

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.

(Pub. L. 109–295, title VI, §648, Oct. 4, 2006, 120 Stat. 1427; Pub. L. 110–53, title IV, §§402, 403, Aug. 3, 2007, 121 Stat. 302, 303; Pub. L. 116–64, §3, Oct. 9, 2019, 133 Stat. 1123.)

### Editorial Notes

#### AMENDMENTS

2019—Subsec. (b)(2)(A)(i). Pub. L. 116–64 inserted “and emerging” after “credible”.

2007—Subsec. (b)(2)(A)(iv) to (vi). Pub. L. 110–53, §402, added cls. (iv) to (vi) and struck out former cls. (iv) and (v) which read as follows:

“(iv) designed to provide for systematic evaluation of readiness; and

“(v) designed to address the unique requirements of populations with special needs; and”.

Subsec. (b)(2)(B). Pub. L. 110–53, §403, in introductory provisions, substituted “shall include a selection of model exercises that State, local, and tribal govern-

ments 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)” for “shall provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises”.

### § 748a. Prioritization of facilities

Not later than 180 days after October 5, 2018, the Administrator shall provide guidance and training on an annual basis to State, local, and Indian tribal governments, first responders, and utility companies on—

(1) the need to prioritize assistance to hospitals, nursing homes, and other long-term care facilities to ensure that such health care facilities remain functioning or return to functioning as soon as practicable during power outages caused by natural hazards, including severe weather events;

(2) how hospitals, nursing homes and other long-term care facilities should adequately prepare for power outages during a major disaster or emergency, as those terms are defined in section 5122 of title 42; and

(3) how State, local, and Indian tribal governments, first responders, utility companies, hospitals, nursing homes, and other long-term care facilities should develop a strategy to coordinate emergency response plans, including the activation of emergency response plans, in anticipation of a major disaster, including severe weather events.

(Pub. L. 115–254, div. D, §1208, Oct. 5, 2018, 132 Stat. 3441.)

### Editorial Notes

#### CODIFICATION

Section was enacted as part of the Disaster Recovery Reform Act of 2018 and also as part of the FAA Reauthorization Act of 2018, and not as part of the Post-Katrina Emergency Management Reform Act of 2006 which comprises this chapter.

### Statutory Notes and Related Subsidiaries

#### DEFINITIONS

For definitions of “Administrator” and “State” as used in this section, see section 1203 of Pub. L. 115–254, set out as a note under section 5122 of Title 42, The Public Health and Welfare.

### § 749. Comprehensive assessment system

#### (a) Establishment

The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a comprehensive system to assess, on an ongoing basis, the Nation’s prevention capabilities and overall preparedness, including operational readiness.

#### (b) Performance metrics and measures

The Administrator shall ensure that each component of the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies, and the reports required under section 752 of this title is developed, revised, and updated with clear and quantifiable performance metrics, measures, and outcomes.

**(c) Contents**

The assessment system established under subsection (a) shall assess—

- (1) compliance with the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies;
- (2) capability levels at the time of assessment against target capability levels defined pursuant to the guidelines established under section 746(a) of this title;
- (3) resource needs to meet the desired target capability levels defined pursuant to the guidelines established under section 746(a) of this title; and
- (4) performance of training, exercises, and operations.

(Pub. L. 109–295, title VI, §649, Oct. 4, 2006, 120 Stat. 1428.)

**§ 750. 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.

(Pub. L. 109–295, title VI, §650, Oct. 4, 2006, 120 Stat. 1428.)

**§ 751. Federal response capability inventory****(a) In general**

In accordance with section 5196(h)(1)(C) of title 42, the Administrator shall accelerate the completion of the inventory of Federal response capabilities.

**(b) Contents**

For each Federal agency with responsibilities under the National Response Plan, the inventory shall include—

- (1) for each capability—
  - (A) the performance parameters of the capability;
  - (B) the timeframe within which the capability can be brought to bear on an incident; and
  - (C) the readiness of the capability to respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters;
- (2) a list of personnel credentialed in accordance with section 320 of this title;
- (3) a list of resources typed in accordance with section 320 of this title; and
- (4) emergency communications assets maintained by the Federal Government and, if appropriate, State, local, and tribal governments and the private sector.

**(c) Department of Defense**

The Administrator, in coordination with the Secretary of Defense, shall develop a list of or-

ganizations and functions within the Department of Defense that may be used, pursuant to the authority provided under the National Response Plan and sections 5170a, 5170b, and 5192 of title 42, to provide support to civil authorities during natural disasters, acts of terrorism, and other man-made disasters.

**(d) Database**

The Administrator shall establish an inventory database to allow—

- (1) real-time exchange of information regarding—
  - (A) capabilities;
  - (B) readiness;
  - (C) the compatibility of equipment;
  - (D) credentialed personnel; and
  - (E) typed resources;
- (2) easy identification and rapid deployment of capabilities, credentialed personnel, and typed resources during an incident; and
- (3) the sharing of the inventory described in subsection (a) with other Federal agencies, as appropriate.

(Pub. L. 109–295, title VI, §651, Oct. 4, 2006, 120 Stat. 1429; Pub. L. 110–53, title IV, §405, Aug. 3, 2007, 121 Stat. 303.)

**Editorial Notes****AMENDMENTS**

2007—Subsec. (b). Pub. L. 110–53, §405(1)(A), substituted “For each Federal agency with responsibilities under the National Response Plan, the inventory” for “The inventory” in introductory provisions.

Subsec. (b)(2) to (4). Pub. L. 110–53, §405(1)(B)–(D), added pars. (2) and (3) and redesignated former par. (2) as (4).

Subsec. (d)(1). Pub. L. 110–53, §405(2)(A), substituted “regarding—” for “regarding capabilities, readiness, or the compatibility of equipment;” in introductory provisions and added subpars. (A) to (E).

Subsec. (d)(2). Pub. L. 110–53, §405(2)(B), inserted “of capabilities, credentialed personnel, and typed resources” after “rapid deployment”.

Subsec. (d)(3). Pub. L. 110–53, §405(2)(C), substituted “the inventory described in subsection (a)” for “inventories”.

**§ 752. Reporting requirements****(a) Federal preparedness report****(1) In general**

Not later than 12 months after October 4, 2006, and annually thereafter, the Administrator, in coordination with the heads of appropriate Federal agencies, shall submit to the appropriate committees of Congress a report on the Nation’s level of preparedness for all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

**(2) Contents**

Each report shall include—

- (A) an assessment of how Federal assistance supports the national preparedness system;
- (B) the results of the comprehensive assessment carried out under section 749 of this title;
- (C) a review of the inventory described in section 751 of this title, including the number and type of credentialed personnel in