

Calendar No. 621

116TH CONGRESS
2^D SESSION**S. 4153****[Report No. 116–318]**

To require the Federal Emergency Management Agency to evaluate the National Response Framework based on lessons learned from the COVID–19 pandemic, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 2, 2020

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 14, 2020

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Federal Emergency Management Agency to evaluate the National Response Framework based on lessons learned from the COVID–19 pandemic, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Response
3 Framework Improvement Act of 2020”.

4 **SEC. 2. EVALUATION OF NATIONAL RESPONSE FRAME-**
5 **WORK.**

6 (a) **IN GENERAL.**—Not later than 1 year after the
7 date of enactment of this Act, the Administrator of the
8 Federal Emergency Management Agency (referred to in
9 this Act as the “Administrator”), acting through the Na-
10 tional Integration Center, shall conduct an initial evalua-
11 tion of the National Response Framework of the Depart-
12 ment of Homeland Security to determine whether there
13 are any gaps or inefficiencies in the Framework based on
14 the response to the COVID-19 pandemic.

15 (b) **REQUIREMENTS.**—After conducting the evalua-
16 tion required under subsection (a), the Administrator
17 shall—

18 (1) in accordance with section 509(b)(2) of the
19 Homeland Security Act of 2002 (6 U.S.C.
20 319(b)(2)), update the National Response Frame-
21 work, in coordination with the heads of the primary
22 and support agencies of the emergency support func-
23 tions, based on the gaps or inefficiencies identified
24 through the evaluation;

1 (2) provide recommendations on actions rel-
 2 evant agencies can take to address gaps identified
 3 through the evaluation; and

4 (3) conduct an additional evaluation as part of
 5 the after-action review process of the Federal Emer-
 6 gency Management Agency.

7 **SEC. 3. INTERAGENCY INFORMATION SHARING.**

8 (a) IN GENERAL.—The Administrator shall—

9 (1) evaluate the processes for collecting and
 10 sharing information across the primary and support
 11 agencies of the emergency support functions during
 12 an incident for which the emergency support func-
 13 tions are activated under the National Response
 14 Framework;

15 (2) provide recommendations to the heads of
 16 the primary and support agencies of emergency sup-
 17 port functions for how to improve processes under
 18 paragraph (1); and

19 (3) update the National Response Framework
 20 to account for new information collection and shar-
 21 ing processes that result from the evaluation and
 22 recommendations under paragraphs (1) and (2).

23 (b) COORDINATION.—In evaluating the processes re-
 24 quired under subsection (a)(1), the Administrator shall co-
 25 ordinate with the head of each emergency support function

1 coordinator and the heads of primary and support agen-
2 cies of the emergency support functions.

3 (c) ~~MODIFICATIONS.~~—The Administrator may make
4 modifications to the processes incorporated into the Na-
5 tional Response Framework under subsection (a)(3) dur-
6 ing an incident in which the emergency support functions
7 are activated under the National Response Framework if
8 the Administrator determines such modifications are nec-
9 essary to ensure efficient communication and information
10 sharing.

11 **SEC. 4. TRAINING.**

12 (a) ~~EVALUATION OF TRAINING PROGRAM.~~—Not later
13 than 1 year after the date of enactment of this Act, the
14 Administrator shall—

15 (1) conduct an assessment of the training pro-
16 grams for primary and support agencies of the
17 emergency support functions under the National Re-
18 sponse Network that are in effect on the date of en-
19 actment of this Act; and

20 (2) provide recommendations to the heads of
21 the primary and support agencies of emergency sup-
22 port functions for how to improve the training pro-
23 grams described in paragraph (1).

24 (b) ~~ANNUAL TRAINING.~~—The Administrator shall, on
25 an annual basis and in coordination with the heads of pri-

1 mary and support agencies of the emergency support func-
 2 tions under the National Response Framework, provide
 3 training on enhancements or updates made to the Na-
 4 tional Response Framework.

5 **SEC. 5. REQUIRED BRIEFING.**

6 (a) ~~IN GENERAL.~~—Not later than 1 year after the
 7 date of enactment of this Act, the Administrator shall
 8 brief the Committee on Homeland Security and Govern-
 9 mental Affairs of the Senate and the Committee on Home-
 10 land Security of the House of Representatives on—

11 (1) the evaluation conducted under section 2,
 12 including the updates made to the National Re-
 13 sponse Framework and the recommendations re-
 14 quired under section 2(b);

15 (2) the evaluation and recommendations devel-
 16 oped under paragraphs (1) and (2) of section 3(a);
 17 and

18 (3) the training program required to be estab-
 19 lished under section 4, including information relat-
 20 ing to how frequently training is offered and the at-
 21 tendance of the training by employees of relevant
 22 agencies.

