

Union Calendar No. 434

109TH CONGRESS
2D SESSION

H. R. 5316

[Report No. 109–519, Parts I and II]

To reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2006

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. TOM DAVIS of Virginia, Mr. OBEY, Mr. SHUSTER, Ms. NORTON, Mr. SHAW, Mr. RAHALL, Mr. BAKER, Mr. DEFazio, Mr. BACHUS, Mr. COSTELLO, Mr. BUYER, Mr. NADLER, Mr. MICA, Ms. CORRINE BROWN of Florida, Mr. FOLEY, Mr. FILNER, Mrs. KELLY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. TAYLOR of Mississippi, Mrs. MYRICK, Ms. MILLENDER-McDONALD, Mr. WAMP, Mr. CUMMINGS, Mrs. EMERSON, Mr. BLUMENAUER, Ms. GRANGER, Mr. BOSWELL, Mr. PICKERING, Mr. HOLDEN, Mrs. JO ANN DAVIS of Virginia, Mr. BAIRD, Mr. MILLER of Florida, Ms. BERKLEY, Mr. BONNER, Mr. MATHESON, Mr. COLE of Oklahoma, Mr. HONDA, Mr. BOUSTANY, Mr. LARSEN of Washington, Mr. JINDAL, Mr. CAPUANO, Mr. KUHl of New York, Mr. WEINER, Mr. POE, Ms. CARSON, Mr. BISHOP of New York, Mr. DAVIS of Tennessee, Mr. CHANDLER, Mr. HIGGINS, Mr. CARNAHAN, Ms. SCHWARTZ of Pennsylvania, and Mr. FORD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 22, 2006

Additional sponsors: Mr. BOOZMAN, Mr. SALAZAR, Mr. MARCHANT, Mr. BONILLA, Mr. DINGELL, Mr. Ehlers, Mr. McHENRY, Mr. NEY, Mr. JOHNSON of Illinois, Mr. FEENEY, Mr. FORTUÑO, Mr. MACK, Mr. BROWN of South Carolina, Mr. KELLER, Mr. MORAN of Kansas, Mr.

MICHAUD, Mr. GERLACH, Mr. MCINTYRE, Mr. BUTTERFIELD, Mr. MANZULLO, Mr. MURPHY, Mr. ORTIZ, Mr. COBLE, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. LIPINSKI, Mr. MCGOVERN, Ms. MATSUI, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. JEFFERSON, Mrs. CAPPS, Mr. KILDEE, Mr. SHERMAN, Mr. PETERSON of Minnesota, Mr. SCOTT of Virginia, Mr. GINGREY, Ms. KAPTUR, Mr. CLYBURN, and Ms. DELAURO

JUNE 22, 2006

Reported from the Committee on Government Reform with amendments

[Omit the part struck through in brackets and insert the part printed in *italic*]

DECEMBER 8, 2006

Additional sponsors: Mr. ENGEL, Mrs. JONES of Ohio, Mr. KIND, Mr. KUCINICH, Ms. MCCOLLUM of Minnesota, Mr. NEAL of Massachusetts, Mr. REYES, Mr. RUSH, Mr. SABO, Ms. BALDWIN, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. KILPATRICK of Michigan, Mr. TOWNS, Mr. OLVER, Mr. ROSS, Mr. BOUCHER, Mr. HOLT, Ms. WOOLSEY, and Mr. JACKSON of Illinois

DECEMBER 8, 2006

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in boldface roman]

DECEMBER 8, 2006

Referral to the Committee on Homeland Security extended for a period ending not later than December 8, 2006

DECEMBER 8, 2006

Referred to the Committee on Science for a period ending not later than December 8, 2006, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X

DECEMBER 8, 2006

Committees on Homeland Security and Science discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's prepared-

ness for, response to, recovery from, and mitigation against disasters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Restoring Emergency Services to Protect Our Nation
 6 From Disasters Act of 2006” or the “RESPOND Act of
 7 2006”.

8 (b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

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

Subtitle A—Federal Emergency Management Agency

Sec. 101. Establishment of Agency.

Sec. 102. Responsibilities.

Sec. 103. Director; Deputy Director.

Sec. 104. Office of the Inspector General.

Sec. 105. Transfer of functions.

Sec. 106. Personnel and other transfers.

Sec. 107. Savings provisions.

Sec. 108. Conforming and technical amendments.

Subtitle B—Federal Emergency Management Agency Personnel

Sec. 121. Workforce development.

Subtitle C—Federal Emergency Management Agency Procurement

Sec. 131. Limitations on tiering of subcontractors.

Sec. 132. Limitation on length of certain noncompetitive contracts.

Sec. 133. Prohibition of consideration of political affiliation in award of contracts.

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

Sec. 201. Catastrophic planning program.

Sec. 202. Emergency response teams.

Sec. 203. Emergency operations centers.

Sec. 204. Logistics.

Sec. 205. Communications.

Sec. 206. Emergency equipment assistance.

Sec. 207. Oversight and accountability of Federal disaster expenditures.

TITLE III—COMPREHENSIVE EMERGENCY PREPAREDNESS SYSTEM

Sec. 301. National emergency preparedness.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

8 (2) Failures at all levels of government signifi-
9 cantly undermined and detracted from the heroic ef-
10 forts of emergency responders, private individuals
11 and organizations, faith-based groups, and others
12 who struggled to assist the people of the Gulf Coast.

13 (3) Hurricane Katrina revealed that the Nation,
14 in general, and the Department of Homeland Secu-
15 rity, in particular, are unprepared for a major nat-
16 ural disaster, accident, or terrorist attack.

17 (4) Multiple investigations, including those by
18 the select committee to investigate the preparation
19 for and response to Hurricane Katrina of the House
20 of Representatives, the Committee on Homeland Se-
21 curity and Governmental Affairs of the Senate, the
22 General Accountability Office, the Inspector General

1 of the Department of Homeland Security, and the
2 Homeland Security Council established by the Presi-
3 dent, identified the magnitude of the storm, failures
4 of leadership, and a flawed disaster management
5 system at all levels of government as reasons for the
6 inadequate government response.

7 (5) The creation of the Department of Home-
8 land Security placed an additional layer of manage-
9 ment and response authority between the President
10 and the Federal Emergency Management Agency (in
11 this section referred to as “FEMA”), marginalizing
12 the authority of the Director of FEMA.

13 (6) During the response to Hurricane Katrina,
14 the Department of Homeland Security executed im-
15 portant elements of the National Response Plan late,
16 ineffectively, or not at all.

17 (7) The competing priorities of the terrorism
18 prevention mission of the Department of Homeland
19 Security and the disaster management mission of
20 FEMA significantly contributed to the rapid decline
21 of FEMA’s capability to coordinate the Federal re-
22 sponse to Hurricane Katrina.

23 (8) The transfer of FEMA’s preparedness
24 grants and functions to other entities of the Depart-
25 ment of Homeland Security, FEMA’s tremendous

1 loss of experienced professional personnel, and the
2 reduction of FEMA's funding for equipment, train-
3 ing, and exercises made FEMA's inadequate per-
4 formance in the face of a disaster the size of Hurri-
5 cane Katrina all but inevitable.

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

11 (10) The preparedness level and capabilities of
12 State and local governments to respond to Hurri-
13 cane Katrina varied tremendously. Some responded
14 effectively while others struggled to evacuate their
15 populations or conduct effective response operations.

16 (11) The Federal Government has spent more
17 than \$15,000,000,000 on first responder grants
18 since 2001, but the Nation's core emergency man-
19 agement capabilities have improved little and even
20 declined in some important respects. Federal home-
21 land security grant programs inadvertently divided
22 what was once a single, all-hazards preparedness
23 system into 2 artificially separate preparedness cat-
24 egories of terrorism and other disasters.

1 (12) Comprehensive reform of the Nation's
2 emergency management system is necessary to ad-
3 dress the dangers presented by major disasters and
4 emergencies of all kinds.

5 (13) The Nation's emergency management sys-
6 tem is based on the following general principles:

7 (A) Incidents are best managed at the low-
8 est level of government.

9 (B) Federal assistance is provided in sup-
10 port of State governments.

11 (C) Military assistance is provided in sup-
12 port of civil authorities.

13 (14) Large disasters require presidential in-
14 volvement to lead the Federal response and mobilize
15 the assets of the entire Federal Government, par-
16 ticularly Department of Defense assistance, and the
17 President needs solid professional advice in pre-
18 paring for and responding to a disaster to make the
19 right decisions.

20 (15) Preparing for and responding to disasters,
21 regardless of the cause, must be the top priority of
22 the organization responsible for disaster manage-
23 ment.

24 (16) The coordination of preparedness and
25 planning to reduce the consequences of all hazards,

1 including terrorism, is and has always been part of
2 FEMA's primary mission.

3 ~~(17) FEMA should be reestablished as an inde-~~
4 ~~pendent cabinet-level agency to coordinate the Fed-~~
5 ~~eral response on behalf of the President and to lead~~
6 ~~the Nation's efforts to improve the Nation's all-haz-~~
7 ~~ards emergency management system.~~

8 ~~(18) Establishing FEMA as an independent~~
9 ~~agency will enable the Department of Homeland Se-~~
10 ~~curity to refocus efforts on preventing terrorism and~~
11 ~~free FEMA from internal competition with the ter-~~
12 ~~rorism prevention entities of the Department for re-~~
13 ~~sources and personnel.~~

14 ~~(19) The 4 elements of comprehensive emer-~~
15 ~~gency management (preparedness, response, recov-~~
16 ~~ery, and mitigation) must be closely integrated and~~
17 ~~managed within FEMA.~~

18 ~~(20) FEMA's assets and capabilities to coordi-~~
19 ~~nate the Federal response to a catastrophic disaster~~
20 ~~must be restored and enhanced. In particular,~~
21 ~~FEMA's professional workforce and its incident~~
22 ~~command, communications, and logistics capabilities~~
23 ~~must be improved.~~

24 ~~(21) The tension between the Nation's all haz-~~
25 ~~ards emergency management system and terrorism~~

1 preparedness must be resolved. An all-hazards ap-
2 proach fully addresses terrorism, but preparing for
3 terrorism alone does not address all aspects of the
4 other hazards.

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

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

14 (A) ensure a consistent approach to do-
15 mestic incident management;

16 (B) establish target capabilities that each
17 level of government should possess or to which
18 it should have access;

19 (C) direct resources to filling capability
20 gaps and regularly assess the Nation's pre-
21 paredness level; and

22 (D) ensure that lessons learned and best
23 practices are fully incorporated into the further
24 development of the emergency preparedness
25 system.

1 **SEC. 3. DEFINITIONS.**

2 (a) IN GENERAL.—In this Act, the following defini-
3 tions apply:

4 (1) AGENCY.—The term “Agency” means the
5 Federal Emergency Management Agency established
6 under section 101.

7 (2) DIRECTOR.—The term “Director” means
8 the Director of the Federal Emergency Management
9 Agency appointed under section 103.

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

14 (4) EMERGENCY PREPAREDNESS.—The term
15 “emergency preparedness” has the meaning given
16 that term in section 602(a) of the Robert T. Staf-
17 ford Disaster Relief and Emergency Assistance Act
18 (42 U.S.C. 5195a(a)).

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

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

1 (7) MAJOR DISASTER.—The term “major disaster” has the meaning given that term in section
2 102 of the Robert T. Stafford Disaster Relief and
3 Emergency Assistance Act (42 U.S.C. 5122).

5 (8) MISSION ASSIGNMENT.—The term “mission assignment” means a work order issued to a Federal
6 agency by the Federal Emergency Management
7 Agency, directing completion by that agency of a
8 specified task and setting forth funding, other managerial controls, and guidance.
9

11 (9) STATE.—The term “State” has the meaning given that term in section 102 of the Robert T.
12 Stafford Disaster Relief and Emergency Assistance
13 Act (42 U.S.C. 5122).
14

15 **TITLE I—ESTABLISHMENT OF AN**
16 **INDEPENDENT FEDERAL**
17 **EMERGENCY MANAGEMENT**
18 **AGENCY**

19 **Subtitle A—Federal Emergency**
20 **Management Agency**

21 **SEC. 101. ESTABLISHMENT OF AGENCY.**

22 (a) INDEPENDENT ESTABLISHMENT.—The Federal
23 Emergency Management Agency is established as a cabinet-level independent establishment in the executive
24 branch.
25

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

7 **SEC. 102. RESPONSIBILITIES.**

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

10 (1) All functions and authorities prescribed by
11 the Robert T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C. 5121 et seq.).

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

19 (A) preparedness, by leading and coordi-
20 nating the effort to build Federal, State, and
21 local emergency management capabilities and
22 readiness to effectively respond to, recover
23 from, and mitigate against all hazards;

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

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

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

12 ~~(E)~~ increased efficiencies, by coordinating
13 efforts relating to preparedness, response, re-
14 covery, and mitigation.

15 ~~(3)~~ Leading, *in consultation with the Office of*
16 *Personnel and Management*, the Federal Govern-
17 ment's continuity of operations programs by—

18 ~~(A)~~ formulating guidance and establishing
19 common standards for the Federal Government
20 to use in developing viable, executable con-
21 tinuity of operations plans;

22 ~~(B)~~ facilitating interagency coordination,
23 as appropriate; and

1 (C) overseeing and assessing the status of
2 continuity of operations capabilities within the
3 Federal Government.

4 (b) NATIONAL RESPONSE PLAN.—

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

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

14 **SEC. 103. DIRECTOR; DEPUTY DIRECTOR.**

15 (a) DIRECTOR.—

16 (1) IN GENERAL.—The Agency shall be headed
17 by a Director, who shall be appointed by the Presi-
18 dent, by and with the advice and consent of the Sen-
19 ate, and who shall report directly to the President.
20 The Director shall be compensated at the rate pro-
21 vided for at level I of the Executive Schedule under
22 section 5312 of title 5, United States Code.

23 (2) QUALIFICATIONS.—The Director shall be
24 appointed from among individuals who have exten-
25 sive experience in emergency preparedness, response,

1 recovery, and mitigation for all hazards, including
 2 major disasters, acts of terrorism, and other emer-
 3 gencies.

4 **[(3) TERM OF OFFICE.—**The term of office of
 5 an individual appointed as the Director shall be 5
 6 years. Such individual may be appointed in accord-
 7 ance with paragraph (1) for an additional term of 5
 8 years.]

9 **[(4)] (3) CONFORMING AMENDMENT.—**Section
 10 5312 of title 5, United States Code, is amended by
 11 adding at the end the following:

12 “Director of the Federal Emergency Manage-
 13 ment Agency.”.

14 **(b) DEPUTY DIRECTOR.—**

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

18 **(2) QUALIFICATIONS.—**The Deputy Director
 19 shall be appointed from among individuals who have
 20 extensive experience in emergency preparedness, re-
 21 sponse, recovery, and mitigation for all hazards, in-
 22 cluding major disasters, acts of terrorism, and other
 23 emergencies.

24 **(3) DUTIES.—**The Deputy Director shall—

1 (A) carry out duties and powers prescribed
2 by the Director; and

3 (B) act for the Director when the Director
4 is absent or unable to serve or when the posi-
5 tion of the Director is vacant.

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

7 The Agency shall have an office of the Inspector Gen-
8 eral, headed by an Inspector General, in accordance with
9 the Inspector General Act of 1978 (Public Law 95-452;
10 5 U.S.C. App.).

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

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

14 (1) the functions of the Department of Home-
15 land Security relating to the Federal Emergency
16 Management Agency, including the functions of the
17 Department under sections 430(e)(3), 430(e)(8),
18 502 (other than paragraph (2)), and 503(1) of the
19 Homeland Security Act of 2002 (6 U.S.C. 238(e)(3),
20 238(e)(8), 312, 313(1));

21 (2) other functions of the Directorate for Pre-
22 paredness of the Department (other than those func-
23 tions relating to law enforcement efforts to prevent
24 and deter acts of terrorism, protect critical infra-
25 structure, and conduct intelligence activities); and

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

3 ~~(A) the National Flood Insurance Act of~~
 4 ~~1968 (42 U.S.C. 4001 et seq.);~~

5 ~~(B) the Robert T. Stafford Disaster Relief~~
 6 ~~and Emergency Assistance Act (42 U.S.C. 5121~~
 7 ~~et seq.);~~

8 ~~(C) the Earthquake Hazards Reduction~~
 9 ~~Act of 1977 (42 U.S.C. 7701 et seq.);~~

10 ~~(D) the National Dam Safety Program Act~~
 11 ~~(33 U.S.C. 467 et seq.);~~

12 ~~(E) the Federal Fire Prevention and Con-~~
 13 ~~trol Act of 1974 (15 U.S.C. 2201 et seq.); and~~

14 ~~(F) Reorganization Plan No. 3 of 1978 (5~~
 15 ~~U.S.C. App.).~~

16 ~~(b) TRANSITION PERIOD.—The transfers under this~~
 17 ~~section shall be carried not later than February 1, 2007.~~
 18 ~~During the transition period, the Secretary of Homeland~~
 19 ~~Security shall provide to the Director such assistance, in-~~
 20 ~~cluding the use of personnel and assets, as the Director~~
 21 ~~may request in preparing for the transfer.~~

22 ~~(c) TRANSITION.—The Director may use—~~

23 ~~(1) the services of such officers, employees, and~~
 24 ~~other personnel of the Agency with respect to func-~~
 25 ~~tions transferred by this section; and~~

1 (2) funds appropriated to such functions for
 2 such period of time as may reasonably be needed to
 3 facilitate the orderly implementation of this section.

