evacuees, including the care, protection, and sheltering of animals;

“(E) the return of evacuees to their homes; and

“(F) such other items the Administrator considers appropriate.

“(2) DESIGN, CONSTRUCTION, MAINTENANCE, AND REPAIR.—In revising or issuing guidance under subsection (a)(2), the Administrator of the Federal Highway Administration shall consider—

“(A) methods that assist evacuation routes to—

“(i) withstand likely risks to viability, including flammability and hydrostatic forces;

“(ii) improve durability, strength (including the ability to withstand tensile stresses and compressive stresses), and sustainability; and

“(iii) provide for long-term cost savings;

“(B) the ability of evacuation routes to effectively manage contraflow operations;

“(C) for evacuation routes on public lands, the viewpoints of the applicable Federal land management agency regarding emergency operations, sustainability, and resource protection; and

“(D) such other items the Administrator of the Federal Highway Administration considers appropriate.

“(c) STUDY.—The Administrator, in coordination with the Administrator of the Federal Highway Administration and State, local, territorial, and Indian tribal governments, may—

“(1) conduct a study of the adequacy of available evacuation routes to accommodate the flow of evacuees; and

“(2) submit recommendations on how to help with anticipated evacuation route flow, based on the study conducted under paragraph (1), to—

“(A) the Federal Highway Administration;

“(B) the [Federal Emergency Management] Agency;

“(C) State, local, territorial, and Indian tribal governments; and

“(D) Congress.”

[For definition of “State”, as used in section 1209 of Pub. L. 115–254, set out above, see section 1203 of Pub. L. 115–254, set out as a note under section 5122 of Title 42, The Public Health and Welfare.]

§ 722. Urban Search and Rescue Response System

(a) In general

There is in the Agency a system known as the Urban Search and Rescue Response System.

(b) Authorization of appropriations

There is authorized to be appropriated to carry out the system for fiscal year 2008, an

amount equal to the amount appropriated for the system for fiscal year 2007 and an additional \$20,000,000.

(Pub. L. 109–295, title VI, § 634, Oct. 4, 2006, 120 Stat. 1421.)

§ 723. Metropolitan Medical Response Grant Program

(a) In general

There is a Metropolitan Medical Response Program.

(b) Purposes

The program shall include each purpose of the program as it existed on June 1, 2006.

(c) Authorization of appropriations

There is authorized to be appropriated to carry out the program for fiscal year 2008, an amount equal to the amount appropriated for the program for fiscal year 2007 and an additional \$30,000,000.

(Pub. L. 109–295, title VI, § 635, Oct. 4, 2006, 120 Stat. 1421.)

§ 724. Logistics

The Administrator shall develop an efficient, transparent, and flexible logistics system for procurement and delivery of goods and services necessary for an effective and timely response to natural disasters, acts of terrorism, and other man-made disasters and for real-time visibility of items at each point throughout the logistics system.

(Pub. L. 109–295, title VI, § 636, Oct. 4, 2006, 120 Stat. 1422.)

§ 725. Prepositioned equipment program

(a) In general

The Administrator shall establish a prepositioned equipment program to preposition standardized emergency equipment in at least 11 locations to sustain and replenish critical assets used by State, local, and tribal governments in response to (or rendered inoperable by the effects of) natural disasters, acts of terrorism, and other man-made disasters.

(b) Notice

The Administrator shall notify State, local, and tribal officials in an area in which a location for the prepositioned equipment program will be closed not later than 60 days before the date of such closure.

(Pub. L. 109–295, title VI, § 637, Oct. 4, 2006, 120 Stat. 1422.)

§ 726. Basic life supporting first aid and education

The Administrator shall enter into agreements with organizations to provide funds to emergency response providers to provide education and training in life supporting first aid to children.

(Pub. L. 109–295, title VI, § 639, Oct. 4, 2006, 120 Stat. 1423.)

§ 727. Improvements to information technology systems

(a) Measures to improve information technology systems

The Administrator, in coordination with the Chief Information Officer of the Department, shall take appropriate measures to update and improve the information technology systems of the Agency, including measures to—

- (1) ensure that the multiple information technology systems of the Agency (including the National Emergency Management Information System, the Logistics Information Management System III, and the Automated Deployment Database) are, to the extent practicable, fully compatible and can share and access information, as appropriate, from each other;
- (2) ensure technology enhancements reach the headquarters and regional offices of the Agency in a timely fashion, to allow seamless integration;
- (3) develop and maintain a testing environment that ensures that all system components are properly and thoroughly tested before their release;
- (4) ensure that the information technology systems of the Agency have the capacity to track disaster response personnel, mission assignments task orders, commodities, and supplies used in response to a natural disaster, act of terrorism, or other man-made disaster;
- (5) make appropriate improvements to the National Emergency Management Information System to address shortcomings in such system on October 4, 2006; and
- (6) provide training, manuals, and guidance on information technology systems to personnel, including disaster response personnel, to help ensure employees can properly use information technology systems.

(b) Report

Not later than 270 days after October 4, 2006, the Administrator shall submit to the appropriate committees of Congress a report describing the implementation of this section, including a description of any actions taken, improvements made, and remaining problems and a description of any additional funding needed to make necessary and appropriate improvements to the information technology systems of the Agency.

(Pub. L. 109–295, title VI, §640, Oct. 4, 2006, 120 Stat. 1423.)

§ 728. Disclosure of certain information to law enforcement agencies

In the event of circumstances requiring an evacuation, sheltering, or mass relocation, the Administrator may disclose information in any individual assistance database of the Agency in accordance with section 552a(b) of title 5 (commonly referred to as the “Privacy Act”) to any law enforcement agency of the Federal Government or a State, local, or tribal government in order to identify illegal conduct or address public safety or security issues, including compliance with sex offender notification laws.

(Pub. L. 109–295, title VI, §640a, Oct. 4, 2006, 120 Stat. 1424.)

SUBCHAPTER II—COMPREHENSIVE PREPAREDNESS SYSTEM

PART A—NATIONAL PREPAREDNESS SYSTEM

§ 741. Definitions

In this part:

(1) Capability

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

(2) Credentialed; credentialing

The terms “credentialed” and “credentialing” have the meanings given those terms in section 311 of this title.

(3) Hazard

The term “hazard” has the meaning given that term under section 5195a(a)(1) of title 42.

(4) Mission assignment

The term “mission assignment” means a work order issued to a Federal agency by the Agency, directing completion by that agency of a specified task and setting forth funding, other managerial controls, and guidance.

(5) National preparedness goal

The term “national preparedness goal” means the national preparedness goal established under section 743 of this title.

(6) National preparedness system

The term “national preparedness system” means the national preparedness system established under section 744 of this title.

(7) National training program

The term “national training program” means the national training program established under section 748(a) of this title.

(8) Operational readiness

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

(9) Performance measure

The term “performance measure” means a quantitative or qualitative characteristic used to gauge the results of an outcome compared to its intended purpose.

(10) Performance metric

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

(11) Prevention

The term “prevention” means any activity undertaken to avoid, prevent, or stop a threatened or actual act of terrorism.

(12) Resources

The term “resources” has the meaning given that term in section 311 of this title.