23 (b) ~~NOTIFICATION.~~—The Administrator shall provide
 24 notice to Congress on any technology system updates that
 25 develop after the briefing required under subsection (a)

1 that may impact information sharing efforts across the
 2 emergency support functions.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Response*
 5 *Framework Improvement Act of 2020”.*

6 **SEC. 2. ROLLING SUMMARIES OF NATIONAL RESPONSE**
 7 **FRAMEWORK.**

8 *(a) IN GENERAL.—Not later than 180 days after the*
 9 *date of enactment of this Act, and as frequently thereafter*
 10 *as the Administrator of the Federal Emergency Manage-*
 11 *ment Agency (referred to in this Act as the “Adminis-*
 12 *trator”)* determines appropriate until the date on which the
 13 *first biennial evaluation required under subparagraph (D)*
 14 *of section 509(b)(2) of the Homeland Security Act of 2002*
 15 *(6 U.S.C. 319(b)(2)), as added by section 4 of this Act, is*
 16 *submitted, the Administrator shall provide not less than 1*
 17 *summary on any gaps or inefficiencies in the National Re-*
 18 *sponse Framework of the Department of Homeland Security*
 19 *based on the response to the COVID–19 pandemic to—*

20 *(1) the Committee on Homeland Security and*
 21 *Governmental Affairs of the Senate; and*

22 *(2) the Committee on Homeland Security of the*
 23 *House of Representatives.*

24 *(b) REQUIREMENTS.—After the end of the COVID-19*
 25 *pandemic, as part of the after-action review process of the*

1 *COVID–19 pandemic by the Federal Emergency Manage-*
 2 *ment Agency, the Administrator shall conduct an evalua-*
 3 *tion of the National Response Framework, which shall in-*
 4 *clude—*

5 (1) *any updates, as determined necessary by the*
 6 *Administrator, to the National Response Framework,*
 7 *in coordination with the heads of the primary and*
 8 *support agencies of the emergency support functions,*
 9 *based on the gaps or inefficiencies identified through*
 10 *the evaluation; and*

11 (2) *recommendations on actions relevant agen-*
 12 *cies can take to address gaps identified through the*
 13 *evaluation.*

14 **SEC. 3. REQUIRED BRIEFINGS.**

15 *The Administrator shall brief the Committee on Home-*
 16 *land Security and Governmental Affairs of the Senate and*
 17 *the Committee on Homeland Security of the House of Rep-*
 18 *resentatives on each summary required to be provided under*
 19 *section 2(a) not later than 1 year after the date on which*
 20 *the summary is provided.*

21 **SEC. 4. BIENNIAL EVALUATIONS.**

22 (a) *IN GENERAL.*—*Section 509(b) of the Homeland Se-*
 23 *curity Act of 2002 (6 U.S.C. 319(b)) is amended—*

24 (1) *in paragraph (2)—*

1 (A) in subparagraph (B), by striking “and”
 2 at the end;

3 (B) in subparagraph (C), by striking the
 4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(D) not less frequently than once every 2
 7 years—

8 “(i) evaluating potential gaps and in-
 9 efficiencies in the National Response
 10 Framework, including by evaluating the
 11 processes for collecting and sharing infor-
 12 mation across the emergency support func-
 13 tion coordinators, primary agencies, and
 14 support agencies during an incident for
 15 which the emergency support functions are
 16 activated under the National Response
 17 Framework;

18 “(ii) providing recommendations to the
 19 heads of the emergency support function co-
 20 ordinators, primary agencies, and support
 21 agencies for how to improve processes de-
 22 scribed in clause (i);

23 “(iii) updating the National Response
 24 Framework to account for new information
 25 collection and sharing processes that result

1 *from the evaluation and recommendations*
2 *under clauses (i) and (ii), including by*
3 *modifying any previously incorporated*
4 *processes if the Administrator determines*
5 *such modifications are necessary to ensure*
6 *efficient communication and information*
7 *sharing;*

8 “(iv) *conducting an assessment of the*
9 *training programs for emergency support*
10 *function coordinators, primary agencies,*
11 *and support agencies; and*

12 “(v) *providing recommendations to the*
13 *heads of the emergency support function co-*
14 *ordinators, primary agencies, and support*
15 *agencies of emergency support functions for*
16 *how to improve the training programs de-*
17 *scribed in clause (iv).”;* and

18 (2) *by adding at the end the following:*

19 “(3) *CONGRESSIONAL NOTIFICATION.—Not later*
20 *than 30 days after the date on which the Adminis-*
21 *trator, acting through the National Integration Cen-*
22 *ter, completes an evaluation required under para-*
23 *graph (2)(D), the Administrator shall provide written*
24 *notice to the appropriate congressional committees.”.*

1 (b) *AFTER-ACTION EVALUATION.*—*For purposes of the*
2 *biennial evaluation required under subparagraph (D) of*
3 *section 509(b)(2) of the Homeland Security Act of 2002 (6*
4 *U.S.C. 319(b)(2)), as added by subsection (a) of this section,*
5 *if the evaluation required under section 2(b)(3) of this Act*
6 *is completed during the 2-year period following the date of*
7 *enactment of this Act, the evaluation shall be considered to*
8 *fulfill the biennial evaluation requirement in subparagraph*
9 *(D) of such section 509(b)(2) for the first 2-year period after*
10 *the date of enactment of this Act.*

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