4 (d) LIAISON OFFICE TO ENSURE COORDINATION
 5 WITH THE DEPARTMENT OF HOMELAND SECURITY.—

6 The Director shall establish a liaison office within the
 7 Agency to ensure adequate coordination with the Depart-
 8 ment of Homeland Security during an actual or potential
 9 terrorist incident.

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

11 (a) PERSONNEL PROVISIONS.—

12 (1) ~~【APPOINTMENTS.—】~~APPLICABILITY OF
 13 CIVIL SERVICE LAWS.—The Director may appoint
 14 and fix the compensation of such officers and em-
 15 ployees, including investigators, attorneys, and ad-
 16 ministrative law judges, as may be necessary to
 17 carry out the respective functions transferred under
 18 section 105. ~~【Except as otherwise provided by law,~~
 19 such officers and employees shall be appointed in ac-
 20 cordance with the civil service laws and their com-
 21 pensation fixed in accordance with title 5, United
 22 States Code.~~】~~ Such officers and employees shall be
 23 subject to the appointment, compensation, and other
 24 provisions of title 5, United States Code, to the same
 25 extent and in the same manner as any other officer

1 or employee, as defined by chapter 21 of such title, ex-
2 cept that nothing in this Act shall be construed to
3 permit or require that any officers or employees of the
4 Agency be subject to chapter 97 of such title.

5 (2) EXPERTS AND CONSULTANTS.—The Direc-
6 tor may obtain the services of experts and consult-
7 ants in accordance with section 3109 of title 5,
8 United States Code, and compensate such experts
9 and consultants for each day (including traveltime)
10 during which they are engaged in the actual per-
11 formance of such services at rates not in excess of
12 the rate of pay for level IV of the Executive Sched-
13 ule under section 5315 of such title. The Director
14 may pay experts and consultants who are serving
15 away from their homes or regular place of business,
16 travel expenses and per diem in lieu of subsistence
17 at rates authorized by sections 5702 and 5703 of
18 such title for persons in Government service em-
19 ployed intermittently.

20 (b) DELEGATION AND ASSIGNMENT.—Except where
21 otherwise expressly prohibited by law or otherwise pro-
22 vided by this title, the Director may delegate any of the
23 functions transferred to the Director by section 105 and
24 any function transferred or granted to the Director after
25 the date of the transfers by section 105 to such officers

1 and employees of the Agency as the Director may des-
2 ignate and may authorize successive redelegations of such
3 functions as may be necessary or appropriate. No delega-
4 tion of functions by the Director under this subsection or
5 under any other provision of this title shall relieve the Di-
6 rector of responsibility for the administration of such func-
7 tions.

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

19 (d) RULES.—The Director may prescribe, in accord-
20 ance with the provisions of chapters 5 and 6 of title 5,
21 United States Code, such rules and regulations as the Di-
22 rector determines necessary or appropriate to administer
23 and manage the functions of the Agency.

24 (e) TRANSFER AND ALLOCATIONS OF APPROPRIA-
25 TIONS AND PERSONNEL.—Except as otherwise provided

1 in this title, the personnel employed in connection with,
2 and the assets, liabilities, contracts, property, records, and
3 unexpended balances of appropriations, authorizations, al-
4 locations, and other funds employed, used, held, arising
5 from, available to, or to be made available in connection
6 with the functions transferred by section 105, subject to
7 section 1531 of title 31, United States Code, shall be
8 transferred to the Agency. Unexpended funds transferred
9 pursuant to this subsection shall be used only for the pur-
10 poses for which the funds were originally authorized and
11 appropriated.

12 (f) INCIDENTAL TRANSFERS.—The Director of the
13 Office of Management and Budget, in consultation with
14 the Director, may make such determinations as may be
15 necessary with regard to the functions transferred by sec-
16 tion 105, and may make such additional incidental dispo-
17 sitions of personnel, assets, liabilities, grants, contracts,
18 property, records, and unexpended balances of appropria-
19 tions, authorizations, allocations, and other funds held,
20 used, arising from, available to, or to be made available
21 in connection with such functions, as may be necessary
22 to carry out the provisions of this title. The Director of
23 the Office of Management and Budget shall provide for
24 the termination of the affairs of all entities terminated by
25 this title and for such further measures and dispositions

1 as may be necessary to effectuate the purposes of this
2 title.

3 ~~(g) EFFECT ON PERSONNEL.—~~

4 ~~(1) IN GENERAL.—~~Except as otherwise pro-
5 vided by this title, the transfer pursuant to this title
6 of full-time personnel (except special Government
7 employees) and part-time personnel holding perma-
8 nent positions shall not cause any such employee to
9 be separated or reduced in grade or compensation
10 for one year after the date of transfer of such em-
11 ployee under this title.

12 ~~(2) EXECUTIVE SCHEDULE POSITIONS.—~~Except
13 as otherwise provided in this title, any person who,
14 on the day preceding the date of the transfers of
15 functions under section 105, held a position com-
16 pensated in accordance with the Executive Schedule
17 prescribed in chapter 53 of title 5, United States
18 Code, and who, without a break in service, is ap-
19 pointed in the Agency to a position having duties
20 comparable to the duties performed immediately pre-
21 ceeding such appointment shall continue to be com-
22 pensated in such new position at not less than the
23 rate provided for such previous position, for the du-
24 ration of the service of such person in such new po-
25 sition.

1 **SEC. 107. SAVINGS PROVISIONS.**

2 ~~(a) SAVINGS PROVISIONS.—~~

3 ~~(1) CONTINUING EFFECT OF LEGAL DOCU-~~
4 ~~MENTS.—All orders, determinations, rules, regula-~~
5 ~~tions, permits, agreements, grants, contracts, certifi-~~
6 ~~cates, licenses, registrations, privileges, and other~~
7 ~~administrative actions—~~

8 ~~(A) which have been issued, made, grant-~~
9 ~~ed, or allowed to become effective by the Presi-~~
10 ~~dent, any Federal agency or official thereof, or~~
11 ~~by a court of competent jurisdiction, in the per-~~
12 ~~formance of functions that are transferred~~
13 ~~under section 105; and~~

14 ~~(B) which are in effect on the date of the~~
15 ~~transfers of functions under section 105, or~~
16 ~~were final before such date and are to become~~
17 ~~effective on or after such date, shall continue in~~
18 ~~effect according to their terms until modified,~~
19 ~~terminated, superseded, set aside, or revoked in~~
20 ~~accordance with law by the President, the Di-~~
21 ~~rector, or other authorized official, a court of~~
22 ~~competent jurisdiction, or by operation of law.~~

23 ~~(2) PROCEEDINGS NOT AFFECTED.—The provi-~~
24 ~~sions of this title shall not affect any proceedings,~~
25 ~~including notices of proposed rulemaking, or any ap-~~
26 ~~plication for any license, permit, certificate, or finan-~~

1 cial assistance pending before the Agency on the
2 date of the transfers of functions under section 105,
3 with respect to functions transferred by section 105
4 but such proceedings and applications shall continue.
5 Orders shall be issued in such proceedings, appeals
6 shall be taken therefrom, and payments shall be
7 made pursuant to such orders, as if this title had
8 not been enacted, and orders issued in any such pro-
9 ceedings shall continue in effect until modified, ter-
10 minated, superseded, or revoked by a duly author-
11 ized official, by a court of competent jurisdiction, or
12 by operation of law. Nothing in this paragraph shall
13 be deemed to prohibit the discontinuance or modi-
14 fication of any such proceeding under the same
15 terms and conditions and to the same extent that
16 such proceeding could have been discontinued or
17 modified if this title had not been enacted.

18 ~~(3)~~ SUITS NOT AFFECTED.—The provisions of
19 this title shall not affect suits commenced before the
20 date of the transfers of functions under section 105,
21 and in all such suits, proceedings shall be had, ap-
22 peals taken, and judgments rendered in the same
23 manner and with the same effect as if this title had
24 not been enacted.

1 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
2 tion, or other proceeding commenced by or against
3 the Agency, or by or against any individual in the
4 official capacity of such individual as an officer of
5 the Agency, shall abate by reason of the enactment
6 of this title.

7 (5) ADMINISTRATIVE ACTIONS RELATING TO
8 PROMULGATION OF REGULATIONS.—Any administra-
9 tive action relating to the preparation or promulga-
10 tion of a regulation by the Agency relating to a
11 function transferred under section 105 may be con-
12 tinued by the Agency with the same effect as if this
13 title had not been enacted.

14 (b) REFERENCES.—Any reference in any other Fed-
15 eral law, Executive order, rule, regulation, or delegation
16 of authority, or any document of or pertaining to a depart-
17 ment, agency, or office from which a function is trans-
18 ferred by section 105—

19 (1) to the head of such department, agency, or
20 office is deemed to refer to the head of the depart-
21 ment, agency, or office to which such function is
22 transferred; or

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

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

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

5 ~~“(H) The Federal Emergency Management~~
6 ~~Agency.”.~~

7 ~~(b) RECOMMENDED LEGISLATION.—~~

8 ~~(1) IN GENERAL.—~~After consultation with the
9 appropriate committees of Congress and the Direc-
10 tor of the Office of Management and Budget, the
11 Director shall prepare recommended legislation con-
12 taining technical and conforming amendments to re-
13 flect the changes made by this title.

14 ~~(2) SUBMISSION TO CONGRESS.—~~Not later than
15 90 days after the last day of the transition period
16 referred to in section 105(b), the Director shall sub-
17 mit to Congress a report containing the rec-
18 ommended legislation.

19 ~~(c) REPEALS.—~~The following provisions of the
20 Homeland Security Act of 2002 (~~6 U.S.C. 101 et seq.~~)
21 are repealed:

22 ~~(1) Section 503(1).~~

23 ~~(2) Section 507.~~

1 **Subtitle B—Federal Emergency**
 2 **Management Agency Personnel**

3 **SEC. 121. WORKFORCE DEVELOPMENT.**

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

7 ~~“CHAPTER 101—FEDERAL EMERGENCY~~
 8 ~~MANAGEMENT AGENCY PERSONNEL~~

“Sec.

“10101. Definitions.

“10102. Human capital strategy.

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

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

“10105. Disaster workforce reserve cadre.

9 ~~“§ 10101. Definitions~~

10 ~~“For purposes of this chapter—~~

11 ~~“(1) the term ‘Federal Emergency Management~~
 12 ~~Agency’ or ‘Agency’ shall be considered to refer to~~
 13 ~~the Federal Emergency Management Agency estab-~~
 14 ~~lished under section 101 of the RESPOND Act of~~
 15 ~~2006; and~~

16 ~~“(2) the term ‘Director of the Federal Emer-~~
 17 ~~gency Management Agency’ or ‘Director’ shall be~~
 18 ~~considered to refer to the Director of the Federal~~
 19 ~~Emergency Management Agency appointed under~~
 20 ~~section 103 of the RESPOND Act of 2006.~~

1 **“§ 10102. Human capital strategy**

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

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

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

13 “(2) an assessment of the workforce character-
14 istics and future needs of the Agency;

15 “(3) an analysis of how the Agency’s human re-
16 sources policies and programs align with the Agen-
17 cy’s mission, strategic goals, and performance out-
18 comes; and

19 “(4) any other elements that the Director deter-
20 mines necessary to develop and maintain a human
21 capital strategy, including elements described in sec-
22 tion 1402.

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

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

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

6 **“§ 10103. Recruitment bonuses for the Federal Emer-**
7 **gency Management Agency**

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

13 “(b) BONUS AMOUNT.—

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

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

22 “(c) SERVICE AGREEMENTS.—Payment of a bonus
23 under this section shall be contingent upon the employee
24 entering into a written service agreement with the Federal

1 Emergency Management Agency. The agreement shall in-
2 clude—

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

5 “(2) the conditions under which the agreement
6 may be terminated before the agreed-upon service
7 period has been completed; and the effect of the ter-
8 mination.

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

11 “(1) a position to which an individual is ap-
12 pointed by the President, by and with the advice and
13 consent of the Senate;

14 “(2) a position in the Senior Executive Service
15 as a nonearner appointee (as defined in section
16 3132(a)); or

17 “(3) a position which has been excepted from
18 the competitive service by reason of its confidential,
19 policy-determining, policy-making, or policy-advo-
20 cating character.

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

1 **~~“§ 10104. Retention bonuses for the Federal Emer-~~**
 2 **~~gency Management Agency~~**

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

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

11 ~~“(2) the Director determines that, in the ab-~~
 12 ~~sence of such a bonus, the employee would be likely~~
 13 ~~to leave—~~

14 ~~“(A) the Federal service; or~~

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

17 ~~“(b) SERVICE AGREEMENT.—Payment of a bonus~~
 18 ~~under this section is contingent upon the employee enter-~~
 19 ~~ing into a written service agreement with the Agency to~~
 20 ~~complete a period of service with the Agency. Such agree-~~
 21 ~~ment shall include—~~

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

24 ~~“(2) the conditions under which the agreement~~
 25 ~~may be terminated before the agreed-upon service~~

1 period has been completed, and the effect of the ter-
 2 mination.

3 ~~“(c) BONUS AMOUNT.—~~

4 ~~“(1) IN GENERAL.—~~The amount of a bonus
 5 under this section shall be determined by the Direc-
 6 tor, but may not exceed 25 percent of the annual
 7 rate of basic pay of the position involved.

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

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

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

18 **“§ 10105. Disaster workforce reserve cadre**

19 ~~“(a) ESTABLISHMENT.—~~There is established within
 20 the Federal Emergency Management Agency a disaster
 21 workforce reserve cadre to meet the Agency’s surge re-
 22 quirements during periods of emergency, as determined by
 23 the Director of the Federal Emergency Management
 24 Agency.

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

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

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

12 “(3) establishing standards to meet mission re-
 13 quirements;

14 “(4) establishing a robust credentialing system
 15 for the disaster workforce to integrate capabilities
 16 and skill sets into job descriptions for a more effec-
 17 tive and faster response capability;

18 “(5) establishing employment protections for
 19 disaster workforce reservists; **[and]**

20 “(6) establishing a streamlined deployment sys-
 21 tem~~tem~~**[.]**; *and*

22 “(7) *establishing physical and mental health care*
 23 *standards for the disaster workforce during and after*
 24 *service.*

1 “(c) **ANNUITANTS.**—If an individual receiving an an-
 2 nuity from the Civil Service Retirement and Disability
 3 Fund becomes temporarily reemployed pursuant to this
 4 section, such annuity shall not be discontinued thereby.
 5 An individual so reemployed shall not be considered an
 6 employee for the purposes of chapter 83 or **[84.] 84** and
 7 shall not be so reemployed for more than 180 days in con-
 8 nection with any particular emergency unless, in the judg-
 9 ment of the Director, the public interest so requires.

10 “(d) **EXPENSES.**—The Director may provide mem-
 11 bers of the disaster workforce reserve cadre transportation
 12 and per diem in lieu of subsistence, in accordance with
 13 applicable provisions of this title, for the purpose of par-
 14 ticipating in any training that relates to service as a mem-
 15 ber of the disaster workforce reserve cadre.”.

16 (b) **CONFORMING AMENDMENT.**—The table of chap-
 17 ters for subpart I of part III of title 5, United States
 18 Code, is amended by adding at the end the following:

“401. Federal Emergency Management Agency personnel 40101”.

19 ***Subtitle C—Federal Emergency***
 20 ***Management Agency Procurement***

21 ***SEC. 131. LIMITATIONS ON TIERING OF SUBCONTRACTORS.***

22 (a) **REGULATIONS.**—The Director shall promulgate
 23 regulations applicable to contracts described in subsection
 24 (c) to minimize the excessive use by contractors of sub-

1 *contractors or tiers of subcontractors to perform the prin-*
 2 *cipal work of the contract.*

3 (b) *SPECIFIC REQUIREMENT.*—*At a minimum, the*
 4 *regulations promulgated under subsection (a) shall preclude*
 5 *a contractor from using subcontracts for more than 65 per-*
 6 *cent of the cost of the contract (not including overhead and*
 7 *profit), unless the Director determines that exceptional cir-*
 8 *cumstances apply.*

9 (c) *COVERED CONTRACTS.*—*This section applies to*
 10 *any cost-reimbursement type contract in an amount greater*
 11 *than the simplified acquisition threshold (as defined by sec-*
 12 *tion 4 of the Office of Federal Procurement Policy Act (41*
 13 *U.S.C. 403)) entered into by the Agency to facilitate re-*
 14 *sponse to or recovery from a major disaster or emergency.*

15 **SEC. 132. LIMITATION ON LENGTH OF CERTAIN NON-**
 16 **COMPETITIVE CONTRACTS.**

17 (a) *REGULATIONS.*—*The Director shall promulgate*
 18 *regulations applicable to contracts described in subsection*
 19 *(c) to restrict the contract period of any such contract en-*
 20 *tered into using procedures other than competitive proce-*
 21 *dures pursuant to the exception provided in paragraph (2)*
 22 *of section 303(c) of the Federal Property and Administra-*
 23 *tive Services Act of 1949 (41 U.S.C. 253(c)) to the min-*
 24 *imum contract period necessary—*

1 (1) *to meet the urgent and compelling require-*
 2 *ments of the work to be performed under the contract;*
 3 *and*

4 (2) *to enter into another contract for the re-*
 5 *quired goods or services through the use of competitive*
 6 *procedures.*

7 (b) *SPECIFIC CONTRACT PERIOD.*—*The regulations*
 8 *promulgated under subsection (a) shall require the contract*
 9 *period to not exceed 240 days, unless the Director deter-*
 10 *mines that exceptional circumstances apply.*

11 (c) *COVERED CONTRACTS.*—*This section applies to*
 12 *any contract in an amount greater than the simplified ac-*
 13 *quisition threshold (as defined by section 4 of the Office of*
 14 *Federal Procurement Policy Act (41 U.S.C. 403)) entered*
 15 *into by the Agency to facilitate response to or recovery from*
 16 *a major disaster or emergency.*

17 **SEC. 133. PROHIBITION OF CONSIDERATION OF POLITICAL**
 18 **AFFILIATION IN AWARD OF CONTRACTS.**

19 *In the solicitation, evaluation, award, or termination*
 20 *of any contract of the Agency, no preference or consider-*
 21 *ation may be given to the political party affiliation of, the*
 22 *political contributions of, or the political views expressed*
 23 *by, the contractor or potential contractor or its officers or*
 24 *employees.*

1 **TITLE II—STRENGTHENING THE**
 2 **FEDERAL EMERGENCY MAN-**
 3 **AGEMENT AGENCY**

4 **SEC. 201. CATASTROPHIC PLANNING PROGRAM.**

5 Subtitle A of title VI of the Robert T. Stafford Dis-
 6 aster Relief and Emergency Assistance Act (42 U.S.C.
 7 5196 et seq.) is amended by adding at the end the fol-
 8 lowing:

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

10 **“(a) ESTABLISHMENT.**—The Director shall establish
 11 a program to assist States and local governments rep-
 12 resenting areas at substantial risk for a catastrophic inci-
 13 dent, and other Federal agencies as appropriate, in devel-
 14 oping a comprehensive program to prepare for a cata-
 15 strophic incident.

16 **“(b) ACTIVITIES.**—The program may include plan-
 17 ning, training, exercises, and such other activities as the
 18 Director considers necessary.

19 **“(c) SITE SELECTION.**—In conducting the program,
 20 the Director, in coordination with a State or local govern-
 21 ment, shall select sites within the jurisdiction of such
 22 State or local government that are at substantial risk for
 23 a catastrophic incident and require additional prepared-
 24 ness activities to ensure an effective response and recov-
 25 ery.

1 “(d) CATASTROPHIC INCIDENT.—In this section, the
 2 term ‘catastrophic incident’ means any natural or man-
 3 made incident, including terrorism, that results in extraor-
 4 dinary levels of mass casualties, damage, or disruption se-
 5 verely affecting the population, infrastructure, environ-
 6 ment, economy, national morale, or government functions.

7 “(e) REPORT.—The Director shall submit to the
 8 Committee on Transportation and Infrastructure of the
 9 House of Representatives and the Committee on Home-
 10 land Security and Governmental Affairs of the Senate a
 11 report on the preparedness levels of participating jurisdic-
 12 tions.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 14 is authorized to be appropriated to carry out this section
 15 \$30,000,000 for fiscal year 2007, \$32,000,000 for fiscal
 16 year 2008, \$34,000,000 for fiscal year 2009, and such
 17 sums as are necessary for each fiscal year thereafter. Such
 18 sums shall remain available until expended.”.

19 **SEC. 202. EMERGENCY RESPONSE TEAMS.**

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

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

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

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

4 ~~(2) by adding at the end the following:~~

5 ~~“(b) EMERGENCY RESPONSE TEAMS.—~~

6 ~~“(1) ESTABLISHMENT.—In carrying out sub-~~
 7 ~~section (a), the President, acting through the Direc-~~
 8 ~~tor of the Federal Emergency Management Agency,~~
 9 ~~shall establish at a minimum 3 national response~~
 10 ~~teams and sufficient regional and other response~~
 11 ~~teams as may be necessary to meet the incident~~
 12 ~~management responsibilities of the Federal Govern-~~
 13 ~~ment.~~

14 ~~“(2) TARGET CAPABILITY LEVEL.—The Direc-~~
 15 ~~tor shall ensure that specific target capability levels,~~
 16 ~~as defined pursuant to the guidelines established~~
 17 ~~under section 703(b)(2)(A), are established for Fed-~~
 18 ~~eral emergency response teams.~~

19 ~~“(3) PERSONNEL.—The President, acting~~
 20 ~~through the Director, shall ensure that the Federal~~
 21 ~~emergency response teams consist of adequate num-~~
 22 ~~bers of properly planned, organized, equipped,~~
 23 ~~trained, and exercised personnel to achieve the es-~~
 24 ~~tablished target capability levels.~~

25 ~~“(4) READINESS REPORTING.—The Director~~
 26 ~~shall evaluate team readiness on a regular basis and~~

1 report team readiness levels in the report required
2 under section 703(b)(8)(A).”.

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

4 (a) NATIONAL.—The Director shall maintain and op-
5 erate within the Federal Emergency Management Agency
6 a national emergency operations center to support Federal
7 emergency operations.

8 (b) REGIONAL.—The Director shall ensure that each
9 region of the Agency maintains and operates an emer-
10 gency operations center to support Federal emergency op-
11 erations.

12 (c) TARGET CAPABILITY LEVELS.—The Director
13 shall ensure that specific target capability levels, as de-
14 fined pursuant to the guidelines established under section
15 703(b)(2)(A) of the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (as added by this Act), are
17 established for national and regional emergency operations
18 centers.

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

24 (e) READINESS REPORTING.—The Director shall
25 evaluate the readiness of the emergency operations centers

1 on a regular basis and report readiness levels in the report
2 required under section 703(b)(8)(A) of such Act.

3 **SEC. 204. LOGISTICS.**

4 (a) **IN GENERAL.**—The Director shall develop an effi-
5 cient, transparent, and flexible logistics system for pro-
6 curement and delivery of goods and services necessary for
7 an effective and timely response to major disasters and
8 other emergencies and for real-time visibility of items at
9 each point throughout the logistics system.

10 (b) **SYSTEM DEVELOPMENT.**—The Director shall en-
11 sure that the logistics system is developed through the use
12 of in-house, private sector, and other Federal agency logis-
13 tics capabilities (or a combination thereof).

14 (c) **STATE AND LOCAL CONTRACTS.**—The Director
15 shall encourage State and local governments to establish
16 contracts with private sector vendors for disaster relief
17 supplies in advance of major disasters and other emer-
18 gencies.

19 **SEC. 205. COMMUNICATIONS.**

20 (a) **COMMUNICATIONS CAPABILITY.**—The Director
21 shall establish and maintain a durable, deployable, oper-
22 able, and interoperable communications capability within
23 the Agency in order to gain and retain incident manage-
24 ment communications in areas that have lost regular com-

1 munications systems during major disasters and other
2 emergencies.

3 (b) RECONNAISSANCE TEAMS.—The Director shall
4 establish self-sustaining reconnaissance teams to relay in-
5 formation back to Agency headquarters to improve situa-
6 tional awareness and incident management coordination.

7 **SEC. 206. EMERGENCY EQUIPMENT ASSISTANCE.**

8 Subtitle B of title VI of the Robert T. Stafford Dis-
9 aster Relief and Emergency Assistance Act (42 U.S.C.
10 5197 et seq.) is amended by adding at the end the fol-
11 lowing:

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

13 “(a) GRANTS.—The Director shall carry out a pro-
14 gram to make grants to States and local governments to
15 improve the response capabilities of the States and local
16 governments in the event of a major disaster or other
17 emergency.

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

21 “(1) to purchase or improve commercially avail-
22 able interoperable communications equipment that—

23 “(A) complies with, where applicable, na-
24 tional voluntary consensus standards;

1 “(B) facilitates operability, interoper-
2 ability, coordination, and integration between
3 and among emergency communications systems
4 (including satellite phone and satellite commu-
5 nications equipment); and

6 “(C) ensures that first responders, govern-
7 ment officials, and emergency personnel are
8 able to adequately and effectively communicate
9 with each other in the event of a major disaster
10 or other emergency;

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

13 “(3) to train first responders and emergency
14 personnel on how best to use effectively such equip-
15 ment.

16 “(c) APPLICATIONS.—A State or local government
17 seeking a grant under this section shall submit to the Di-
18 rector an application at such time, in such manner, and
19 accompanied by such information as the Director may re-
20 quire.

21 “(d) TECHNICAL ASSISTANCE.—The Director shall
22 provide to States and local governments technical assist-
23 ance with respect to the procurement, installation, and use
24 of equipment under subsection (b)(1).

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

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 5 is authorized to be appropriated to carry out this section
 6 \$200,000,000 for each of fiscal years 2006, 2007, and
 7 2008. Such sums shall remain available until expended.”.

8 **SEC. 207. OVERSIGHT AND ACCOUNTABILITY OF FEDERAL**
 9 **DISASTER EXPENDITURES.**

10 (a) PURPOSE.—The purposes of this section is to en-
 11 sure that Federal agencies exercise sufficient stewardship
 12 over the funds provided to the agencies through Agency
 13 mission assignments for disaster response, relief, and re-
 14 covery activities by requiring and funding management
 15 oversight activities to prevent fraud, waste, and abuse and
 16 to detect and pursue prosecution of fraud so that tax-
 17 payers’ interests are fully protected.

18 (b) AUTHORITY OF DIRECTOR TO DESIGNATE FUNDS
 19 FOR OVERSIGHT ACTIVITIES.—The Director may des-
 20 ignate up to one percent of the final value of mission as-
 21 signments provided to Federal agencies to be used by the
 22 recipient agency for performing oversight of activities car-
 23 ried out under the Agency reimbursable mission assign-
 24 ment process. Such funds shall remain available until ex-
 25 pended.

1 ~~(c) USE OF FUNDS.—~~

2 ~~(1) TYPES OF OVERSIGHT ACTIVITIES.—~~Over-
3 sight funds may be used for the following types of
4 oversight activities related to Agency mission assign-
5 ments:

6 ~~(A) Monitoring, tracking, and auditing ex-~~
7 penditures of funds.

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

13 ~~(C) Reviewing selected contracts and other~~
14 activities.

15 ~~(D) Investigating allegations of fraud in-~~
16 volving Agency funds.

17 ~~(E) Conducting and participating in fraud~~
18 prevention activities with other Federal, State,
19 and local government personnel and contrac-
20 tors.

21 ~~(2) OTHER MISSION ASSIGNMENTS.—~~Oversight
22 funds may be expended for oversight activities re-
23 lated to a disaster mission assignment other than
24 the mission assignment for which the funds were ini-
25 tially provided.

1 ~~(3) PROGRESS REPORTS.—Oversight funds may~~
2 be used to produce progress reports required under
3 ~~subsection (e).~~

4 ~~(d) RESTRICTION ON USE OF FUNDS.—Oversight~~
5 funds may not be used to finance existing and inherent
6 ~~agency oversight responsibilities related to direct agency~~
7 ~~appropriations used for disaster response, relief, and re-~~
8 ~~covery activities.~~

9 ~~(e) FEDERAL DISASTER ASSISTANCE ACCOUNT-~~
10 ~~ABILITY REPORTS.—A Federal agency receiving oversight~~
11 funds under this section shall submit annually to the Di-
12 rector and the appropriate committees of Congress a con-
13 solidated report regarding the use of such funds, including
14 information summarizing oversight activities and the re-
15 sults achieved.

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

1 **TITLE III—COMPREHENSIVE**
 2 **EMERGENCY PREPAREDNESS**
 3 **SYSTEM**

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

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

8 (1) by redesignating title VII as title VIII;

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

11 (3) by inserting after title VI the following:

12 **“TITLE VII—COMPREHENSIVE**
 13 **EMERGENCY PREPAREDNESS**
 14 **SYSTEM**

15 **“SEC. 701. DEFINITIONS.**

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

18 “(1) CAPABILITY.—The term ‘capability’ means
 19 the ability to provide the means to accomplish one
 20 or more tasks under specific conditions and to spe-
 21 cific performance standards. A capability may be de-
 22 livered with any combination of properly planned, or-
 23 ganized, equipped, trained, and exercised personnel
 24 that achieves the intended outcome.

1 “(2) COVERED GRANT.—The term ‘covered
2 grant’ means a grant referred to in section 708 and
3 any other emergency preparedness grant adminis-
4 tered by the Federal Emergency Management Agen-
5 cy.

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

12 “(4) OPERATIONAL READINESS.—The term
13 ‘operational readiness’ means the capability of an or-
14 ganization, an asset, a system, or equipment to per-
15 form the missions or functions for which it is orga-
16 nized or designed.

17 “(5) PERFORMANCE MEASURE.—The term ‘per-
18 formance measure’ means a quantitative or quali-
19 tative characteristic used to gauge the results of an
20 outcome compared to its intended purpose.

21 “(6) PERFORMANCE METRIC.—The term ‘per-
22 formance metric’ means a particular value or char-
23 acteristic used to measure the outcome that is gen-
24 erally expressed in terms of a baseline and a target.

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

2 “(a) ESTABLISHMENT.—The President, acting
3 through the Director, shall establish and revise as nec-
4 essary a national emergency preparedness goal that de-
5 fines the target level of emergency preparedness to ensure
6 the Nation’s ability to respond to, recover from, and miti-
7 gate against all hazards, including major disasters and
8 other emergencies.

9 “(b) NATIONAL INCIDENT MANAGEMENT SYSTEM
10 AND NATIONAL RESPONSE PLAN.—The national emer-
11 gency preparedness goal, to the greatest extent prac-
12 ticable, shall be consistent with the national incident man-
13 agement system and national response plan.

14 **“SEC. 703. ESTABLISHMENT OF THE NATIONAL EMER-**
15 **GENCY PREPAREDNESS SYSTEM.**

16 “(a) ESTABLISHMENT.—The President, acting
17 through the Director, shall establish a national emergency
18 preparedness system to enable the Nation to meet the na-
19 tional emergency preparedness goal.

20 “(b) COMPONENTS.—The national emergency pre-
21 paredness system includes the following components:

22 “(1) NATIONAL PLANNING SCENARIOS.—

23 “(A) IN GENERAL.—The Director, in co-
24 ordination with the heads of other appropriate
25 Federal agencies and the Task Force estab-
26 lished under section 707(a), may develop plan-

ning scenarios to reflect the relative risk requirements presented by all hazards in order to provide the foundation for the flexible and adaptive development of target capabilities and the identification of target capability levels to meet the national emergency preparedness goal.

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

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

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

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

“(A) ESTABLISHMENT OF GUIDELINES ON TARGET CAPABILITIES.—Not later than 180 days after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, the Director, in coordination with the heads of other appro-

1 priate Federal agencies, including the National
2 Council on Disability, and the Task Force es-
3 tablished under section 707(a), shall update
4 and revise as necessary guidelines to define the
5 risk-based target capabilities for Federal, State,
6 and local government emergency preparedness
7 that enables the Nation to respond to, recover
8 from, and mitigate against all hazards, includ-
9 ing major disasters and other emergencies.

10 “(B) DISTRIBUTION OF GUIDELINES.—

11 The Director shall ensure that the guidelines
12 are provided promptly to Congress and the
13 States. The States are encouraged to make the
14 guidelines available to local governments within
15 their jurisdictions.

16 “(C) OBJECTIVES.—The Director shall en-
17 sure that the guidelines established under sub-
18 paragraph (A) meet the following objectives:

19 “(i) SPECIFICITY.—The guidelines
20 specifically describe the training, planning,
21 personnel, and equipment that Federal,
22 State, and local governments need to pos-
23 sess, or to which they need to have access,
24 in order to meet the national emergency
25 preparedness goal.

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

8 “(iii) MEASURABILITY.—The guide-
9 lines are designed to enable measurement
10 of progress toward specific emergency pre-
11 paredness levels.

12 “(D) EMERGENCY PREPAREDNESS PRIOR-
13 ITIES.—In establishing the guidelines under
14 subparagraph (A), the Director shall establish
15 emergency preparedness priorities that appro-
16 priately balance the risk of all hazards, includ-
17 ing major disasters and other emergencies with
18 the resources required to respond to, recover
19 from, and mitigate against them.

20 “(E) MUTUAL AID AGREEMENTS.—The
21 Director may provide support for the develop-
22 ment of mutual aid agreements within States.

23 “(3) EQUIPMENT.—

24 “(A) EQUIPMENT STANDARDS.—

1 “(i) ~~IN GENERAL.~~—The Director, in
2 coordination with the heads of other appro-
3 priate Federal agencies and the Task
4 Force established under section 707(a),
5 shall develop, promulgate, and update as
6 necessary national voluntary consensus
7 standards for first responder equipment
8 for use in the field. In developing such
9 standards, the Director shall—

10 “(I) ensure that the standards
11 encourage and support nationwide
12 interoperability and operability of
13 equipment and other capabilities con-
14 sistent with the national emergency
15 preparedness goal, including the safe-
16 ty and health of first responders;

17 “(II) to the maximum extent
18 practicable, ensure that the standards
19 are consistent with any existing vol-
20 untary consensus standards;

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

1 “(IV) take into account, as ap-
2 propriate, threats that may not have
3 been contemplated when such existing
4 standards were developed; and

5 “(V) focus on maximizing inter-
6 operability, operability, interchange-
7 ability, durability, flexibility, effi-
8 ciency, efficacy, portability, sustain-
9 ability, and safety of equipment.

10 “(ii) DEADLINE.—Not later than 180
11 days after the date of enactment of the Re-
12 storing Emergency Services to Protect Our
13 Nation From Disasters Act of 2006, the
14 Director shall promulgate standards under
15 this subparagraph.

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

20 “(4) TRAINING AND EXERCISES.—

21 “(A) PROGRAM.—Not later than 180 days
22 after the date of enactment of the Restoring
23 Emergency Services to Protect Our Nation
24 From Disasters Act of 2006, the Director, in
25 coordination with the heads of other appro-

1 appropriate Federal agencies, including the National
2 Council on Disability, and the Task Force es-
3 tablished under section 707(a), shall establish
4 and maintain a comprehensive training program
5 for all levels of government to implement the
6 national emergency preparedness goal, national
7 incident management system, and national re-
8 sponse plan.

9 “(B) TRAINING STANDARDS.—The Direc-
10 tor shall develop and update as necessary, na-
11 tional voluntary consensus standards for the
12 training program established under subpara-
13 graph (A).

14 “(C) EXERCISES.—The Director, in coordi-
15 nation with the heads of other appropriate Fed-
16 eral agencies and the Task Force established
17 under section 707(a), shall establish and main-
18 tain a program, including risk-based scenarios
19 that stress the emergency management system,
20 to conduct emergency preparedness-related ex-
21 ercises that reinforce identified training stand-
22 ards, provide for evaluation of emergency pre-
23 paredness, and support the national emergency
24 preparedness goal, national incident manage-
25 ment system, and national response plan.

1 ~~“(5) COMPREHENSIVE ASSESSMENT SYSTEM.—~~

2 ~~“(A) ESTABLISHMENT.—The Director, in~~
3 ~~coordination with the National Council on Dis-~~
4 ~~ability and the Task Force established under~~
5 ~~section 707(a), shall establish a comprehensive~~
6 ~~system to assess on an ongoing basis, the Na-~~
7 ~~tion’s overall emergency preparedness, including~~
8 ~~operational readiness.~~

9 ~~“(B) PERFORMANCE METRICS AND MEAS-~~
10 ~~URES.—The Director shall ensure that each~~
11 ~~component of the national emergency prepared-~~
12 ~~ness system, national incident management sys-~~
13 ~~tem, and national response plan is developed~~
14 ~~with clear and quantifiable performance~~
15 ~~metrics, measures, and outcomes.~~

16 ~~“(C) CONTENTS.—The assessment system~~
17 ~~established under subparagraph (A) shall as-~~
18 ~~sess—~~

19 ~~“(i) compliance with the national~~
20 ~~emergency preparedness system, national~~
21 ~~incident management system, and national~~
22 ~~response plan to achieve a consistent ap-~~
23 ~~proach to national emergency preparedness~~
24 ~~and response;~~

1 “(ii) capability levels at the time of
2 assessment against target capability levels
3 defined pursuant to the guidelines estab-
4 lished under paragraph (2)(A);

5 “(iii) resource needs to meet the de-
6 sired target capability levels defined pursu-
7 ant to the guidelines established under
8 paragraph (2)(A); and

9 “(iv) performance of training, exer-
10 cises, and operations.

11 “(6) BEST PRACTICES, AFTER ACTION RE-
12 VIEWS, AND REMEDIAL ACTION PROGRAM.—

13 “(A) IN GENERAL.—The Director, in co-
14 ordination with the National Council on Dis-
15 ability and the Task Force established under
16 section 707(a), shall establish a system for
17 identifying best practices and conducting after
18 action reviews of incidents and exercises.

19 “(B) REMEDIAL ACTION.—The Director,
20 in coordination with the National Council on
21 Disability and the Task Force established under
22 section 707(a), shall ensure through a remedial
23 action program that the best practices and after
24 action reviews identified under subparagraph
25 (A) are used to revise and update the national

1 emergency preparedness system, national inci-
2 dent management system, and national re-
3 sponse plan on a continual basis.

4 “(7) FEDERAL RESPONSE CAPABILITY INVEN-
5 TORY.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of the Restor-
8 ing Emergency Services to Protect Our Nation
9 From Disasters Act of 2006, the Director, in
10 coordination with the heads of other appro-
11 priate Federal agencies, shall develop and main-
12 tain a Federal response capability inventory
13 that includes the performance parameters of
14 the capability, the timeframe within which the
15 capability can be brought to bear on an inci-
16 dent, and the readiness of such capability to re-
17 spond to all hazards, including major disasters
18 and other emergencies.

19 “(B) DEPARTMENT OF DEFENSE.—The
20 Director, in coordination with the Secretary of
21 Defense, shall develop a list of organizations
22 and functions within the Department of De-
23 fense that may be used, pursuant to the author-
24 ity provided under sections 402, 403, and 502
25 of this Act, to provide support to civil authori-

ties during major disasters and other emergencies.

~~“(8) REPORTING REQUIREMENTS.—~~

~~“(A) FEDERAL EMERGENCY PREPAREDNESS REPORT.—~~

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

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

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

1 “(H) an assessment of compli-
2 ance with the national emergency pre-
3 paredness system, national incident
4 management system, and national re-
5 sponse plan;

6 “(III) an assessment of current
7 Federal and State capability levels
8 and a description of target capability
9 levels defined pursuant to the guide-
10 lines established under paragraph
11 (2)(A);

12 “(IV) an assessment of perform-
13 ance of training, exercises, and oper-
14 ations;

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

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

19 “(VII) an assessment of resource
20 needs to meet target capability levels
21 defined pursuant to the guidelines es-
22 tablished under paragraph (2)(A), in-
23 cluding—

24 “(aa) an estimate of the
25 amount of Federal, State, and

1 local expenditures required to at-
2 tain the target capability levels;
3 and

4 “(bb) the extent to which
5 target capability levels were cre-
6 ated or enhanced as the result of
7 using covered grant funds during
8 the preceding fiscal year.

9 “(B) STATE EMERGENCY PREPAREDNESS
10 REPORT.—

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

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

21 “(I) an assessment of State com-
22 pliance with the national emergency
23 preparedness system, national incident
24 management system, and national re-
25 sponse plan;

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

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

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

9 “(V) information on the distribu-
10 tion by the State of the guidelines es-
11 tablished by paragraph (2)(A) to local
12 governments within its jurisdiction;
13 and

14 “(VI) an assessment of resource
15 needs to meet target capability levels
16 defined pursuant to the guidelines es-
17 tablished under paragraph (2)(A), in-
18 cluding—

19 “(aa) an estimate of the
20 amount of expenditures required
21 to attain the target capability lev-
22 els; and

23 “(bb) the extent to which
24 target capability levels were cre-
25 ated or enhanced as the result of

1 using covered grant funds during
2 the preceding fiscal year.

3 ~~“(C) USE OF QUANTIFIABLE PERFORM-~~
4 ~~ANCE MEASUREMENTS.—To the extent prac-~~
5 ~~ticable, each report shall be based on quantifi-~~
6 ~~able performance measurements.~~

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

8 ~~“(a) NATIONAL INCIDENT MANAGEMENT SYSTEM.—~~
9 ~~There is hereby established a national incident manage-~~
10 ~~ment system that encompasses a single, comprehensive ap-~~
11 ~~proach to domestic incident management to ensure that~~
12 ~~all levels of government across the Nation have the capa-~~
13 ~~bility to work efficiently and effectively together by using~~
14 ~~a consistent approach to domestic incident management~~
15 ~~for all hazards, including major disasters and other emer-~~
16 ~~gencies.~~

17 ~~“(b) RESPONSIBILITIES OF DIRECTOR.—~~

18 ~~“(1) RESPONSIBILITY FOR SYSTEM.—The Di-~~
19 ~~rector shall be responsible for all aspects of the na-~~
20 ~~tional incident management system, including com-~~
21 ~~pleting, implementing, maintaining, and revising the~~
22 ~~system.~~

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

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

2 ~~“(a) RESPONSIBILITIES OF DIRECTOR.—~~

3 ~~“(1) RESPONSIBILITY FOR PLAN.—The Direc-~~
 4 ~~tor shall be responsible for all aspects of the national~~
 5 ~~response plan, including completing, implementing,~~
 6 ~~maintaining, and revising the plan.~~

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

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

13 ~~“(1) IN GENERAL.—Not later than March 1,~~
 14 ~~2007, the Director shall, in coordination with the~~
 15 ~~heads of other appropriate Federal agencies, includ-~~
 16 ~~ing the National Council on Disability, and the Task~~
 17 ~~Force established under section 707(a), complete a~~
 18 ~~comprehensive review of the national response plan~~
 19 ~~for the purpose of identifying areas for revision.~~

20 ~~“(2) REVIEW AND REVISE.—As part of the re-~~
 21 ~~view, the Director shall review and revise the na-~~
 22 ~~tional response plan—~~

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

1 ~~“(B) to establish a protocol for a proactive~~
 2 ~~Federal response in support of a State to a cat-~~
 3 ~~astrophic disaster with or without warning; and~~
 4 ~~“(C) to clarify the role of who is in charge~~
 5 ~~of the Federal disaster response.~~

6 ~~“(e) MISSION ASSIGNMENTS.—To expedite the provi-~~
 7 ~~sion of assistance under the national response plan; the~~
 8 ~~Director, in coordination with the heads of other appro-~~
 9 ~~priate Federal agencies and the Task Force established~~
 10 ~~under section 707(a), shall develop prescribed mission as-~~
 11 ~~signments for logistics, communications, mass care, health~~
 12 ~~services, and public safety.~~

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

14 ~~“(a) AGENCY RESPONSIBILITY.—In support of the~~
 15 ~~national emergency preparedness system established~~
 16 ~~under this title, the President shall ensure that each Fed-~~
 17 ~~eral agency with responsibility for responding to major~~
 18 ~~disasters and other emergencies shall—~~

19 ~~“(1) have the operational capability, including~~
 20 ~~the personnel to make and communicate decisions,~~
 21 ~~organizational structures that are assigned, trained,~~
 22 ~~and exercised for their missions, sufficient physical~~
 23 ~~resources, and the command, control, and commu-~~
 24 ~~nication channels to make, monitor, and commu-~~

1 nicate decisions to meet the national emergency pre-
2 paredness goal;

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

6 “(3) develop, in support of crisis operational ca-
7 pability, a deliberate planning capability, including
8 plans, personnel, and training; and

9 “(4) develop, train, and exercise rosters of dis-
10 aster response personnel to be deployed when the or-
11 ganization is called upon to support a Federal re-
12 sponse.

13 “(b) CONSTRUCTION.—Nothing in this section shall
14 limit the authority of the Secretary of Defense with regard
15 to the command and control, training, planning, equip-
16 ment, exercises, or employment of Department of Defense
17 forces, or the allocation of Department of Defense re-
18 sources.

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

21 “(a) ESTABLISHMENT.—The Director shall establish
22 a National Emergency Preparedness Task Force (referred
23 to in this section as the ‘Task Force’) to ensure effective
24 and ongoing coordination of Federal emergency prepared-
25 ness, response, recovery, and mitigation efforts for all haz-

ards that incorporates State and local government and private sector input in the development and revision of the national emergency preparedness goal, the national emergency preparedness system, national incident management system, and national response plan.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of members appointed by the Director from State and local emergency management organizations and governmental and nongovernmental emergency response organizations from the State and local levels.

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

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

“(B) State and local emergency management professional organizations; and

“(C) individuals involved in a cross section of emergency response disciplines and professions, including as appropriate fire service and law enforcement, hazardous materials response, emergency medical services, public works personnel routinely engaged in emergency response, health professionals, and organizations

1 with expertise in accrediting and establishing
 2 standards for emergency management services.

3 ~~“(3) CONSULTATION WITH THE DEPARTMENT~~
 4 ~~OF HEALTH AND HUMAN SERVICES.—In the selec-~~
 5 ~~tion of members of the Task Force who are health~~
 6 ~~professionals, including emergency medical profes-~~
 7 ~~sionals, the Director shall consult with the Secretary~~
 8 ~~of Health and Human Services.~~

9 ~~“(4) EX OFFICIO MEMBERS.—The Director~~
 10 ~~shall designate one or more officers from the Fed-~~
 11 ~~eral Emergency Management Agency to serve as an~~
 12 ~~ex officio member of the Task Force.~~

13 **~~“SEC. 708. AUTHORIZATION.~~**

14 ~~“(a) IN GENERAL.—The Director is authorized to~~
 15 ~~make grants to any State or local government for the pur-~~
 16 ~~pose of carrying out this title.~~

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

22 ~~(b) CONFORMING AMENDMENT.—Section 601 is~~
 23 ~~amended by inserting “and title VII” after “this title”.~~

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

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

6 **(b) TABLE OF CONTENTS.—**

Sec. 1. Short title; table of contents.

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

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Sec. 101. Establishment of Agency.

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Sec. 201. Catastrophic planning program.

Sec. 202. Emergency response teams.

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Sec. 205. Prepositioned equipment program.

Sec. 206. Communications.

Sec. 207. Emergency equipment assistance.

**Sec. 208. Oversight and accountability of Federal disaster ex-
penditures.**

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

**TITLE III—COMPREHENSIVE EMERGENCY PREPAREDNESS
SYSTEM**

Sec. 301. National emergency preparedness.

Sec. 302. Emergency management assistance compact grants.

1 **SEC. 2. FINDINGS.**

2 **Congress finds the following:**

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

9 **(2) Failures at all levels of govern-**
10 **ment significantly undermined and de-**
11 **tracted from the heroic efforts of emer-**
12 **gency responders, private individuals**
13 **and organizations, faith-based groups,**
14 **and others who struggled to assist the**
15 **people of the Gulf Coast.**

16 **(3) Hurricane Katrina revealed that**
17 **the Nation, in general, and the Depart-**
18 **ment of Homeland Security, in particular,**
19 **are unprepared for a major natural dis-**
20 **aster, accident, or terrorist attack.**

21 **(4) Multiple investigations, including**
22 **those by the select committee to inves-**
23 **tigate the preparation for and response**
24 **to Hurricane Katrina of the House of**
25 **Representatives, the Committee on**
26 **Homeland Security and Governmental Af-**

1 **fairs of the Senate, the General Account-**
2 **ability Office, the Inspector General of**
3 **the Department of Homeland Security,**
4 **and the Homeland Security Council es-**
5 **tablished by the President, identified the**
6 **magnitude of the storm, failures of lead-**
7 **ership, and a flawed disaster manage-**
8 **ment system at all levels of government**
9 **as reasons for the inadequate govern-**
10 **ment response.**

11 **(5) The creation of the Department of**
12 **Homeland Security placed an additional**
13 **layer of management and response au-**
14 **thority between the President and the**
15 **Federal Emergency Management Agency**
16 **(in this section referred to as “FEMA”),**
17 **marginalizing the authority of the Direc-**
18 **tor of FEMA.**

19 **(6) During the response to Hurricane**
20 **Katrina, the Department of Homeland Se-**
21 **curity executed important elements of**
22 **the National Response Plan late, ineffec-**
23 **tively, or not at all.**

24 **(7) The competing priorities of the**
25 **terrorism prevention mission of the De-**

1 partment of Homeland Security and the
2 disaster management mission of FEMA
3 significantly contributed to the rapid de-
4 cline of FEMA's capability to coordinate
5 the Federal response to Hurricane
6 Katrina.

7 (8) The transfer of FEMA's prepared-
8 ness grants and functions to other enti-
9 ties of the Department of Homeland Secu-
10 rity, FEMA's tremendous loss of experi-
11 enced professional personnel, and the re-
12 duction of FEMA's funding for equip-
13 ment, training, and exercises made
14 FEMA's inadequate performance in the
15 face of a disaster the size of Hurricane
16 Katrina all but inevitable.

17 (9) While some Federal departments
18 and agencies, such as the Coast Guard,
19 performed admirably, others were inad-
20 equately prepared for Hurricane Katrina
21 and executed their responsibilities under
22 the National Response Plan poorly.

23 (10) The preparedness level and capa-
24 bilities of State and local governments to
25 respond to Hurricane Katrina varied tre-

1 mendously. Some responded effectively
2 while others struggled to evacuate their
3 populations or conduct effective response
4 operations.

5 (11) The Federal Government has
6 spent more than \$15,000,000,000 on first
7 responder grants since 2001, but the Na-
8 tion's core emergency management capa-
9 bilities have improved little and even de-
10 clined in some important respects. Fed-
11 eral homeland security grant programs
12 inadvertently divided what was once a
13 single, all-hazards preparedness system
14 into 2 artificially separate preparedness
15 categories of terrorism and other disas-
16 ters.

17 (12) Comprehensive reform of the Na-
18 tion's emergency management system is
19 necessary to address the dangers pre-
20 sented by major disasters and emer-
21 gencies of all kinds.

22 (13) The Nation's emergency manage-
23 ment system is based on the following
24 general principles:

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

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

6 **(C) Military assistance is pro-**
7 **vided in support of civil authorities.**

8 **(14) Large disasters require presi-**
9 **dential involvement to lead the Federal**
10 **response and mobilize the assets of the**
11 **entire Federal Government, particularly**
12 **Department of Defense assistance, and**
13 **the President needs solid professional ad-**
14 **vice in preparing for and responding to a**
15 **disaster to make the right decisions.**

16 **(15) Preparing for and responding to**
17 **disasters, regardless of the cause, must**
18 **be the top priority of the organization re-**
19 **sponsible for disaster management.**

20 **(16) The coordination of prepared-**
21 **ness and planning to reduce the con-**
22 **sequences of all hazards, including ter-**
23 **rorism, is and has always been part of**
24 **FEMA's primary mission.**

1 **(17) FEMA should be reestablished as**
2 **an independent cabinet-level agency to**
3 **coordinate the Federal response on be-**
4 **half of the President and to lead the Na-**
5 **tion's efforts to improve the Nation's all-**
6 **hazards emergency management system.**

7 **(18) Establishing FEMA as an inde-**
8 **pendent agency will enable the Depart-**
9 **ment of Homeland Security to refocus ef-**
10 **forts on preventing terrorism and free**
11 **FEMA from internal competition with the**
12 **terrorism prevention entities of the De-**
13 **partment for resources and personnel.**

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

19 **(20) FEMA's assets and capabilities to**
20 **coordinate the Federal response to a cat-**
21 **astrophic disaster must be restored and**
22 **enhanced. In particular, FEMA's profes-**
23 **sional workforce and its incident com-**
24 **mand, communications, and logistics ca-**
25 **pabilities must be improved.**

1 **(21) The tension between the Nation’s**
2 **all hazards emergency management sys-**
3 **tem and terrorism preparedness must be**
4 **resolved. An all-hazards approach fully**
5 **addresses terrorism, but preparing for**
6 **terrorism alone does not address all as-**
7 **pects of the other hazards.**

8 **(22) Governments at all levels have**
9 **historically analyzed past disaster re-**
10 **sponses by participating in lessons-**
11 **learned exercises, yet too often have**
12 **failed to act upon recommendations nec-**
13 **essary to produce a more effective and ef-**
14 **ficient response to future disasters.**

15 **(23) Congress should ensure the es-**
16 **tablishment of an all-hazards, com-**
17 **prehensive national emergency prepared-**
18 **ness goal and system that will—**

19 **(A) ensure a consistent approach**
20 **to domestic incident management;**

21 **(B) establish target capabilities**
22 **that each level of government should**
23 **possess or to which it should have ac-**
24 **cess;**

1 (C) direct resources to filling ca-
2 pability gaps and regularly assess the
3 Nation’s preparedness level; and

4 (D) ensure that lessons learned
5 and best practices are fully incor-
6 porated into the further development
7 of the emergency preparedness sys-
8 tem.

9 SEC. 3. DEFINITIONS.

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

12 (1) AGENCY.—The term “Agency”
13 means the Federal Emergency Manage-
14 ment Agency established under section
15 101.

16 (2) DIRECTOR.—The term “Director”
17 means the Director of the Federal Emer-
18 gency Management Agency appointed
19 under section 103.

20 (3) EMERGENCY.—The term “emer-
21 gency” has the meaning given that term
22 in section 102 of the Robert T. Stafford
23 Disaster Relief and Emergency Assist-
24 ance Act (42 U.S.C. 5122).

1 **(4) EMERGENCY PREPAREDNESS.—**The
2 term “emergency preparedness” has the
3 meaning given that term in section 602(a)
4 of the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C.
6 5195a(a)).

7 **(5) HAZARD.—**The term “hazard” has
8 the meaning given that term in section
9 602(a) of the Robert T. Stafford Disaster
10 Relief and Emergency Assistance Act (42
11 U.S.C. 5195a(a)).

12 **(6) LOCAL GOVERNMENT.—**The term
13 “local government” has the meaning
14 given that term in section 102 of the Rob-
15 ert T. Stafford Disaster Relief and Emer-
16 gency Assistance Act (42 U.S.C. 5122).

17 **(7) MAJOR DISASTER.—**The term “major
18 disaster” has the meaning given that
19 term in section 102 of the Robert T. Staf-
20 ford Disaster Relief and Emergency As-
21 sistance Act (42 U.S.C. 5122).

22 **(8) MISSION ASSIGNMENT.—**The term
23 “mission assignment” means a work
24 order issued to a Federal agency by the
25 Federal Emergency Management Agency,

1 directing completion by that agency of a
2 specified task and setting forth funding,
3 other managerial controls, and guidance.

4 (9) STATE.—The term “State” has the
5 meaning given that term in section 102 of
6 the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act (42 U.S.C.
8 5122).

9 **TITLE I—ESTABLISHMENT OF AN**
10 **INDEPENDENT FEDERAL**
11 **EMERGENCY MANAGEMENT**
12 **AGENCY**

13 **Subtitle A—Federal Emergency**
14 **Management Agency**

15 **SEC. 101. ESTABLISHMENT OF AGENCY.**

16 (a) INDEPENDENT ESTABLISHMENT.—The
17 Federal Emergency Management Agency is
18 established as a cabinet-level independent es-
19 tablishment in the executive branch.

20 (b) MISSION.—The primary mission of the
21 Agency is to reduce the loss of life and prop-
22 erty from all hazards, including major disas-
23 ters, acts of terrorism, and other emergencies,
24 by leading and supporting the Nation in a
25 risk-based, comprehensive, emergency man-

1 **agement system of preparedness, response,**
2 **recovery, and mitigation.**

3 **SEC. 102. RESPONSIBILITIES.**

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

6 **(1) All functions and authorities pre-**
7 **scribed by the Robert T. Stafford Disaster**
8 **Relief and Emergency Assistance Act (42**
9 **U.S.C. 5121 et seq.).**

10 **(2) Carrying out its mission to reduce**
11 **the loss of life and property from all haz-**
12 **ards, including major disasters, acts of**
13 **terrorism, and other emergencies, by**
14 **leading and supporting the Nation in a**
15 **risk-based, comprehensive emergency**
16 **management system of—**

17 **(A) preparedness, by leading and**
18 **coordinating the effort to build Fed-**
19 **eral, State, and local emergency man-**
20 **agement capabilities and readiness to**
21 **effectively respond to, recover from,**
22 **and mitigate against all hazards;**

23 **(B) response, by leading and co-**
24 **ordinating emergency operations to**

1 **save lives, protect property, and meet**
2 **basic human needs;**

3 **(C) recovery, by rebuilding com-**
4 **munities so individuals, businesses,**
5 **and governments can function on**
6 **their own, return to normal life, and**
7 **protect against future hazards;**

8 **(D) mitigation, by taking sus-**
9 **tained actions to reduce or eliminate**
10 **long-term risk to people and property**
11 **from hazards and their effects; and**

12 **(E) increased efficiencies, by co-**
13 **ordinating efforts relating to pre-**
14 **paredness, response, recovery, and**
15 **mitigation.**

16 **(3) Preparing and implementing the**
17 **Federal Government's plans and pro-**
18 **grams for—**

19 **(A) continuity of operations;**

20 **(B) continuity of Government;**
21 **and**

22 **(C) continuity of plans.**

23 **(b) NATIONAL RESPONSE PLAN.—**

24 **(1) ROLE OF FEMA.—Notwithstanding**
25 **any other provision of law, the Agency**

1 shall be the lead agency for the National
2 Response Plan.

3 (2) REVISION OF RESPONSE PLAN.—Not
4 later than 30 days after the date of enact-
5 ment of this Act, the Director shall revise
6 the National Response Plan to reflect the
7 establishment of and incorporate the
8 Agency as an independent establishment
9 under this Act.

10 SEC. 103. DIRECTOR; DEPUTY DIRECTOR.

11 (a) DIRECTOR.—

12 (1) IN GENERAL.—The Agency shall be
13 headed by a Director, who shall be ap-
14 pointed by the President, by and with the
15 advice and consent of the Senate, and
16 who shall report directly to the Presi-
17 dent. The Director shall be compensated
18 at the rate provided for at level I of the
19 Executive Schedule under section 5312 of
20 title 5, United States Code.

21 (2) QUALIFICATIONS.—The Director
22 shall be appointed from among individ-
23 uals who have extensive experience in
24 emergency preparedness, response, re-
25 covery, and mitigation for all hazards, in-

1 cluding major disasters, acts of terrorism,
2 and other emergencies.

3 (3) **TERM OF OFFICE.**—The term of of-
4 fice of an individual appointed as the Di-
5 rector shall be 5 years. Such individual
6 may be appointed in accordance with
7 paragraph (1) for an additional term of 5
8 years.

9 (4) **CONFORMING AMENDMENT.**—Section
10 5312 of title 5, United States Code, is
11 amended by adding at the end the fol-
12 lowing:

13 “Director of the Federal Emergency Man-
14 agement Agency.”.

15 **(b) DEPUTY DIRECTOR.**—

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

19 (2) **QUALIFICATIONS.**—The Deputy Di-
20 rector shall be appointed from among in-
21 dividuals who have extensive experience
22 in emergency preparedness, response, re-
23 covery, and mitigation for all hazards, in-
24 cluding major disasters, acts of terrorism,
25 and other emergencies.

1 **(3) DUTIES.—The Deputy Director**
2 **shall—**

3 **(A) carry out duties and powers**
4 **prescribed by the Director; and**

5 **(B) act for the Director when the**
6 **Director is absent or unable to serve**
7 **or when the position of the Director**
8 **is vacant.**

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

10 **The Agency shall have an office of the In-**
11 **specter General, headed by an Inspector Gen-**
12 **eral, in accordance with the Inspector Gen-**
13 **eral Act of 1978 (Public Law 95–452; 5 U.S.C.**
14 **App.).**

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

16 **(a) IN GENERAL.—There shall be trans-**
17 **ferred to the Director—**

18 **(1) the functions of the Department of**
19 **Homeland Security relating to the Fed-**
20 **eral Emergency Management Agency, in-**
21 **cluding the functions of the Department**
22 **under sections 430(c)(3), 430(c)(8), 502**
23 **(other than paragraph (2)), and 503(1) of**
24 **the Homeland Security Act of 2002 (6**
25 **U.S.C. 238(c)(3), 238(c)(8), 312, 313(1));**

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

8 **(3) the functions relating to the Agen-**
9 **cy under any other law, including—**

10 **(A) the National Flood Insurance**
11 **Act of 1968 (42 U.S.C. 4001 et seq.);**

12 **(B) the Robert T. Stafford Dis-**
13 **aster Relief and Emergency Assist-**
14 **ance Act (42 U.S.C. 5121 et seq.);**

15 **(C) the Earthquake Hazards Re-**
16 **duction Act of 1977 (42 U.S.C. 7701 et**
17 **seq.);**

18 **(D) the National Dam Safety Pro-**
19 **gram Act (33 U.S.C. 467 et seq.);**

20 **(E) the Federal Fire Prevention**
21 **and Control Act of 1974 (15 U.S.C.**
22 **2201 et seq.); and**

23 **(F) Reorganization Plan No. 3 of**
24 **1978 (5 U.S.C. App.).**

1 **(b) TRANSITION PERIOD.—**The transfers
2 under this section shall be carried not later
3 than February 1, 2007. During the transition
4 period, the Secretary of Homeland Security
5 shall provide to the Director such assistance,
6 including the use of personnel and assets, as
7 the Director may request in preparing for the
8 transfer.

9 **(c) TRANSITION.—**The Director may use—
10 (1) the services of such officers, em-
11 ployees, and other personnel of the Agen-
12 cy with respect to functions transferred
13 by this section; and
14 (2) funds appropriated to such func-
15 tions for such period of time as may rea-
16 sonably be needed to facilitate the or-
17 derly implementation of this section.

18 **(d) LIAISON OFFICE TO ENSURE COORDINA-**
19 **TION WITH THE DEPARTMENT OF HOMELAND SE-**
20 **CURITY.—**The Director shall establish a liaison
21 office within the Agency to ensure adequate
22 coordination with the Department of Home-
23 land Security during an actual or potential
24 terrorist incident.

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

2 **(a) PERSONNEL PROVISIONS.—**

3 **(1) APPOINTMENTS.—**The Director may
4 **appoint and fix the compensation of such**
5 **officers and employees, including inves-**
6 **tigators, attorneys, and administrative**
7 **law judges, as may be necessary to carry**
8 **out the respective functions transferred**
9 **under section 105. Except as otherwise**
10 **provided by law, such officers and em-**
11 **ployees shall be appointed in accordance**
12 **with the civil service laws and their com-**
13 **ensation fixed in accordance with title**
14 **5, United States Code.**

15 **(2) EXPERTS AND CONSULTANTS.—**The
16 **Director may obtain the services of ex-**
17 **perts and consultants in accordance with**
18 **section 3109 of title 5, United States Code,**
19 **and compensate such experts and con-**
20 **sultants for each day (including travel-**
21 **time) during which they are engaged in**
22 **the actual performance of such services**
23 **at rates not in excess of the rate of pay**
24 **for level IV of the Executive Schedule**
25 **under section 5315 of such title. The Di-**
26 **rector may pay experts and consultants**

1 **who are serving away from their homes**
2 **or regular place of business, travel ex-**
3 **penses and per diem in lieu of subsist-**
4 **ence at rates authorized by sections 5702**
5 **and 5703 of such title for persons in Gov-**
6 **ernment service employed intermittently.**

7 **(b) DELEGATION AND ASSIGNMENT.—Except**
8 **where otherwise expressly prohibited by law**
9 **or otherwise provided by this title, the Direc-**
10 **tor may delegate any of the functions trans-**
11 **ferred to the Director by section 105 and any**
12 **function transferred or granted to the Direc-**
13 **tor after the date of the transfers by section**
14 **105 to such officers and employees of the**
15 **Agency as the Director may designate and**
16 **may authorize successive redelegations of**
17 **such functions as may be necessary or appro-**
18 **priate. No delegation of functions by the Di-**
19 **rector under this subsection or under any**
20 **other provision of this title shall relieve the**
21 **Director of responsibility for the administra-**
22 **tion of such functions.**

23 **(c) REORGANIZATION.—The Director may**
24 **allocate or reallocate any function trans-**
25 **ferred under section 105 among the officers of**

1 the Agency, and may establish, consolidate,
2 alter, or discontinue such organizational enti-
3 ties in the Agency as may be necessary or ap-
4 propriate if the Director, on or before the 30th
5 day preceding the date of the allocation or re-
6 allocation, provides to the Committee on
7 Transportation and Infrastructure of the
8 House of Representatives and the Committee
9 on Homeland Security and Governmental Af-
10 fairs of the Senate written notice of the allo-
11 cation or reallocation.

12 (d) RULES.—The Director may prescribe,
13 in accordance with the provisions of chapters
14 5 and 6 of title 5, United States Code, such
15 rules and regulations as the Director deter-
16 mines necessary or appropriate to administer
17 and manage the functions of the Agency.

18 (e) TRANSFER AND ALLOCATIONS OF APPRO-
19 PRIATIONS AND PERSONNEL.—Except as other-
20 wise provided in this title, the personnel em-
21 ployed in connection with, and the assets, li-
22 abilities, contracts, property, records, and un-
23 expended balances of appropriations, author-
24 izations, allocations, and other funds em-
25 ployed, used, held, arising from, available to,

1 or to be made available in connection with
2 the functions transferred by section 105, sub-
3 ject to section 1531 of title 31, United States
4 Code, shall be transferred to the Agency. Un-
5 expended funds transferred pursuant to this
6 subsection shall be used only for the purposes
7 for which the funds were originally author-
8 ized and appropriated.

9 (f) INCIDENTAL TRANSFERS.—The Director
10 of the Office of Management and Budget, in
11 consultation with the Director, may make
12 such determinations as may be necessary
13 with regard to the functions transferred by
14 section 105, and may make such additional in-
15 cidental dispositions of personnel, assets, li-
16 abilities, grants, contracts, property, records,
17 and unexpended balances of appropriations,
18 authorizations, allocations, and other funds
19 held, used, arising from, available to, or to be
20 made available in connection with such func-
21 tions, as may be necessary to carry out the
22 provisions of this title. The Director of the Of-
23 fice of Management and Budget shall provide
24 for the termination of the affairs of all entities
25 terminated by this title and for such further

1 measures and dispositions as may be nec-
2 essary to effectuate the purposes of this title.

3 (g) EFFECT ON PERSONNEL.—

4 (1) IN GENERAL.—Except as otherwise
5 provided by this title, the transfer pursu-
6 ant to this title of full-time personnel (ex-
7 cept special Government employees) and
8 part-time personnel holding permanent
9 positions shall not cause any such em-
10 ployee to be separated or reduced in
11 grade or compensation for one year after
12 the date of transfer of such employee
13 under this title.

14 (2) EXECUTIVE SCHEDULE POSITIONS.—
15 Except as otherwise provided in this title,
16 any person who, on the day preceding
17 the date of the transfers of functions
18 under section 105, held a position com-
19 pensated in accordance with the Execu-
20 tive Schedule prescribed in chapter 53 of
21 title 5, United States Code, and who,
22 without a break in service, is appointed
23 in the Agency to a position having duties
24 comparable to the duties performed im-
25 mediately preceding such appointment

1 shall continue to be compensated in such
2 new position at not less than the rate
3 provided for such previous position, for
4 the duration of the service of such person
5 in such new position.

6 SEC. 107. SAVINGS PROVISIONS.

7 (a) SAVINGS PROVISIONS.—

8 (1) CONTINUING EFFECT OF LEGAL DOCU-
9 MENTS.—All orders, determinations, rules,
10 regulations, permits, agreements, grants,
11 contracts, certificates, licenses, registra-
12 tions, privileges, and other administra-
13 tive actions—

14 (A) which have been issued, made,
15 granted, or allowed to become effec-
16 tive by the President, any Federal
17 agency or official thereof, or by a
18 court of competent jurisdiction, in
19 the performance of functions that are
20 transferred under section 105; and

21 (B) which are in effect on the date
22 of the transfers of functions under
23 section 105, or were final before such
24 date and are to become effective on
25 or after such date, shall continue in

1 effect according to their terms until
2 modified, terminated, superseded, set
3 aside, or revoked in accordance with
4 law by the President, the Director, or
5 other authorized official, a court of
6 competent jurisdiction, or by oper-
7 ation of law.

8 (2) PROCEEDINGS NOT AFFECTED.—The
9 provisions of this title shall not affect any
10 proceedings, including notices of pro-
11 posed rulemaking, or any application for
12 any license, permit, certificate, or finan-
13 cial assistance pending before the Agency
14 on the date of the transfers of functions
15 under section 105, with respect to func-
16 tions transferred by section 105 but such
17 proceedings and applications shall con-
18 tinue. Orders shall be issued in such pro-
19 ceedings, appeals shall be taken there-
20 from, and payments shall be made pursu-
21 ant to such orders, as if this title had not
22 been enacted, and orders issued in any
23 such proceedings shall continue in effect
24 until modified, terminated, superseded,
25 or revoked by a duly authorized official,

1 by a court of competent jurisdiction, or
2 by operation of law. Nothing in this para-
3 graph shall be deemed to prohibit the
4 discontinuance or modification of any
5 such proceeding under the same terms
6 and conditions and to the same extent
7 that such proceeding could have been
8 discontinued or modified if this title had
9 not been enacted.

10 (3) SUITS NOT AFFECTED.—The provi-
11 sions of this title shall not affect suits
12 commenced before the date of the trans-
13 fers of functions under section 105, and
14 in all such suits, proceedings shall be
15 had, appeals taken, and judgments ren-
16 dered in the same manner and with the
17 same effect as if this title had not been
18 enacted.

19 (4) NONABATEMENT OF ACTIONS.—No
20 suit, action, or other proceeding com-
21 menced by or against the Agency, or by
22 or against any individual in the official
23 capacity of such individual as an officer
24 of the Agency, shall abate by reason of
25 the enactment of this title.

1 **(5) ADMINISTRATIVE ACTIONS RELATING**
2 **TO PROMULGATION OF REGULATIONS.—Any**
3 **administrative action relating to the**
4 **preparation or promulgation of a regula-**
5 **tion by the Agency relating to a function**
6 **transferred under section 105 may be**
7 **continued by the Agency with the same**
8 **effect as if this title had not been en-**
9 **acted.**

10 **(b) REFERENCES.—Any reference in any**
11 **other Federal law, Executive order, rule, reg-**
12 **ulation, or delegation of authority, or any doc-**
13 **ument of or pertaining to a department, agen-**
14 **cy, or office from which a function is trans-**
15 **ferred by section 105—**

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

20 **(2) to such department, agency, or of-**
21 **fice is deemed to refer to the department,**
22 **agency, or office to which such function**
23 **is transferred.**

1 SEC. 108. CONFORMING AND TECHNICAL AMENDMENTS.

2 (a) CHIEF FINANCIAL OFFICER.—Section
3 901(b)(2) of title 31, United States Code, is
4 amended by adding at the end the following:

5 “(H) The Federal Emergency Manage-
6 ment Agency.”.

7 (b) RECOMMENDED LEGISLATION.—

8 (1) IN GENERAL.—After consultation
9 with the appropriate committees of Con-
10 gress and the Director of the Office of
11 Management and Budget, the Director
12 shall prepare recommended legislation
13 containing technical and conforming
14 amendments to reflect the changes made
15 by this title.

16 (2) SUBMISSION TO CONGRESS.—Not
17 later than 90 days after the last day of
18 the transition period referred to in sec-
19 tion 105(b), the Director shall submit to
20 Congress a report containing the rec-
21 ommended legislation.

22 (c) REPEALS.—

23 (1) IN GENERAL.—The following provisions
24 of the Homeland Security Act of 2002 (6 U.S.C.
25 101 et seq.) are repealed:

26 (A) Section 503(1).

6 **Subtitle B—Federal Emergency**
7 **Management Agency Personnel**

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

“10105. Disaster workforce reserve cadre.

1 **“(2) the term ‘Director of the Federal**
2 **Emergency Management Agency’ or ‘Di-**
3 **rector’ shall be considered to refer to the**
4 **Director of the Federal Emergency Man-**
5 **agement Agency appointed under section**
6 **103 of the RESPOND Act of 2006.**

7 **“§ 10102. Human capital strategy**

8 **“(a) IN GENERAL.—The Director of the Fed-**
9 **eral Emergency Management Agency shall de-**
10 **velop a human capital strategy to ensure that**
11 **the Agency has a workforce of the appro-**
12 **priate size and with the appropriate skills**
13 **and training to effectively carry out the mis-**
14 **sion and responsibilities of the Agency, con-**
15 **sistent with the policies and plans developed**
16 **pursuant to this section.**

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

19 **“(1) a workforce development strat-**
20 **egy for the Agency;**

21 **“(2) an assessment of the workforce**
22 **characteristics and future needs of the**
23 **Agency;**

24 **“(3) an analysis of how the Agency’s**
25 **human resources policies and programs**

1 align with the Agency’s mission, strategic
2 goals, and performance outcomes; and

3 “(4) any other elements that the Di-
4 rector determines necessary to develop
5 and maintain a human capital strategy,
6 including elements described in section
7 1402.

8 “(c) SCHEDULE.—The Director shall trans-
9 mit to Congress—

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

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

15 “§ 10103. Recruitment bonuses for the Federal Emer-
16 gency Management Agency

17 “(a) IN GENERAL.—The Director of the Fed-
18 eral Emergency Management Agency may pay
19 a bonus to an individual in order to recruit
20 the individual for a position within the Agen-
21 cy that would otherwise be difficult to fill in
22 the absence of such a bonus.

23 “(b) BONUS AMOUNT.—

24 “(1) IN GENERAL.—The amount of a
25 bonus under this section shall be deter-

1 mined by the Director, but may not ex-
2 ceed 25 percent of the annual rate of
3 basic pay of the position involved.

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

8 “(c) SERVICE AGREEMENTS.—Payment of a
9 bonus under this section shall be contingent
10 upon the employee entering into a written
11 service agreement with the Federal Emer-
12 gency Management Agency. The agreement
13 shall include—

14 “(1) the period of service the indi-
15 vidual shall be required to complete in
16 return for the bonus; and

17 “(2) the conditions under which the
18 agreement may be terminated before the
19 agreed-upon service period has been
20 completed, and the effect of the termi-
21 nation.

22 “(d) ELIGIBILITY.—A bonus under this sec-
23 tion may not be paid to recruit an individual
24 for—

1 “(1) a position to which an individual
2 is appointed by the President, by and
3 with the advice and consent of the Sen-
4 ate;

5 “(2) a position in the Senior Executive
6 Service as a noncareer appointee (as de-
7 fined in section 3132(a)); or

8 “(3) a position which has been ex-
9 cepted from the competitive service by
10 reason of its confidential, policy-deter-
11 mining, policy-making, or policy-advo-
12 cating character.

13 “(e) TERMINATION.—The authority to pay
14 bonuses under this section shall terminate 5
15 years after the date of enactment of this chap-
16 ter.

17 “§ 10104. Retention bonuses for the Federal Emer-
18 gency Management Agency

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

23 “(1) the unusually high or unique
24 qualifications of the employee or a spe-
25 cial need of the Agency for the employ-

1 ee's services makes it essential to retain
2 the employee; and

3 “(2) the Director determines that, in
4 the absence of such a bonus, the em-
5 ployee would be likely to leave—

6 “(A) the Federal service; or

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

9 “(b) SERVICE AGREEMENT.—Payment of a
10 bonus under this section is contingent upon
11 the employee entering into a written service
12 agreement with the Agency to complete a pe-
13 riod of service with the Agency. Such agree-
14 ment shall include—

15 “(1) the period of service the indi-
16 vidual shall be required to complete in
17 return for the bonus; and

18 “(2) the conditions under which the
19 agreement may be terminated before the
20 agreed-upon service period has been
21 completed, and the effect of the termi-
22 nation.

23 “(c) BONUS AMOUNT.—

24 “(1) IN GENERAL.—The amount of a
25 bonus under this section shall be deter-

1 mined by the Director, but may not ex-
2 ceed 25 percent of the annual rate of
3 basic pay of the position involved.

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

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

12 “(e) TERMINATION OF AUTHORITY.—The au-
13 thority to grant bonuses under this section
14 shall expire 5 years after the date of enact-
15 ment of this chapter.

16 “§ 10105. Disaster workforce reserve cadre

17 “(a) ESTABLISHMENT.—There is established
18 within the Federal Emergency Management
19 Agency a disaster workforce reserve cadre to
20 meet the Agency’s surge requirements during
21 periods of emergency, as determined by the
22 Director of the Federal Emergency Manage-
23 ment Agency.

24 “(b) REVIEW.—Not later than 90 days after
25 the date of enactment of this chapter, the Di-

1 rector shall conduct a comprehensive review
2 of the current disaster workforce reserves for
3 the purpose of identifying areas for redevel-
4 opment. As part of the review, the Director
5 shall review and redevelop the disaster work-
6 force to create a capable cadre by—

7 “(1) providing for the effective utiliza-
8 tion of the disaster workforce;

9 “(2) establishing consistent and short-
10 er disaster workforce mobilization times;

11 “(3) establishing standards to meet
12 mission requirements;

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

18 “(5) establishing employment protec-
19 tions for disaster workforce reservists;
20 and

21 “(6) establishing a streamlined de-
22 ployment system.

23 “(c) ANNUITANTS.—If an individual receiv-
24 ing an annuity from the Civil Service Retire-
25 ment and Disability Fund becomes tempo-

1 rarely reemployed pursuant to this section,
 2 such annuity shall not be discontinued there-
 3 by. An individual so reemployed shall not be
 4 considered an employee for the purposes of
 5 chapter 83 or 84.

6 “(d) **EXPENSES.**—The Director may provide
 7 members of the disaster workforce reserve
 8 cadre transportation and per diem in lieu of
 9 subsistence, in accordance with applicable
 10 provisions of this title, for the purpose of par-
 11 ticipating in any training that relates to serv-
 12 ice as a member of the disaster workforce re-
 13 serve cadre.”.

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

“101. Federal Emergency Management Agency Per-
 sonnel 10101”.

18 **TITLE II—STRENGTHENING THE**
 19 **FEDERAL EMERGENCY MAN-**
 20 **AGEMENT AGENCY**

21 **SEC. 201. CATASTROPHIC PLANNING PROGRAM.**

22 **Subtitle A of title VI of the Robert T. Staf-**
 23 **ford Disaster Relief and Emergency Assist-**

1 ance Act (42 U.S.C. 5196 et seq.) is amended
2 by adding at the end the following:

3 “SEC. 616. CATASTROPHIC PLANNING PROGRAM.

4 “(a) ESTABLISHMENT.—The Director shall
5 establish a program to assist States and local
6 governments representing areas at substan-
7 tial risk for a catastrophic incident, and other
8 Federal agencies as appropriate, in devel-
9 oping a comprehensive program to prepare
10 for a catastrophic incident.

11 “(b) ACTIVITIES.—The program may in-
12 clude planning, training, exercises, and such
13 other activities as the Director considers nec-
14 essary.

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

23 “(d) CATASTROPHIC INCIDENT.—In this sec-
24 tion, the term ‘catastrophic incident’ means
25 any natural or manmade incident, including

1 terrorism, that results in extraordinary levels
2 of mass casualties, damage, or disruption se-
3 verely affecting the population, infrastruc-
4 ture, environment, economy, national morale,
5 or government functions.

6 “(e) **REPORT.**—The Director shall submit to
7 the Committee on Transportation and Infra-
8 structure of the House of Representatives and
9 the Committee on Homeland Security and
10 Governmental Affairs of the Senate a report
11 on the preparedness levels of participating ju-
12 risdictions.

13 “(f) **AUTHORIZATION OF APPROPRIATIONS.**—
14 There is authorized to be appropriated to
15 carry out this section \$30,000,000 for fiscal
16 year 2007, \$32,000,000 for fiscal year 2008, and
17 \$34,000,000 for fiscal year 2009. Such sums
18 shall remain available until expended.”.

19 **SEC. 202. EMERGENCY RESPONSE TEAMS.**

20 Section 303 of the Robert T. Stafford Dis-
21 aster Relief and Emergency Assistance Act (42
22 U.S.C. 5144) is amended—

23 (1) by striking the section heading
24 and all that follows through “The Presi-
25 dent shall” and inserting the following:

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

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

4 **(2) by adding at the end the fol-**
5 **lowing:**

6 **“(b) EMERGENCY RESPONSE TEAMS.—**

7 **“(1) ESTABLISHMENT.—In carrying out**
8 **subsection (a), the President, acting**
9 **through the Director of the Federal**
10 **Emergency Management Agency, shall es-**
11 **tablish at a minimum 3 national response**
12 **teams and sufficient regional and other**
13 **response teams as may be necessary to**
14 **meet the incident management respon-**
15 **sibilities of the Federal Government.**

16 **“(2) TARGET CAPABILITY LEVEL.—The**
17 **Director shall ensure that specific target**
18 **capability levels, as defined pursuant to**
19 **the guidelines established under section**
20 **703(b)(2)(A), are established for Federal**
21 **emergency response teams.**

22 **“(3) PERSONNEL.—The President, act-**
23 **ing through the Director, shall ensure**
24 **that the Federal emergency response**
25 **teams consist of adequate numbers of**
26 **properly planned, organized, equipped,**

1 trained, and exercised personnel to
2 achieve the established target capability
3 levels. Each emergency response team
4 shall work in coordination with State and
5 local officials and onsite emergency per-
6 sonnel associated with a particular inci-
7 dent.

8 “(4) READINESS REPORTING.—The Di-
9 rector shall evaluate team readiness on a
10 regular basis and report team readiness
11 levels in the report required under sec-
12 tion 703(b)(8)(A).”.

13 SEC. 203. EMERGENCY OPERATIONS CENTERS.

14 (a) NATIONAL.—The Director shall main-
15 tain and operate within the Federal Emer-
16 gency Management Agency a national emer-
17 gency operations center to support Federal
18 emergency operations.

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

23 (c) TARGET CAPABILITY LEVELS.—The Di-
24 rector shall ensure that specific target capa-
25 bility levels, as defined pursuant to the guide-

1 lines established under section 703(b)(2)(A) of
2 the Robert T. Stafford Disaster Relief and
3 Emergency Assistance Act (as added by this
4 Act), are established for national and regional
5 emergency operations centers.

6 (d) PERSONNEL.—The Director shall ensure
7 that the national and regional emergency op-
8 erations centers consist of adequate numbers
9 of properly planned, organized, equipped,
10 trained, and exercised personnel to achieve
11 the established target capability levels.

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

17 SEC. 204. LOGISTICS.

18 (a) IN GENERAL.—The Director shall de-
19 velop an efficient, transparent, and flexible lo-
20 gistics system for procurement and delivery
21 of goods and services necessary for an effec-
22 tive and timely response to major disasters
23 and other emergencies and for real-time visi-
24 bility of items at each point throughout the lo-
25 gistics system.

1 **(b) SYSTEM DEVELOPMENT.—The Director**
2 **shall ensure that the logistics system is devel-**
3 **oped through the use of in-house, private sec-**
4 **tor, and other Federal agency logistics capa-**
5 **bilities (or a combination thereof).**

6 **(c) STATE AND LOCAL CONTRACTS.—The Di-**
7 **rector shall encourage State and local govern-**
8 **ments to establish contracts with vendors for**
9 **disaster relief supplies in advance of major**
10 **disasters and other emergencies.**

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

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

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

1 SEC. 206. COMMUNICATIONS.

2 (a) COMMUNICATIONS CAPABILITY.—The Di-
3 rector shall establish and maintain a durable,
4 deployable, operable, and interoperable com-
5 munications capability within the Agency in
6 order to gain and retain incident manage-
7 ment communications in areas that have lost
8 regular communications systems during
9 major disasters and other emergencies.

10 (b) RECONNAISSANCE TEAMS.—The Director
11 shall establish self-sustaining reconnaissance
12 teams to relay information back to Agency
13 headquarters to improve situational aware-
14 ness and incident management coordination.

15 SEC. 207. EMERGENCY EQUIPMENT ASSISTANCE.

16 Subtitle B of title VI of the Robert T. Staf-
17 ford Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 5197 et seq.) is amended
19 by adding at the end the following:

20 “SEC. 630. EMERGENCY EQUIPMENT ASSISTANCE.

21 “(a) GRANTS.—The Director shall carry out
22 a program to make grants to States and local
23 governments to improve the response capa-
24 bilities of the States and local governments in
25 the event of a major disaster or other emer-
26 gency.

1 **“(b) USE OF FUNDS.—Grants amounts re-**
2 **ceived by a State or local government under**
3 **this section shall be used—**

4 **“(1) to purchase or improve commer-**
5 **cially available interoperable commu-**
6 **nications equipment that—**

7 **“(A) complies with, where applica-**
8 **ble, national voluntary consensus**
9 **standards;**

10 **“(B) facilitates operability, inter-**
11 **operability, coordination, and inte-**
12 **gration between and among emer-**
13 **gency communications systems (in-**
14 **cluding satellite phone and satellite**
15 **communications equipment); and**

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

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

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

4 **“(c) APPLICATIONS.—A State or local gov-**
5 **ernment seeking a grant under this section**
6 **shall submit to the Director an application at**
7 **such time, in such manner, and accompanied**
8 **by such information as the Director may re-**
9 **quire.**

10 **“(d) TECHNICAL ASSISTANCE.—The Director**
11 **shall provide to States and local governments**
12 **technical assistance with respect to the pro-**
13 **curement, installation, and use of equipment**
14 **under subsection (b)(1).**

15 **“(e) COORDINATION.—In implementing the**
16 **program, the Director shall ensure the coordi-**
17 **nation with other emergency equipment as-**
18 **sistance grant programs.**

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

1 SEC. 208. OVERSIGHT AND ACCOUNTABILITY OF FEDERAL
2 DISASTER EXPENDITURES.

3 (a) **PURPOSE.**—The purposes of this section
4 is to ensure that Federal agencies exercise
5 sufficient stewardship over the funds pro-
6 vided to the agencies through Agency mission
7 assignments for disaster response, relief, and
8 recovery activities by requiring and funding
9 management oversight activities to prevent
10 fraud, waste, and abuse and to detect and pur-
11 sue prosecution of fraud so that taxpayers' in-
12 terests are fully protected.

13 (b) **AUTHORITY OF DIRECTOR TO DESIGNATE**
14 **FUNDS FOR OVERSIGHT ACTIVITIES.**—The Direc-
15 tor may designate up to one percent of the
16 total amount provided to a Federal agency for
17 a mission assignment as oversight funds to be
18 used by the recipient agency for performing
19 oversight of activities carried out under the
20 Agency reimbursable mission assignment
21 process. Such funds shall remain available
22 until expended.

23 (c) **USE OF FUNDS.**—

24 (1) **TYPES OF OVERSIGHT ACTIVITIES.**—
25 Oversight funds may be used for the fol-

1 **lowing types of oversight activities re-**
2 **lated to Agency mission assignments:**

3 **(A) Monitoring, tracking, and au-**
4 **ditng expenditures of funds.**

5 **(B) Ensuring that sufficient man-**
6 **agement and internal control mecha-**
7 **nisms are available so that Agency**
8 **funds are spent appropriately and in**
9 **accordance with all applicable laws**
10 **and regulations.**

11 **(C) Reviewing selected contracts**
12 **and other activities.**

13 **(D) Investigating allegations of**
14 **fraud involving Agency funds.**

15 **(E) Conducting and participating**
16 **in fraud prevention activities with**
17 **other Federal, State, and local gov-**
18 **ernment personnel and contractors.**

19 **(2) PLANS AND REPORTS.—Oversight**
20 **funds may be used to issue the plans re-**
21 **quired under subsection (f) and the re-**
22 **ports required under subsection (g).**

23 **(d) RESTRICTION ON USE OF FUNDS.—Over-**
24 **sight funds may not be used to finance exist-**
25 **ing agency oversight responsibilities related**

1 to direct agency appropriations used for dis-
2 aster response, relief, and recovery activities.

3 (e) METHODS OF OVERSIGHT ACTIVITIES.—

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

9 (2) COORDINATION OF OVERSIGHT AC-
10 TIVITIES.—Before entering into a contract
11 for a financial or performance audit to be
12 performed under this section, the head of
13 an agency shall coordinate with the In-
14 spector General of the agency or, if the
15 agency does not have an Inspector Gen-
16 eral, with the Inspector General of the
17 Federal Emergency Management Agency.

18 (f) DEVELOPMENT OF OVERSIGHT PLANS.—

19 (1) IN GENERAL.—If an agency receives
20 oversight funds for a fiscal year, the head
21 of the agency shall prepare a plan de-
22 scribing the oversight activities for dis-
23 aster response, relief, and recovery an-
24 ticipated to be undertaken during the
25 subsequent fiscal year.

1 **(2) SELECTION OF OVERSIGHT ACTIVITIES.**—In preparing the plan, the head of
2 the agency shall select oversight activities based upon a risk assessment of
3 those areas that present the greatest risk
4 of fraud, waste, and abuse.
5

6 **(3) SCHEDULE.**—The plan shall include
7 a schedule for conducting oversight activities, including anticipated dates of
8 completion.
9

10 **(g) FEDERAL DISASTER ASSISTANCE ACCOUNTABILITY REPORTS.**—A Federal agency re-
11 ceiving oversight funds under this section
12 shall submit annually to the Director and the
13 appropriate committees of Congress a consoli-
14 dated report regarding the use of such funds,
15 including information summarizing oversight
16 activities and the results achieved.
17

18 **(h) OVERSIGHT FUNDS.**—In this section, the
19 term “oversight funds” means funds referred
20 to in subsection (b) that are designated for
21 use in performing oversight activities.
22

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

3 (a) IN GENERAL.—Section 308(a) of the
4 Robert T. Stafford Disaster Relief and Emer-
5 gency Assistance Act (42 U.S.C. 5151(a)) is
6 amended by inserting “English proficiency,”
7 after “age,”.

8 (b) NONDISCRIMINATION IN DISASTER ASSIST-
9 ANCE WITH RESPECT TO ENGLISH PRO-
10 FICIENCY.—Consistent with section 308(a) of
11 the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5151(a)),
13 as amended by this section, the Director
14 shall—

15 (1) identify, in coordination with
16 State and local governments, population
17 groups with limited English proficiency
18 and take into account such groups in dis-
19 aster preparedness planning;

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

25 (3) develop and maintain an informa-
26 tional clearinghouse of model language

1 **assistance programs and best practices**
2 **for State and local governments in pro-**
3 **viding disaster and emergency related**
4 **services.**

5 **(c) GROUP SIZE.—For purposes of sub-**
6 **section (b), the Director shall define the size**
7 **of a population group.**

8 **TITLE III—COMPREHENSIVE**
9 **EMERGENCY PREPAREDNESS**
10 **SYSTEM**

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

12 **(a) IN GENERAL.—The Robert T. Stafford**
13 **Disaster Relief and Emergency Assistance Act**
14 **(42 U.S.C. 5122 et seq.) is amended—**

15 **(1) by redesignating title VII as title**
16 **VIII;**

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

20 **(3) by inserting after title VI the fol-**
21 **lowing:**

1 **“TITLE VII—COMPREHENSIVE**
2 **EMERGENCY PREPAREDNESS**
3 **SYSTEM**

4 **“SEC. 701. DEFINITIONS.**

5 **“In this title, the definitions contained in**
6 **section 602 and the following definitions**
7 **apply:**

8 **“(1) CAPABILITY.—The term ‘capability’**
9 **means the ability to provide the means to**
10 **accomplish one or more tasks under spe-**
11 **cific conditions and to specific perform-**
12 **ance standards. A capability may be de-**
13 **livered with any combination of properly**
14 **planned, organized, equipped, trained,**
15 **and exercised personnel that achieves**
16 **the intended outcome.**

17 **“(2) COVERED GRANT.—The term ‘cov-**
18 **ered grant’ means a grant referred to in**
19 **section 709 and any other emergency pre-**
20 **paredness grant administered by the Fed-**
21 **eral Emergency Management Agency.**

22 **“(3) MISSION ASSIGNMENT.—The term**
23 **‘mission assignment’ means a work order**
24 **issued to a Federal agency by the Federal**
25 **Emergency Management Agency, direct-**

1 ing completion by that agency of a speci-
2 fied task and setting forth funding, other
3 managerial controls, and guidance.

4 “(4) OPERATIONAL READINESS.—The
5 term ‘operational readiness’ means the
6 capability of an organization, an asset, a
7 system, or equipment to perform the mis-
8 sions or functions for which it is orga-
9 nized or designed.

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

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

20 “SEC. 702. NATIONAL EMERGENCY PREPAREDNESS GOAL.

21 “(a) ESTABLISHMENT.—The President, act-
22 ing through the Director, shall establish and
23 revise as necessary a national emergency pre-
24 paredness goal that defines the target level of
25 emergency preparedness to ensure the Na-

1 tion's ability to respond to, recover from, and
2 mitigate against all hazards, including major
3 disasters and other emergencies.

4 “(b) NATIONAL INCIDENT MANAGEMENT SYS-
5 TEM AND NATIONAL RESPONSE PLAN.—The na-
6 tional emergency preparedness goal, to the
7 greatest extent practicable, shall be con-
8 sistent with the national incident manage-
9 ment system and national response plan.

10 “SEC. 703. ESTABLISHMENT OF THE NATIONAL EMER-
11 GENCY PREPAREDNESS SYSTEM.

12 “(a) ESTABLISHMENT.—The President, act-
13 ing through the Director, shall establish a na-
14 tional emergency preparedness system to en-
15 able the Nation to meet the national emer-
16 gency preparedness goal.

17 “(b) COMPONENTS.—The national emer-
18 gency preparedness system includes the fol-
19 lowing components:

20 “(1) NATIONAL PLANNING SCENARIOS.—

21 “(A) IN GENERAL.—The Director, in
22 coordination with the heads of other
23 appropriate Federal agencies and the
24 Task Force established under section
25 707(a), may develop planning sce-

1 narios to reflect the relative risk re-
2 quirements presented by all hazards
3 in order to provide the foundation for
4 the flexible and adaptive develop-
5 ment of target capabilities and the
6 identification of target capability lev-
7 els to meet the national emergency
8 preparedness goal.

9 “(B) DEVELOPMENT.—In developing
10 national planning scenarios, the Di-
11 rector shall ensure that the sce-
12 narios—

13 “(i) reflect the relative risk of
14 all hazards and illustrate the po-
15 tential scope, magnitude, and
16 complexity of a broad range of
17 representative hazards; and

18 “(ii) provide the minimum
19 number of representative sce-
20 narios necessary to identify and
21 define the tasks and target capa-
22 bilities required to respond to all
23 hazards.

24 “(2) TARGET CAPABILITIES AND EMER-
25 GENCY PREPAREDNESS PRIORITIES.—

1 **“(A) ESTABLISHMENT OF GUIDELINES**
2 **ON TARGET CAPABILITIES.—Not later**
3 **than 180 days after the date of enact-**
4 **ment of the Restoring Emergency**
5 **Services to Protect Our Nation From**
6 **Disasters Act of 2006, the Director, in**
7 **coordination with the heads of other**
8 **appropriate Federal agencies, includ-**
9 **ing the National Council on Dis-**
10 **ability, and the Task Force estab-**
11 **lished under section 707(a), shall up-**
12 **date and revise as necessary guide-**
13 **lines to define the risk-based target**
14 **capabilities for Federal, State, and**
15 **local government emergency pre-**
16 **paredness that enables the Nation to**
17 **respond to, recover from, and miti-**
18 **gate against all hazards, including**
19 **major disasters and other emer-**
20 **gencies.**

21 **“(B) DISTRIBUTION OF GUIDE-**
22 **LINES.—The Director shall ensure that**
23 **the guidelines are provided promptly**
24 **to Congress and the States. The**
25 **States are encouraged to make the**

1 **guidelines available to local govern-**
2 **ments within their jurisdictions.**

3 **“(C) OBJECTIVES.—The Director**
4 **shall ensure that the guidelines estab-**
5 **lished under subparagraph (A) meet**
6 **the following objectives:**

7 **“(i) SPECIFICITY.—The guide-**
8 **lines specifically describe the**
9 **training, planning, personnel, and**
10 **equipment that Federal, State,**
11 **and local governments need to**
12 **possess, or to which they need to**
13 **have access, in order to meet the**
14 **national emergency preparedness**
15 **goal.**

16 **“(ii) FLEXIBILITY.—The guide-**
17 **lines are sufficiently flexible to**
18 **allow Federal, State, and local**
19 **government officials to set prior-**
20 **ities based on particular needs,**
21 **while achieving nationally deter-**
22 **mined emergency preparedness**
23 **levels within a specified time pe-**
24 **riod.**

1 **“(iii) MEASURABILITY.—The**
2 **guidelines are designed to enable**
3 **measurement of progress toward**
4 **specific emergency preparedness**
5 **levels.**

6 **“(D) EMERGENCY PREPAREDNESS**
7 **PRIORITIES.—In establishing the**
8 **guidelines under subparagraph (A),**
9 **the Director shall establish emer-**
10 **gency preparedness priorities that**
11 **appropriately balance the risk of all**
12 **hazards, including major disasters**
13 **and other emergencies with the re-**
14 **sources required to respond to, re-**
15 **cover from, and mitigate against**
16 **them.**

17 **“(E) MUTUAL AID AGREEMENTS.—**
18 **The Director may provide support for**
19 **the development of mutual aid agree-**
20 **ments within States.**

21 **“(3) EQUIPMENT.—**

22 **“(A) EQUIPMENT STANDARDS.—**

23 **“(i) IN GENERAL.—The Direc-**
24 **tor, in coordination with the**
25 **heads of other appropriate Fed-**

1 eral agencies and the Task Force
2 established under section 707(a),
3 shall develop, promulgate, and
4 update as necessary national vol-
5 untary consensus standards for
6 first responder equipment for use
7 in the field. In developing such
8 standards, the Director shall—

9 “(I) ensure that the stand-
10 ards encourage and support
11 nationwide interoperability
12 and operability of equipment
13 and other capabilities con-
14 sistent with the national
15 emergency preparedness goal,
16 including the safety and
17 health of first responders;

18 “(II) to the maximum ex-
19 tent practicable, ensure that
20 the standards are consistent
21 with any existing voluntary
22 consensus standards;

23 “(III) to the maximum ex-
24 tent practicable, ensure that
25 the standards use tech-

1 **nologies already certified by**
2 **other Federal agencies of the**
3 **United States;**

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

9 **“(V) focus on maximizing**
10 **interoperability, operability,**
11 **interchangeability, durability,**
12 **flexibility, efficiency, efficacy,**
13 **portability, sustainability, and**
14 **safety of equipment.**

15 **“(ii) DEADLINE.—Not later than**
16 **180 days after the date of enact-**
17 **ment of the Restoring Emergency**
18 **Services to Protect Our Nation**
19 **From Disasters Act of 2006, the**
20 **Director shall promulgate stand-**
21 **ards under this subparagraph.**

22 **“(B) CONSULTATION WITH STAND-**
23 **ARDS ORGANIZATIONS.—Before issuing**
24 **standards, the Director shall also con-**

1 sult with relevant public and private
2 sector standards organizations.

3 **“(4) TRAINING AND EXERCISES.—**

4 **“(A) PROGRAM.—**Not later than 180
5 days after the date of enactment of
6 the Restoring Emergency Services to
7 Protect Our Nation From Disasters
8 Act of 2006, the Director, in coordina-
9 tion with the heads of other appro-
10 priate Federal agencies, including the
11 National Council on Disability, and
12 the Task Force established under sec-
13 tion 707(a), shall establish and main-
14 tain a comprehensive training pro-
15 gram for all levels of government to
16 implement the national emergency
17 preparedness goal, national incident
18 management system, and national re-
19 sponse plan.

20 **“(B) TRAINING STANDARDS.—**The
21 Director shall develop and update as
22 necessary, national voluntary con-
23 sensus standards for the training pro-
24 gram established under subpara-
25 graph (A).

1 **“(C) EXERCISES.—**The Director, in
2 **coordination with the heads of other**
3 **appropriate Federal agencies and the**
4 **Task Force established under section**
5 **707(a), shall establish and maintain a**
6 **program, including risk-based sce-**
7 **narios that stress the emergency**
8 **management system, to conduct**
9 **emergency preparedness-related ex-**
10 **ercises that reinforce identified train-**
11 **ing standards, provide for evaluation**
12 **of emergency preparedness, and sup-**
13 **port the national emergency pre-**
14 **paredness goal, national incident**
15 **management system, and national re-**
16 **sponse plan.**

17 **“(5) COMPREHENSIVE ASSESSMENT SYS-**
18 **TEM.—**

19 **“(A) ESTABLISHMENT.—**The Direc-
20 **tor, in coordination with the National**
21 **Council on Disability and the Task**
22 **Force established under section**
23 **707(a), shall establish a comprehen-**
24 **sive system to assess on an ongoing**
25 **basis, the Nation’s overall emergency**

1 preparedness, including operational
2 readiness.

3 “(B) PERFORMANCE METRICS AND
4 MEASURES.—The Director shall ensure
5 that each component of the national
6 emergency preparedness system, na-
7 tional incident management system,
8 and national response plan is devel-
9 oped with clear and quantifiable per-
10 formance metrics, measures, and out-
11 comes.

12 “(C) CONTENTS.—The assessment
13 system established under subpara-
14 graph (A) shall assess—

15 “(i) compliance with the na-
16 tional emergency preparedness
17 system, national incident manage-
18 ment system, and national re-
19 sponse plan to achieve a con-
20 sistent approach to national
21 emergency preparedness and re-
22 sponse;

23 “(ii) capability levels at the
24 time of assessment against target
25 capability levels defined pursuant

1 to the guidelines established
2 under paragraph (2)(A);

3 “(iii) resource needs to meet
4 the desired target capability lev-
5 els defined pursuant to the guide-
6 lines established under para-
7 graph (2)(A); and

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

10 “(6) BEST PRACTICES, AFTER ACTION RE-
11 VIEWS, AND REMEDIAL ACTION PROGRAM.—

12 “(A) IN GENERAL.—The Director, in
13 coordination with the National Coun-
14 cil on Disability and the Task Force
15 established under section 707(a), shall
16 establish a system for identifying best
17 practices and conducting after action
18 reviews of incidents and exercises.

19 “(B) REMEDIAL ACTION.—The Direc-
20 tor, in coordination with the National
21 Council on Disability and the Task
22 Force established under section
23 707(a), shall ensure through a reme-
24 dial action program that the best
25 practices and after action reviews

1 identified under subparagraph (A)
2 are used to revise and update the na-
3 tional emergency preparedness sys-
4 tem, national incident management
5 system, and national response plan
6 on a continual basis.

7 “(7) FEDERAL RESPONSE CAPABILITY IN-
8 VENTORY.—

9 “(A) IN GENERAL.—Not later than
10 180 days after the date of enactment
11 of the Restoring Emergency Services
12 to Protect Our Nation From Disasters
13 Act of 2006, the Director, in coordina-
14 tion with the heads of other appro-
15 priate Federal agencies, shall develop
16 and maintain a Federal response ca-
17 pability inventory that includes the
18 performance parameters of the capa-
19 bility, the timeframe within which
20 the capability can be brought to bear
21 on an incident, and the readiness of
22 such capability to respond to all haz-
23 ards, including major disasters and
24 other emergencies.

“(B) DEPARTMENT OF DEFENSE.—

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

“(8) REPORTING REQUIREMENTS.—

“(A) FEDERAL EMERGENCY PREPAREDNESS REPORT.—

“(i) IN GENERAL.—Not later than 12 months after the date of enactment of the Restoring Emergency Services to Protect Our Nation From Disasters Act of 2006, and annually thereafter, the Director, in coordination with the heads of other appropriate Federal agencies, shall submit to the Committee on Transportation and Infrastructure of the House of

1 **Representatives and the Com-**
2 **mittee on Homeland Security and**
3 **Governmental Affairs of the Sen-**
4 **ate a report on the Nation’s level**
5 **of emergency preparedness.**

6 **“(ii) CONTENTS.—Each report**
7 **shall include—**

8 **“(I) an assessment of how**
9 **Federal emergency prepared-**
10 **ness assistance supports the**
11 **national emergency prepared-**
12 **ness system;**

13 **“(II) an assessment of**
14 **compliance with the national**
15 **emergency preparedness sys-**
16 **tem, national incident man-**
17 **agement system, and national**
18 **response plan;**

19 **“(III) an assessment of**
20 **current Federal and State ca-**
21 **pability levels and a descrip-**
22 **tion of target capability levels**
23 **defined pursuant to the guide-**
24 **lines established under para-**
25 **graph (2)(A);**

1 **“(IV) an assessment of**
2 **performance of training, exer-**
3 **cises, and operations;**

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

6 **“(VI) a review of the in-**
7 **ventory described in para-**
8 **graph (7)(A); and**

9 **“(VII) an assessment of re-**
10 **source needs to meet target**
11 **capability levels defined pur-**
12 **suant to the guidelines estab-**
13 **lished under paragraph (2)(A),**
14 **including—**

15 **“(aa) an estimate of**
16 **the amount of Federal,**
17 **State, and local expendi-**
18 **tures required to attain**
19 **the target capability lev-**
20 **els; and**

21 **“(bb) the extent to**
22 **which target capability**
23 **levels were created or en-**
24 **hanced as the result of**
25 **using covered grant funds**

1 **during the preceding fis-**
2 **cal year.**

3 **“(B) STATE EMERGENCY PREPARED-**
4 **NESS REPORT.—**

5 **“(i) IN GENERAL.—Not later**
6 **than 15 months after the date of**
7 **enactment of the Restoring Emer-**
8 **gency Services to Protect Our Na-**
9 **tion From Disasters Act of 2006,**
10 **and annually thereafter, a State**
11 **receiving a covered grant shall**
12 **submit a report to the Director on**
13 **the State’s level of emergency**
14 **preparedness.**

15 **“(ii) CONTENTS.—Each report**
16 **shall include—**

17 **“(I) an assessment of State**
18 **compliance with the national**
19 **emergency preparedness sys-**
20 **tem, national incident man-**
21 **agement system, and national**
22 **response plan;**

23 **“(II) an assessment of cur-**
24 **rent capability levels and a**

1 **description of target capa-**
2 **bility levels;**

3 **“(III) an assessment of**
4 **State performance of training,**
5 **exercises, and operations;**

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

8 **“(V) information on the**
9 **distribution by the State of**
10 **the guidelines established by**
11 **paragraph (2)(A) to local gov-**
12 **ernments within its jurisdic-**
13 **tion; and**

14 **“(VI) an assessment of re-**
15 **source needs to meet target**
16 **capability levels defined pur-**
17 **suant to the guidelines estab-**
18 **lished under paragraph (2)(A),**
19 **including—**

20 **“(aa) an estimate of**
21 **the amount of expendi-**
22 **tures required to attain**
23 **the target capability lev-**
24 **els; and**

1 “(bb) the extent to
2 which target capability
3 levels were created or en-
4 hanced as the result of
5 using covered grant funds
6 during the preceding fis-
7 cal year.

8 “(C) USE OF QUANTIFIABLE PER-
9 FORMANCE MEASUREMENTS.—To the ex-
10 tent practicable, each report shall be
11 based on quantifiable performance
12 measurements.

13 “SEC. 704. NATIONAL INCIDENT MANAGEMENT SYSTEM.

14 “(a) NATIONAL INCIDENT MANAGEMENT SYS-
15 TEM.—There is hereby established a national
16 incident management system that encom-
17 passes a single, comprehensive approach to
18 domestic incident management to ensure that
19 all levels of government across the Nation
20 have the capability to work efficiently and ef-
21 fectively together by using a consistent ap-
22 proach to domestic incident management for
23 all hazards, including major disasters and
24 other emergencies.

25 “(b) RESPONSIBILITIES OF DIRECTOR.—

1 **“(1) RESPONSIBILITY FOR SYSTEM.—The**
2 **Director shall be responsible for all as-**
3 **pects of the national incident manage-**
4 **ment system, including completing, im-**
5 **plementing, maintaining, and revising**
6 **the system.**

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

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

12 **“(a) RESPONSIBILITIES OF DIRECTOR.—**

13 **“(1) RESPONSIBILITY FOR PLAN.—The**
14 **Director shall be responsible for all as-**
15 **pects of the national response plan, in-**
16 **cluding completing, implementing, main-**
17 **taining, and revising the plan.**

18 **“(2) COORDINATION OF PLAN.—The Di-**
19 **rector shall coordinate with the heads of**
20 **other appropriate Federal agencies, in-**
21 **cluding the National Council on Dis-**
22 **ability, in revising the plan.**

23 **“(b) INITIAL REVIEW AND REVISION OF RE-**
24 **SPONSE PLAN.—**

1 **“(1) IN GENERAL.—Not later than**
2 **March 1, 2007, the Director shall, in co-**
3 **ordination with the heads of other appro-**
4 **prate Federal agencies, including the**
5 **National Council on Disability, and the**
6 **Task Force established under section**
7 **707(a), complete a comprehensive review**
8 **of the national response plan for the pur-**
9 **pose of identifying areas for revision.**

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

13 **“(A) to ensure integration and**
14 **consistency with the national inci-**
15 **dent management system;**

16 **“(B) to establish a protocol for a**
17 **proactive Federal response in sup-**
18 **port of a State to a catastrophic dis-**
19 **aster with or without warning; and**

20 **“(C) to clarify the role of who is in**
21 **charge of the Federal disaster re-**
22 **sponse.**

23 **“(c) MISSION ASSIGNMENTS.—To expedite**
24 **the provision of assistance under the national**
25 **response plan, the Director, in coordination**

1 with the heads of other appropriate Federal
2 agencies and the Task Force established
3 under section 707(a), shall develop
4 prescribed mission assignments for logistics,
5 communications, mass care, health services,
6 and public safety.

7 “SEC. 706. FEDERAL EMERGENCY PREPAREDNESS.

8 “(a) AGENCY RESPONSIBILITY.—In support
9 of the national emergency preparedness sys-
10 tem established under this title, the President
11 shall ensure that each Federal agency with re-
12 sponsibility for responding to major disasters
13 and other emergencies shall—

14 “(1) have the operational capability,
15 including the personnel to make and
16 communicate decisions, organizational
17 structures that are assigned, trained, and
18 exercised for their missions, sufficient
19 physical resources, and the command,
20 control, and communication channels to
21 make, monitor, and communicate deci-
22 sions to meet the national emergency
23 preparedness goal;

24 “(2) have the operational command
25 and control structures that comply with

1 the national incident management sys-
2 tem;

3 “(3) develop, in support of crisis oper-
4 ational capability, a deliberate planning
5 capability, including plans, personnel,
6 and training; and

7 “(4) develop, train, and exercise ros-
8 ters of disaster response personnel to be
9 deployed when the organization is called
10 upon to support a Federal response.

11 “(b) CONSTRUCTION.—Nothing in this sec-
12 tion shall limit the authority of the Secretary
13 of Defense with regard to the command and
14 control, training, planning, equipment, exer-
15 cises, or employment of Department of De-
16 fense forces, or the allocation of Department
17 of Defense resources.

18 “SEC. 707. NATIONAL EMERGENCY PREPAREDNESS TASK
19 FORCE.

20 “(a) ESTABLISHMENT.—The Director shall
21 establish a National Emergency Preparedness
22 Task Force (referred to in this section as the
23 ‘Task Force’) to ensure effective and ongoing
24 coordination of Federal emergency prepared-
25 ness, response, recovery, and mitigation ef-

1 **forts for all hazards that incorporates State**
2 **and local government and private sector**
3 **input in the development and revision of the**
4 **national emergency preparedness goal, the**
5 **national emergency preparedness system, na-**
6 **tional incident management system, and na-**
7 **tional response plan.**

8 **“(b) MEMBERSHIP.—**

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

13 **“(A) national organizations rep-**
14 **resenting State and local govern-**
15 **ments;**

16 **“(B) national, State, and local**
17 **emergency management organiza-**
18 **tions; and**

19 **“(C) national, State, and local**
20 **emergency response organizations,**
21 **including governmental and non-**
22 **governmental organizations.**

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

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

3 **“(B) State and local elected offi-**
4 **cials;**

5 **“(C) national, State, and local**
6 **emergency management professional**
7 **organizations; and**

8 **“(D) individuals involved in a**
9 **cross section of emergency response**
10 **disciplines and professions, including**
11 **as appropriate fire service and law**
12 **enforcement, hazardous materials re-**
13 **sponse, emergency medical services,**
14 **public works personnel routinely en-**
15 **gaged in emergency response, health**
16 **professionals, and organizations with**
17 **expertise in accrediting and estab-**
18 **lishing standards for emergency man-**
19 **agement services.**

20 **“(3) CONSULTATION WITH THE DEPART-**
21 **MENT OF HEALTH AND HUMAN SERVICES.—In**
22 **the selection of members of the Task**
23 **Force who are health professionals, in-**
24 **cluding emergency medical professionals,**

1 the Director shall consult with the Sec-
2 retary of Health and Human Services.

3 “(4) EX OFFICIO MEMBERS.—The Direc-
4 tor shall designate one or more officers
5 from the Federal Emergency Manage-
6 ment Agency to serve as an ex officio
7 member of the Task Force.

8 “SEC. 708. NATIONAL INCIDENT MANAGEMENT SYSTEM
9 AND NATIONAL RESPONSE PLAN INTEGRA-
10 TION CENTER.

11 “(a) IN GENERAL.—In order to carry out
12 the duties of the Director related to the Na-
13 tional Incident Management System and Na-
14 tional Response Plan, there is established a
15 National Incident Management System and
16 National Response Plan Integration Center.

17 “(b) RESPONSIBILITIES.—The head of the
18 Center shall establish a system to ensure com-
19 pletion, implementation, maintenance, and
20 revision of the National Incident Management
21 System and the National Response Plan and
22 perform such other duties as the Director
23 may require.

24 “(c) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to

1 carry out this section \$30,000,000 for fiscal
2 year 2007, \$32,000,000 for fiscal year 2008, and
3 \$34,000,000 for fiscal year 2009. Such sums
4 shall remain available until expended.

5 “SEC. 709. AUTHORIZATION.

6 “(a) IN GENERAL.—The Director is author-
7 ized to make grants to any State or local gov-
8 ernment for the purpose of carrying out this
9 title.

10 “(b) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated to
12 carry out this section such sums as are nec-
13 essary for the Director to assist State and
14 local governments to meet requirements
15 under this title.”.

16 (b) CONFORMING AMENDMENT.—The first
17 sentence of section 601 of such Act (42 U.S.C.
18 5195) is amended by inserting “and title VII”
19 after “this title”.

20 SEC. 302. EMERGENCY MANAGEMENT ASSISTANCE COM-
21 PACT GRANTS.

22 (a) IN GENERAL.—The Director may make
23 grants to administer the Emergency Manage-
24 ment Assistance Compact authorized by Pub-
25 lic Law 104–321.

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

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

7 **(2) to administer compact operations**
8 **on behalf of all member States and terri-**
9 **tories;**

10 **(3) to continue coordination with the**
11 **Agency and other appropriate Federal**
12 **agencies; and**

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

16 **(c) AUTHORIZATION.—There is authorized**
17 **to be appropriated to carry out this section**
18 **\$4,000,000 for each of fiscal years 2007, 2008,**
19 **and 2009. Such sums shall remain available**
20 **until expended.**

Union Calendar No. 434

109TH CONGRESS
2^D SESSION

H. R. 5316

[Report No. 109-519, Parts I and II]

A BILL

To reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, and for other purposes.

DECEMBER 8, 2006

Reported from the Committee on Transportation and Infrastructure with an amendment

DECEMBER 8, 2006

Referral to the Committee on Homeland Security extended for a period ending not later than December 8, 2006

DECEMBER 8, 2006

Referred to the Committee on Science for a period ending not later than December 8, 2006, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X

DECEMBER 8, 2006

Committees on Homeland Security and Science discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed