

Calendar No. 716

103^D CONGRESS
2^D SESSION

S. 1697

[Report No. 103-400]

A BILL

To improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes.

OCTOBER 5 (legislative day, SEPTEMBER 12), 1994

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 19 (legislative day, NOVEMBER 2), 1993

Ms. MIKULSKI introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

OCTOBER 5 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. GLENN, with an amendment

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

A BILL

To improve the ability of the Federal Government to prepare for and respond to major 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 “Federal Disaster Preparedness and Response Act of
6 1993”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- See. 1. Short title; table of contents.
- See. 2. Declaration of purposes.
- See. 3. Definitions.
- See. 4. Sense of Congress.
- See. 5. Presidential response plan.
- See. 6. Predeclaration authority.
- See. 7. Domestic crisis monitoring unit.
- See. 8. Damage and needs assessment.
- See. 9. Catastrophic disasters.
- See. 10. Targeted emergency grants.
- See. 11. Reorganization of FEMA.
- See. 12. National Academy of Fire and Emergency Preparedness.
- See. 13. Research center.
- See. 14. Repeal of Civil Defense Act.

3 **SEC. 2. DECLARATION OF PURPOSES.**

4 The purposes of this Act are—

5 (1) to improve Government preparedness for
6 and response to catastrophic disasters;

7 (2) to shift the emphasis of the Federal Emer-
8 gency Management Agency (referred to in this Act
9 as “FEMA”) from nuclear attack-related activities
10 to a risk-based strategy to improve preparedness for
11 all hazards; and

12 (3) to redirect the mission of FEMA to mitiga-
13 tion, preparedness, response, and recovery for all
14 hazards.

15 **SEC. 3. DEFINITIONS.**

16 Section 102 of the Robert T. Stafford Disaster Relief
17 and Emergency Assistance Act (42 U.S.C. 5122) is
18 amended—

1 (1) by striking paragraph (2) and inserting the
2 following new paragraph (2):

3 “~~(2)~~ MAJOR DISASTER.—The term ‘major dis-
4 aster’ means any occasion or instance that, as deter-
5 mined by the President, causes damage of sufficient
6 severity and magnitude to warrant major disaster
7 assistance under this Act to supplement the efforts
8 and available resources of State and local govern-
9 ments, and disaster relief organizations in alleviating
10 the damage, loss, and hardship caused by the disas-
11 ter. Major disasters include disasters resulting from
12 all hazards.”; and

13 (2) by adding at the end the following new
14 paragraphs:

15 “~~(10)~~ CATASTROPHIC DISASTER.—The term
16 ‘catastrophic disaster’ means a major disaster that
17 immediately overwhelms the ability of State, local,
18 and volunteer agencies to adequately provide victims
19 of the disaster with services necessary to sustain life.

20 “~~(11)~~ ALL HAZARDS.—The term ‘all hazards’
21 means natural or man-caused events, including,
22 without limitation, civil disturbances, that may re-
23 sult in major disasters or emergencies.

1 “(12) DIRECTOR.—The term ‘Director’ means
2 the Director of the Federal Emergency Management
3 Agency.”.

4 **SEC. 4. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the Federal Government should give imme-
7 diate attention to developing a broad risk-based
8 strategy for improving Federal readiness for and re-
9 sponse to major disasters;

10 (2) the all hazards approach is the best way to
11 prepare the United States for all disasters or emer-
12 gencies;

13 (3) all reasonable actions should be taken to
14 mitigate the effects of disasters;

15 (4) initial response to emergencies and disasters
16 is made by State and local fire and emergency serv-
17 ice agencies, whose capabilities must therefore be
18 strengthened and maintained;

19 (5) the fire service performs a critical function
20 of first response to fire and other hazards, and
21 should be recognized for performing this function;

22 (6) the American Red Cross and other volun-
23 teer organizations have made, and will continue to
24 make, valuable contributions in responding to disas-
25 ters nationwide by providing channels for the gener-

1 ous sharing of time and resources with those in
2 need;

3 ~~(7) private nonprofit organizations play an im-~~
4 portant role in disaster relief operations, and are an
5 essential element of disaster preparedness, response,
6 and recovery efforts; and

7 ~~(8) training and hazard mitigation are impor-~~
8 tant preventive measures and are vital elements in
9 disaster preparedness and recovery.

10 **SEC. 5. PRESIDENTIAL RESPONSE PLAN.**

11 Section 201 of the Robert T. Stafford Disaster Relief
12 and Emergency Assistance Act (42 U.S.C. 5131) is
13 amended to read as follows:

14 **~~“SEC. 201. FEDERAL AND STATE DISASTER PREPAREDNESS~~**
15 **~~PROGRAMS.~~**

16 ~~“(a) ESTABLISHMENT.—The President is authorized~~
17 to establish a program of disaster preparedness that uti-
18 lizes services of all appropriate agencies, and includes—

19 ~~“(1) preparation of disaster preparedness plans~~
20 for mitigation, warning, emergency operations, reha-
21 bilitation, and recovery;

22 ~~“(2) training and exercises;~~

23 ~~“(3) postdisaster critiques and evaluations;~~

24 ~~“(4) annual review of programs;~~

1 ~~“(5) coordination of Federal, State, and local~~
2 ~~preparedness programs;~~

3 ~~“(6) application of science and technology; and~~

4 ~~“(7) research.~~

5 ~~“(b) TECHNICAL ASSISTANCE.—The President shall~~
6 ~~provide technical assistance to the States in developing~~
7 ~~comprehensive plans and practicable programs for—~~

8 ~~“(1) preparation against disasters, including~~
9 ~~hazard reduction, avoidance, and mitigation;~~

10 ~~“(2) assistance to individuals, businesses, and~~
11 ~~State and local governments following such disas-~~
12 ~~ters; and~~

13 ~~“(3) recovery of damaged or destroyed public~~
14 ~~and private facilities.~~

15 ~~“(c) PRESIDENTIAL RESPONSE PLAN.—~~

16 ~~“(1) ESTABLISHMENT.—Not later than 180~~
17 ~~days after the date of enactment of the Federal Dis-~~
18 ~~aster Preparedness and Response Act of 1993, the~~
19 ~~President, acting through the Director, shall develop~~
20 ~~a Presidential Response Plan to provide Federal as-~~
21 ~~sistance, when requested, to States impacted by a~~
22 ~~major disaster, catastrophic disaster, or emergency,~~
23 ~~in coordination with appropriate Federal and non-~~
24 ~~Federal agencies, as determined by the President.~~

1 ~~“(2) DISTRIBUTION.—~~The Director shall ensure
2 that copies of the plan are widely distributed and
3 publicly available.

4 ~~“(3) TRAINING EXERCISES.—~~The plan shall in-
5 clude provisions for annual training exercises to be
6 performed by designated participants in the plan,
7 State and local entities, and private relief agencies
8 to test their disaster preparedness capability.

9 ~~“(4) OPERATIONAL PLANS.—~~The Director shall
10 prepare operational plans to accompany the Presi-
11 dential Response Plan, not later than 1 year after
12 the date of enactment of the Federal Disaster Pre-
13 paredness and Response Act of 1993, that shall—

14 ~~“(A) describe the chain of command;~~

15 ~~“(B) describe the specific duties of all Fed-~~
16 ~~eral agencies involved;~~

17 ~~“(C) describe the relationship between, and~~
18 ~~the respective duties of, Federal, State, and~~
19 ~~local governments, and private relief agencies;~~

20 ~~“(D) be prepared for specific geographic~~
21 ~~regions designated by the Director;~~

22 ~~“(E) be based on a comprehensive risk as-~~
23 ~~essment of the United States, undertaken by~~
24 ~~the Director, that assesses the probability and~~
25 ~~severity of natural or man-made disasters oc-~~

1 curring and having a severe impact on public
2 health, safety, and property within various re-
3 gions;

4 “(F) ensure consistency with the emer-
5 gency operations plans of the State and local
6 governments in the region;

7 “(G) support the development of mutual
8 aid agreements between and among the States
9 and local governments;

10 “(H) include specific systems and stand-
11 dardized plans for mutual aid, incident manage-
12 ment, and emergency communications between
13 State, regional, and local entities for the pur-
14 pose of coordinating and integrating all emer-
15 gency management activities; and

16 “(I) specify the participation of representa-
17 tives from civilian disaster management and
18 local fire and emergency service response
19 communities.

20 “(d) NATIONAL DISASTER MEDICAL SYSTEM.—

21 “(1) TRANSFER OF FUNCTIONS.—The func-
22 tions, personnel, facilities, and equipment of the Na-
23 tional Disaster Medical System (referred to in this
24 section as the ‘System’) are transferred from the
25 Department of Health and Human Services to a new

1 directorate, to be established within FEMA not later
2 than 60 days after the date of enactment of the
3 Federal Disaster Preparedness and Response Act of
4 1993.

5 “(2) PURPOSE OF SYSTEM.—It shall be the
6 purpose of the System to prepare for and respond to
7 major disasters, catastrophic disasters, and emer-
8 gencies that require medical assistance in excess of
9 the medical service capabilities of the affected
10 States. The System shall provide for—

11 “(A) medical assistance to a disaster area
12 through disaster medical assistance teams;

13 “(B) evacuation of patients that cannot be
14 cared for locally; and

15 “(C) hospitalization through a national
16 network of medical care facilities that agree to
17 provide medical care to disaster victims.

18 “(3) LOCAL RESOURCES.—The services of the
19 System shall supplement and not supplant State and
20 local medical resources.

21 “(4) COORDINATION OF SERVICES.—The Direc-
22 tor and the Secretary of Defense shall establish pro-
23 cedures, roles, and responsibilities for the provision
24 of medical care in the event of a catastrophic disas-

1 ter to ensure coordination between the System and
2 the Department of Defense.

3 ~~“(5) MILITARY CASUALTIES.—~~The System shall
4 be made available to care for military casualties
5 evacuated to the United States in the event that the
6 medical care capabilities of the Department of De-
7 fense and the Department of Veterans Affairs are
8 exceeded.

9 ~~“(6) EVALUATION.—~~Not later than 180 days
10 after the date of enactment of the Federal Disaster
11 Preparedness and Response Act of 1993, the Direc-
12 tor shall evaluate the performance of the System
13 and the degree to which the System fulfills the in-
14 tended mission of the System, and make rec-
15 ommendations to the President and Congress re-
16 garding potential improvements in the operations of
17 the System.

18 ~~“(7) DISASTER MEDICAL ASSISTANCE TEAMS.—~~

19 ~~“(A) ESTABLISHMENT.—~~Not later than 1
20 year after the date of enactment of the Federal
21 Disaster Preparedness and Response Act of
22 1993, the Director shall—

23 ~~“(i) take steps necessary to ensure~~
24 ~~that not fewer than 20 disaster medical as-~~

1 sistance teams are established and are
2 made operational; and

3 ~~“(ii) develop standards and guidelines~~
4 ~~for equipment, staffing, operations, and~~
5 ~~regular training of the disaster medical as-~~
6 ~~sistance teams.~~

7 ~~“(B) EMPLOYMENT SECURITY.—A volun-~~
8 ~~teer who leaves a position (other than a tem-~~
9 ~~porary position) in the service of an employer to~~
10 ~~perform services in conjunction with a disaster~~
11 ~~medical assistance team, and makes application~~
12 ~~for reemployment within 90 days after the com-~~
13 ~~pletion of service or release from hospitalization~~
14 ~~continuing after completion of service for a~~
15 ~~period of not more than 1 year shall—~~

16 ~~“(i) if still qualified to perform the~~
17 ~~duties of the position or able to become~~
18 ~~requalified with reasonable efforts by the~~
19 ~~employer, be restored to the position or to~~
20 ~~a position of like seniority, status, and pay;~~
21 ~~or~~

22 ~~“(ii) if not qualified to perform the~~
23 ~~duties of the position or able to become~~
24 ~~requalified with reasonable efforts by the~~
25 ~~employer, by reason of disability sustained~~

1 during service, but qualified to perform the
2 duties of any other position in the employ
3 of the employer, be offered employment
4 and, if the person so requests, be employed
5 in such other position the duties of which
6 the person is qualified to perform as will
7 provide the person like seniority, status,
8 and pay, or the nearest approximation of
9 seniority, status, and pay, consistent with
10 the circumstances of the case, unless the
11 circumstances of the employer have so
12 changed as to make it impossible or unrea-
13 sonable to do so.

14 ~~“(C) CONSTRUCTION WITH OTHER~~
15 ~~LAWS.—~~Nothing in this subsection shall excuse
16 noncompliance with any law of a State or politi-
17 cal subdivision establishing greater or additional
18 rights or protections than the rights and protec-
19 tions established under this subsection.

20 ~~“(8) AUTHORIZATION OF APPROPRIATIONS.—~~
21 Beginning with fiscal year 1994, there are author-
22 ized to be appropriated to the National Disaster
23 Medical System \$20,000,000 for each fiscal year, of
24 which \$5,000,000 shall be available for the Disaster
25 Medical Assistance Teams.

1 “(e) ROLE OF NATIONAL GUARD.—

2 “(1) REVIEW.—The Secretary of Defense, in
3 cooperation with the Director, shall direct the Chief,
4 National Guard Bureau, to review the role of the
5 National Guard in responding to major disasters
6 and emergencies and make recommendations to the
7 President. The recommendations shall address—

8 “(A) how the National Guard could better
9 prepare for and respond to major disasters and
10 emergencies;

11 “(B) how the force structure of the Na-
12 tional Guard could be adjusted to provide Gov-
13 ernors with improved immediate access to criti-
14 cal assets during an emergency;

15 “(C) how the National Guard should be in-
16 tegrated with the Presidential Response Plan;

17 “(D) how the National Guard should co-
18 ordinate with the Disaster Medical Assistance
19 Teams in preparing for and responding to dis-
20 asters and emergencies; and

21 “(E) the development by the Chief, Na-
22 tional Guard Bureau, of a format for an inter-
23 state compact that, when subscribed to by the
24 States, facilitates the mutual use of National

1 Guard assets across State borders during na-
2 tional disasters and domestic emergencies.

3 ~~“(2) STUDY.—~~Not later than 30 days after the
4 date of enactment of the Federal Disaster Prepared-
5 ness and Response Act of 1993, the Director shall
6 contract with the National Academy of Public Ad-
7 ministration for a study to determine the proper
8 roles of the Adjutant Generals of the States and the
9 National Guard in preparing for and responding to
10 natural disasters and domestic emergencies.

11 ~~“(3) REPORT.—~~Not later than 1 year after the
12 date of enactment of the Federal Disaster Prepared-
13 ness and Response Act of 1993, the Secretary of De-
14 fense shall report to the President and Congress on
15 the results of the review conducted pursuant to
16 paragraph (1) and the study conducted pursuant to
17 paragraph (2).

18 ~~“(4) ALL HAZARDS RESPONSE TRAINING.—~~The
19 Chief, National Guard Bureau, shall require Na-
20 tional Guard units or members to participate in spe-
21 cialized training and exercises designed to enhance
22 the readiness of the National Guard to respond to
23 all hazards. Up to 5 percent of the funds appro-
24 priated for the military pay and operations and

1 maintenance of the Army and Air National Guard
2 may be used to fund the training and exercises.

3 ~~“(5) INTERSTATE MUTUAL ASSISTANCE COM-~~
4 ~~PACT.—The States are encouraged to enter into a~~
5 ~~nationwide compact for the mutual use of National~~
6 ~~Guard assets across State borders during domestic~~
7 ~~disasters and emergencies.~~

8 ~~“(6) RESPONSE TO DISASTERS AND REIM-~~
9 ~~BURSEMENT FOR AUTHORIZED ACTIVITIES.—To en-~~
10 ~~sure more effective and rapid responses by National~~
11 ~~Guard units to natural disasters and domestic emer-~~
12 ~~gencies, the Chief, National Guard Bureau, is au-~~
13 ~~thorized to approve reimbursement to a State or~~
14 ~~States for all or any part of expenses incurred as a~~
15 ~~result of the use of the National Guard in any natu-~~
16 ~~ral disaster or domestic emergency at the onset of~~
17 ~~the disaster or domestic emergency in any instance~~
18 ~~in which, in the judgment of the Governor of the af-~~
19 ~~fected State, it is probable that the occurrence will~~
20 ~~result in a declaration of a national emergency.~~

21 ~~“(A) ELIGIBILITY.—For a State to be eli-~~
22 ~~gible for reimbursement under this subsection~~
23 ~~for deployment of its National Guard units in~~
24 ~~support of a natural disaster and domestic~~

1 emergency, the National Guard units must be
2 deployed in a State active duty status.

3 ~~“(B) SOURCE OF FUNDS.—Funds available~~
4 ~~for disbursement to the States under this sub-~~
5 ~~section shall come from the funds appropriated~~
6 ~~to the disaster relief fund.~~

7 ~~“(C) APPROVAL.—A request by a Governor~~
8 ~~for reimbursement for use of the National~~
9 ~~Guard of the State shall be submitted to the~~
10 ~~Director, and the Director, upon validation of~~
11 ~~eligible activities, shall issue the necessary fund-~~
12 ~~ing documents to effect reimbursement to the~~
13 ~~State.~~

14 ~~“(D) CONSISTENCE WITH ACT.—In in-~~
15 ~~stances of natural disasters and domestic emer-~~
16 ~~gencies that result in a Federal declaration of~~
17 ~~a disaster or emergency by the President, the~~
18 ~~Director shall ensure that all funding reim-~~
19 ~~bursement is in accordance with this Act, at a~~
20 ~~Federal share rate determined for that~~
21 ~~occurrence.~~

22 ~~“(7) TRAINING AND COORDINATION WITH~~
23 ~~STATE ENTITIES.—~~

24 ~~“(A) AUTHORIZATION OF APPROPRIA-~~
25 ~~TIONS.—There are authorized to be appro-~~

1 priedated \$5,000,000 to the National Guard
2 through FEMA to conduct disaster and emer-
3 gency training exercises in conjunction with ap-
4 propriate State and local entities.

5 “(B) ALLOCATION.—The Director shall al-
6 locate the funds made available under subpara-
7 graph (A) to the States.

8 “(C) USE OF FUNDS.—

9 “(i) IN GENERAL.—Funds made avail-
10 able under this paragraph shall be used to
11 enhance the preparedness of State and
12 local governments for disasters and emer-
13 gencies.

14 “(ii) MINIMUM TRAINING.—The Na-
15 tional Guard shall be required to conduct
16 at least 2 disaster preparedness training
17 exercises annually in every State, in con-
18 junction with appropriate State and local
19 entities.

20 “(f) DISASTER RESOURCE INVENTORY.—

21 “(1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of the Federal Disaster Pre-
23 paredness and Response Act of 1993, the Director
24 shall complete an inventory of resources that are
25 available to the Federal Government, including med-

1 ical assets and foreign language communication,
2 through public or private entities, for use or deploy-
3 ment, or both, in disaster relief or search and rescue
4 operations following a major disaster, catastrophic
5 disaster, or emergency. Each item in the inventory
6 shall include the information necessary for prompt
7 access to the resource.

8 “(2) ORGANIZATION.—The inventory shall be
9 organized to facilitate the dispatch of resources on
10 a regional basis. This paragraph shall not be con-
11 strued to preclude the dispatch of specialized equip-
12 ment or scarce resources from outside the geo-
13 graphic proximity of the disaster or emergency.

14 “(3) AVAILABILITY.—The Director shall ensure
15 that the inventory is made available to the Governor
16 of each State for the purposes of formulating a re-
17 quest for the declaration of a major disaster, cata-
18 strophic disaster, or emergency.

19 “(4) MAINTENANCE.—The Director shall en-
20 sure that information contained in the inventory is
21 current and accurate.

22 “(5) STATE PARTICIPATION.—

23 “(A) IN GENERAL.—Not later than 90
24 days after the establishment of the inventory,
25 the Director shall request each Governor of a

1 State to identify the State Coordinating Officer
2 and other public safety officials who are respon-
3 sible for coordinating or overseeing State and
4 local response to disasters and emergencies in
5 the State.

6 “(B) ACCESS.—A public safety official des-
7 igned under subparagraph (A) shall have di-
8 rect and immediate access to the information
9 contained in the inventory to expedite State and
10 local responses to disasters and emergencies not
11 declared by the President.

12 “(g) VOLUNTEERS.—Not later than 180 days after
13 the date of enactment of the Federal Disaster Prepared-
14 ness and Response Act of 1993, the Director shall—

15 “(1) establish a system that is coordinated with
16 systems of private relief agencies to manage and uti-
17 lize spontaneous disaster volunteers to carry out pri-
18 ority disaster response services; and

19 “(2) report to Congress on the system.

20 “(h) DONATED GOODS.—Not later than 180 days
21 after the date of enactment of the Federal Disaster Pre-
22 paredness and Response Act of 1993, the Director shall—

23 “(1) establish a system for the management of
24 goods donated to the Federal Government to support
25 disaster victims; and

1 “(2) report to Congress on the system.”

2 **SEC. 6. PREDECLARATION AUTHORITY.**

3 Title II of the Robert T. Stafford Disaster Relief and
4 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is
5 amended by adding at the end the following new section:

6 **“SEC. 203. PREDECLARATION AUTHORITY.**

7 “(a) **AUTHORITY.**—When, in the determination of the
8 Director, events indicate that an emergency, major disas-
9 ter or catastrophic disaster is likely to be declared, a Fed-
10 eral agency, in consultation with the Director, may take
11 such actions as the agency considers necessary to prepare
12 to provide Federal assistance to State and local govern-
13 ments and to disaster victims.

14 “(b) **REIMBURSEMENT.**—The Federal agency shall be
15 reimbursed by the disaster relief fund for the cost of ac-
16 tions taken in accordance with this section.”

17 **SEC. 7. DOMESTIC CRISIS MONITORING UNIT.**

18 (a) **ESTABLISHMENT.**—Not later than 30 days of the
19 date after the enactment of this section, the President
20 shall establish a unit within the White House to be known
21 as the “Domestic Crisis Monitoring Unit”.

22 (b) **HEAD.**—The Domestic Crisis Preparedness and
23 Monitoring Unit shall be headed by the Vice President.

24 (c) **OTHER PARTICIPANTS.**—The Cabinet Secretary,
25 or a designee of the Secretary, and the Director, or a des-

1 ignee of the Director, shall be detailed to the unit upon
2 activation.

3 (d) RESPONSIBILITIES.—The head of the Domestic
4 Crisis Monitoring Unit shall—

5 (1) monitor potential and pending disasters and
6 emergencies;

7 (2) notify the President and Federal agencies of
8 impending disasters and emergencies as soon as
9 practicable; and

10 (3) ensure effective, coordinated, and rapid
11 Federal agency response in the immediate aftermath
12 of a catastrophic disaster or emergency.

13 (e) COORDINATION OF ACTIVITIES.—The head of the
14 Domestic Crisis Monitoring Unit shall coordinate with the
15 Director and the Governors of States affected by a cata-
16 strophic disaster or emergency or in which a catastrophic
17 disaster or emergency is likely to be declared.

18 (f) ACTIVATION.—The President shall activate the
19 Domestic Crisis Monitoring Unit during the warning
20 stages of a major or catastrophic disaster, or immediately
21 following a catastrophic disaster when there is no warning,
22 and shall remain activated until the President determines
23 that continued activation is unwarranted.

24 (g) ROLE OF FEDERAL COORDINATING OFFICER.—

1 (1) CHIEF OF PRESIDENTIAL RESPONSE
2 PLAN.—After activation of the Domestic Crisis Mon-
3 itoring Unit, the Federal Coordinating Officer shall
4 retain authority as the chief administrator of the
5 Presidential Response Plan.

6 (2) COORDINATION OF PLAN PARTICIPANTS.—
7 The Federal Coordinating Officer shall coordinate
8 the activities of the participants of the Plan, includ-
9 ing consulting with participating agencies to deter-
10 mine disaster response priorities and directing par-
11 ticipating agencies to carry out assignments as
12 needed.

13 **SEC. 8. DAMAGE AND NEEDS ASSESSMENT.**

14 (a) IN GENERAL.—Title III of the Robert T. Stafford
15 Disaster Relief and Emergency Assistance Act (42 U.S.C.
16 5141 et seq.) is amended—

17 (1) by redesignating sections 304 through 321
18 as sections 305 through 322, respectively; and

19 (2) by inserting immediately after section 303,
20 the following new section:

21 **“SEC. 304. DISASTER ASSESSMENT TEAMS.**

22 “(a) IN GENERAL.—Not later than 6 months after
23 the date of enactment of this section, the Director shall
24 establish disaster assessment teams to be deployed at the
25 discretion of the Director to a staging area near the im-

1 pact area at the request of a governor of an affected State,
2 or to an area where a major disaster, catastrophic disaster,
3 or emergency is likely to be declared. The Director
4 or other FEMA official designated by the Director shall
5 lead each such assessment team, which shall have the purpose
6 of assessing damage and resulting needs.

7 “(b) COMPOSITION.—The Director shall designate
8 experts and officials from appropriate Federal agencies,
9 including FEMA and the Department of Defense, supported
10 by representatives of State and local agencies, and
11 private relief agencies, to serve on the disaster assessment
12 teams.

13 “(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
14 the request of the Director, the head of any Federal
15 agency shall detail to temporary duty with an assessment
16 team on a nonreimbursable basis, such personnel within
17 the administrative jurisdiction of the head of the Federal
18 agency as the Director may need or believe to be useful
19 for carrying out the functions of the assessment team.
20 Each such detail shall be without loss of seniority, pay,
21 or other employee status.

22 “(d) EXERCISES.—The assessment teams shall conduct
23 practice exercises at least annually, including officials
24 from appropriate Federal, State, and local agencies.

25 “(e) DAMAGE AND NEEDS ASSESSMENT.—

1 ~~“(1) IN GENERAL.—Not later than 3 hours~~
2 ~~after the onset of a potential or actual catastrophic~~
3 ~~disaster, the Director shall deploy an assessment~~
4 ~~team established under subsection (a) to evaluate~~
5 ~~the extent of the damage and the resulting needs for~~
6 ~~authorized Federal disaster relief assistance.~~

7 ~~“(2) RECOMMENDATIONS.—As soon as possible~~
8 ~~after deployment, the assessment team shall make~~
9 ~~recommendations to the Director, the President, and~~
10 ~~the Governors of the affected States regarding the~~
11 ~~damage and the resources needed to provide life sup-~~
12 ~~port to the affected areas. The assessment team~~
13 ~~shall recommend whether the disaster should be~~
14 ~~classified as a catastrophic disaster or a major~~
15 ~~disaster.~~

16 ~~“(3) COORDINATION WITH STATE AND LOCAL~~
17 ~~OFFICIALS.—The damage and needs assessments~~
18 ~~shall be conducted in coordination with the State~~
19 ~~and local officials of the affected area.”.~~

20 ~~(b) CONFORMING AMENDMENT.—Section 408(d)(2)~~
21 ~~of such Act (42 U.S.C. 5176(d)(2)) is amended by striking~~
22 ~~“308” and inserting “309”.~~

1 **SEC. 9. CATASTROPHIC DISASTERS.**

2 Title IV of the Robert T. Stafford Disaster Relief and
3 Emergency Assistance Act (42 U.S.C. 5170 et seq.) is
4 amended by adding at the end the following new section:

5 **“SEC. 426. CATASTROPHIC DISASTERS.**

6 **“(a) DECLARATION.—**

7 **“(1) RECOMMENDATION BY DISASTER ASSESS-**
8 **MENT TEAMS.—**At the onset of a disaster in which
9 the disaster assessment teams established under sec-
10 tion 304(a) have been deployed, or immediately
11 thereafter, the disaster assessment teams shall make
12 concurrent recommendations to the Director, the
13 President, and the Governors of the affected States,
14 the Director, and the President as to whether the
15 disaster should be declared a catastrophic disaster.

16 **“(2) REQUEST FOR DECLARATION.—**A request
17 for a declaration by the President that a cata-
18 strophic disaster exists shall be made by the Gov-
19 ernor of each affected State seeking such declara-
20 tion. A request for a major disaster declaration com-
21 plying with the requirements of section 401 may ac-
22 company the request for a declaration of a cata-
23 strophic disaster.

24 **“(3) FINAL DETERMINATION.—**Based on a re-
25 quest or requests under paragraph (2), the Presi-
26 dent may declare that a catastrophic disaster, a

1 major disaster, or an emergency exists. A determina-
2 tion by the President that a catastrophic disaster or
3 an emergency exists shall be final.

4 “(b) EFFECT OF DETERMINATION.—

5 “(1) FEDERAL SHARE.—Notwithstanding sub-
6 sections (b) and (c)(4) of section 403, the Federal
7 share of the eligible cost of essential direct Federal
8 assistance necessary to sustain life or to protect
9 property following a catastrophic disaster declaration
10 shall be—

11 “(A) for the first 72 hours (and for up to
12 an additional 96 hours, at the discretion of the
13 President) 100 percent; and

14 “(B) after the assistance provided under
15 subparagraph (A), not less than 75 percent.

16 “(2) DISASTER RESPONSE AND MASS CARE.—

17 Upon the declaration of a catastrophic disaster, the
18 Federal Coordinating Officer shall assume an active
19 role in determining whether ancillary resources, such
20 as the resources of the Department of Defense, are
21 required to support any disaster response function.
22 Upon the determination that ancillary resources are
23 required for mass care, the Federal Coordinating Of-
24 ficer will actively assist the American Red Cross in
25 obtaining the resources of the Federal agencies.

1 ~~“(3) RESPONSIBILITY OF THE DEPARTMENT OF~~
2 ~~DEFENSE.—~~

3 ~~“(A) IN GENERAL.—~~Following the declara-
4 tion of a catastrophic disaster, the Secretary of
5 Defense shall, when requested by the President
6 and with the concurrence of the Governor of the
7 affected State, provide to persons adversely af-
8 fected by the disaster, disaster response services
9 not otherwise available from State, local, or vol-
10 unteer agencies, including—

11 ~~“(i) food, water, and shelter;~~

12 ~~“(ii) communications;~~

13 ~~“(iii) debris removal;~~

14 ~~“(iv) medical assistance; and~~

15 ~~“(v) any other services necessary to~~
16 sustain human life or to promote recovery.

17 ~~“(B) REIMBURSEMENT.—~~The Secretary of
18 Defense shall be reimbursed by the disaster re-
19 lief fund for the provision of disaster response
20 services described in subparagraph (A).

21 ~~“(C) DIRECTION OF ACTIVITIES.—~~The
22 provision of disaster response services under
23 subparagraph (A) and the administration of re-
24 lief by consenting State, local, and volunteer
25 agencies shall be directed by the Federal Co-

1 ordinating Officer in consultation with the Vice
2 President in coordination with the Governors of
3 the affected States or a designee of the Gov-
4 ernors. After a declaration of a catastrophic
5 disaster, specific requests by the Governors for
6 the individual disaster response services de-
7 scribed in subparagraph (A) shall not be
8 necessary.

9 “(D) TRAINING.—The Secretary of De-
10 fense shall undertake necessary training and ex-
11 ercises to ensure preparedness for this humani-
12 tarian mission.

13 “(E) CONTINGENCY PLAN.—The Director
14 shall develop a contingency plan for the provi-
15 sion of disaster response services described in
16 subparagraph (A) in the event that sufficient
17 disaster response services are unavailable under
18 subparagraph (A).

19 “(4) ADDITIONAL ASSISTANCE.—The assistance
20 provided in this subsection shall supplement and not
21 supplant the major disaster assistance programs
22 provided in titles IV and V.”.

23 **SEC. 10. TARGETED EMERGENCY GRANTS.**

24 (a) IN GENERAL.—Title II of the Robert T. Stafford
25 Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 5131 et seq.) is further amended by adding at the end
2 the following new section:

3 **“SEC. 204. TARGETED EMERGENCY GRANTS.**

4 “(a) IN GENERAL.—

5 “(1) ESTABLISHMENT.—The Director shall es-
6 tablish a grant program for the purposes of enabling
7 State and local governments—

8 “(A) to mitigate, prepare for, and respond
9 to major disasters or emergencies;

10 “(B) to construct and maintain State and
11 local emergency operating centers;

12 “(C) to develop, install, and maintain
13 emergency communications systems; and

14 “(D) to evaluate potential hazards in the
15 State.

16 “(2) APPLICATION.—Application for a grant
17 shall be made by the Governor of an affected State,
18 and shall be reviewed by the Director.

19 “(3) BASIS FOR AWARDS.—The Director shall
20 determine eligibility for grant awards under this sec-
21 tion based on compliance with the performance
22 standards described in subsection (b), and on equal
23 consideration of—

24 “(A) the risk of occurrence of major disas-
25 ters or emergencies; and

1 ~~“(B) the population of each State applying~~
2 ~~for a grant.~~

3 ~~“(4) DISTRIBUTION TO LOCAL JURISDIC-~~
4 ~~TIONS.—Each recipient State shall allocate a portion~~
5 ~~of the grant award, in an amount to be determined~~
6 ~~by the Director, to local participating jurisdictions.~~

7 ~~“(b) PERFORMANCE STANDARDS.—~~

8 ~~“(1) ESTABLISHMENT.—Not later than 1 year~~
9 ~~after the date of enactment of this section, the Di-~~
10 ~~rector shall establish performance standards to de-~~
11 ~~termine eligibility and application procedures for a~~
12 ~~grant award under this section.~~

13 ~~“(2) CRITERIA.—The performance standards~~
14 ~~shall be based on the relative severity of risk to pub-~~
15 ~~lic health, safety, and property at risk in the State,~~
16 ~~and shall include provisions for—~~

17 ~~“(A) updating emergency operations plans~~
18 ~~annually;~~

19 ~~“(B) ensuring interoperability between~~
20 ~~Federal, State, and local emergency operations~~
21 ~~plans;~~

22 ~~“(C) conducting training and annual exer-~~
23 ~~cises with all appropriate entities including the~~
24 ~~National Guard; and~~

1 ~~“(D) requiring appropriate hazard mitiga-~~
2 ~~tion activities.~~

3 ~~“(3) PERFORMANCE REVIEW.—The Director~~
4 ~~shall conduct annual performance reviews of State~~
5 ~~emergency operations plans based on the criteria de-~~
6 ~~scribed in paragraph (2).~~

7 ~~“(4) NOTIFICATION.—The Director shall notify~~
8 ~~a State that does not meet the performance stand-~~
9 ~~ards within 60 days of review. In the notice, the Di-~~
10 ~~rector shall direct the State as to the steps that~~
11 ~~must be taken to meet the performance standards.~~

12 ~~“(5) OPPORTUNITY TO COMPLY.—A State that~~
13 ~~does not meet the performance standards shall be~~
14 ~~given an additional 60 days to comply.~~

15 ~~“(c) FEDERAL SHARE OF GRANT.—The Federal~~
16 ~~share of a grant under this section shall be 75 percent~~
17 ~~of the cost of the emergency preparedness activities of the~~
18 ~~State.~~

19 ~~“(d) AUTHORIZATION OF APPROPRIATIONS.—There~~
20 ~~are authorized to be appropriated to carry out this section~~
21 ~~\$200,000,000 for each of fiscal years 1994 through~~
22 ~~1998.”.~~

23 ~~(b) FEDERAL SHARE OF ASSISTANCE.—Title IV of~~
24 ~~such Act (42 U.S.C. 5170 et seq.) is amended—~~

1 (1) by redesignating sections 406 through 424
2 as sections 407 through 425, respectively; and

3 (2) by inserting immediately after section 405,
4 the following new section:

5 **“SEC. 406. COMPLIANCE WITH PERFORMANCE STANDARDS.**

6 “(a) **IN GENERAL.**—Notwithstanding any other pro-
7 vision of this Act, the Director shall establish a sliding
8 scale, in accordance with subsection (c), setting forth the
9 Federal share of the cost of eligible assistance following
10 a disaster or emergency for a State that is not in compli-
11 ance with the performance standards established under
12 section 204(b).

13 “(b) **SLIDING SCALE.**—On the sliding scale estab-
14 lished under subsection (a), the Federal share shall not
15 exceed 70 percent of the cost of long-term recovery for
16 each year the State remains out of compliance with the
17 performance standards. States that are not in compliance
18 with performance standards shall pay a greater share of
19 Federal assistance.”.

20 (c) **CONFORMING AMENDMENTS.**—

21 (1) Section 106(c) of the Housing and Commu-
22 nity Development Act of 1974 (42 U.S.C. 5306(c))
23 is amended by striking paragraph (4).

1 ~~(2) Section 5(b)(2)(A) of the Earthquake Haz-~~
2 ~~ards Reduction Act of 1977 (42 U.S.C.~~
3 ~~7704(b)(2)(A)) is amended—~~

4 (A) by striking clause (iv); and

5 (B) by redesignating clauses (v) and (vi)
6 as clauses (iv) and (v), respectively.

7 ~~(3) The Robert T. Stafford Disaster Relief and~~
8 ~~Emergency Assistance Act is amended—~~

9 (A) in section 312 (as so redesignated in
10 section 8(a)(1) of this Act)—

11 (i) by striking “406” each place it ap-
12 pears, and inserting “407”; and

13 (ii) by striking “422” each place it
14 appears, and inserting “423”;

15 (B) in section 317 (as so redesignated in
16 section 8(a)(1) of this Act)—

17 (i) by striking “407” and inserting
18 “408”; and

19 (ii) by striking “422” and inserting
20 “423”;

21 (C) in section 403(c)(2), by striking
22 “407(b)” and inserting “408(b)”;

23 (D) in section 405 (as so redesignated)—

24 (i) by striking “409” and inserting
25 “410”; and

1 (ii) by striking “406” and inserting
2 “407”;

3 (E) in section 407(f)(2) (as so redesign-
4 nated in paragraph (1) of this subsection), by
5 striking “406, 407” and inserting “407, 408”;

6 (F) in section 423 (as so redesignated)—

7 (i) by striking “407” each place it ap-
8 pears and inserting “408”; and

9 (ii) by striking “406” each place it
10 appears, and inserting “407”; and

11 (G) in section 502(a)—

12 (i) in paragraph (5), by striking
13 “407” and inserting “408”; and

14 (ii) in paragraph (6), by striking
15 “408” and inserting “409”.

16 **SEC. 11. REORGANIZATION OF FEMA.**

17 (a) IN GENERAL.—The Director shall restructure
18 FEMA to—

19 (1) implement an all hazards approach to disas-
20 ter management that includes activities and meas-
21 ures designed or undertaken to—

22 (A) minimize the effects of natural disas-
23 ters, civil disturbances, or attack-related emer-
24 gencies and disasters;

1 ~~(B)~~ respond to the immediate emergency
2 conditions that are created by the disasters; and

3 ~~(C)~~ effectuate emergency repairs to, or the
4 emergency restoration of, vital utilities and fa-
5 cilities destroyed or damaged by a disaster, sub-
6 ject to reimbursement by private utilities;

7 ~~(2)~~ utilize resources dedicated to defense-related
8 programs on the date of enactment of this Act to re-
9 spond to major disasters, catastrophic disasters, and
10 emergencies;

11 ~~(3)~~ redefine the relationship between the Direc-
12 tor and FEMA headquarters and regional offices to
13 ensure effective disaster planning and response; and

14 ~~(4)~~ reduce the number of regional offices and
15 locate the offices in areas the Director identifies as
16 high risk.

17 ~~(b)~~ REDESIGNATION OF EMPLOYEE POSITIONS.—

18 Not later than December 31, 1995, the following employee
19 positions within FEMA shall be classified as career re-
20 served positions within the meaning of section 3132(a)(8)
21 of title 5, United States Code:

22 ~~(1)~~ The position of Executive Director of
23 FEMA/Chief of Staff of FEMA.

24 ~~(2)~~ The position of Federal Insurance Adminis-
25 trator.

1 (3) The positions of Regional Director of
2 FEMA, which shall be reduced in number.

3 (4) The position of General Counsel of FEMA.

4 (5) The position of Senior Advisor to the State
5 and Local Programs and Support Directorate.

6 (6) Positions of a confidential or policy-deter-
7 mining character described in schedule C of subpart
8 C of part 213 of title 5, Code of Federal Regula-
9 tions.

10 **SEC. 12. NATIONAL ACADEMY OF FIRE AND EMERGENCY**

11 **PREPAREDNESS.**

12 (a) **ESTABLISHMENT.**—The National Academy for
13 Fire Prevention and Control and the Emergency Manage-
14 ment Institute operated by FEMA are abolished and
15 merged into the National Academy of Fire and Emergency
16 Preparedness. The National Academy of Fire and Emer-
17 gency Preparedness shall provide appropriate education
18 for fire prevention and control of all hazards emergency
19 management.

20 (b) **PURPOSE.**—The primary purpose of the Academy
21 shall be first-response training for all hazards. Not less
22 than 50 percent of the resources of the Academy shall be
23 spent on training fire and emergency services profes-
24 sionals.

1 (c) REDESIGNATION OF TRAINING ACADEMY.—Sec-
2 tion 7 of the Federal Fire Prevention and Control Act of
3 1974 (15 U.S.C. 2206) is amended—

4 (1) in subsection (a), by striking “National
5 Academy for Fire Prevention and Control” and in-
6 serting “National Academy of Fire and Emergency
7 Preparedness”; and

8 (2) in subsection (d)—

9 (A) by striking “and” at the end of para-
10 graph (4);

11 (B) by striking the period at the end of
12 paragraph (5) and inserting “; and”; and

13 (C) by adding at the end the following new
14 paragraph:

15 “~~(6)~~ train employees of the Federal Emergency
16 Management Agency and State and local officials in
17 all hazards, as defined in section 102(11) of the
18 Robert T. Stafford Disaster Relief and Emergency
19 Assistance Act.”.

20 (d) TRANSFER OF FUNCTIONS AND RESOURCES.—

21 The Director of the Federal Emergency Management
22 Agency shall transfer the functions, personnel, facilities,
23 and equipment of the Emergency Management Institute
24 existing on the date of enactment of this Act to the Na-
25 tional Academy of Fire and Emergency Preparedness.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
 2 17 of the Federal Fire Prevention and Control Act of 1974
 3 (15 U.S.C. 2216) is amended by adding at the end the
 4 following new subsection:

5 “(h) There are authorized to be appropriated for the
 6 National Academy of Fire and Emergency Preparedness
 7 \$80,000,000 for each of fiscal years 1994 through 1998.”.

8 (f) CONFORMING AMENDMENT.—Section 4 of such
 9 Act (15 U.S.C. 2203) is amended by striking “National
 10 Academy for Fire Prevention and Control” and inserting
 11 “National Academy of Fire and Emergency Prepared-
 12 ness”.

13 **SEC. 13. RESEARCH CENTER.**

14 Title VI of the Robert T. Stafford Disaster Relief and
 15 Emergency Assistance Act (42 U.S.C. 5101 et seq.) is
 16 amended by adding at the end the following new section:
 17 **“SEC. 605. RESEARCH CENTER.**

18 “(a) ESTABLISHMENT.—Not later than 1 year after
 19 the date of enactment of this section, the Director shall
 20 establish a university-based research center to—

21 “(1) conduct research on disaster management
 22 methods, technologies, mitigation and response sys-
 23 tems;

24 “(2) develop a curriculum for disaster manage-
 25 ment and related fields curriculum; and

1 ~~“(3) provide education and training to the~~
2 ~~emergency response community.~~

3 ~~“(b) COMPOSITION.—The university or universities~~
4 ~~shall be selected by the Director following a competitive~~
5 ~~selection process.~~

6 ~~“(c) REPORT.—The center shall report annually to~~
7 ~~the President and Congress on the activities of the~~
8 ~~consortium.~~

9 ~~“(d) AUTHORIZATION OF APPROPRIATIONS.—There~~
10 ~~are authorized to be appropriated to carry out this section~~
11 ~~\$5,000,000 for each of fiscal years 1994 and 1995.”.~~

12 **SEC. 14. REPEAL OF CIVIL DEFENSE ACT.**

13 ~~(a) REPEAL.—The Federal Civil Defense Act of 1950~~
14 ~~(50 U.S.C. App. 2251 et seq.) is repealed.~~

15 ~~(b) CONFORMING AMENDMENTS.—~~

16 ~~(1) Section 813(d)(2) of the Agricultural Act of~~
17 ~~1970 (7 U.S.C. 1427a(d)(2)) is amended by striking~~
18 ~~“as proclaimed” and all that follows through the~~
19 ~~period and inserting a period.~~

20 ~~(2) Section 310 of title 23, United States Code,~~
21 ~~is amended by striking “Federal Civil Defense Ad-~~
22 ~~ministrator” and inserting “Director of the Federal~~
23 ~~Emergency Management Agency”.~~

1 ~~(3) Section 202 of the Robert T. Stafford Dis-~~
 2 ~~aster Relief and Emergency Assistance Act (42~~
 3 ~~U.S.C. 5132) is amended—~~

4 ~~(A) by striking subsection (c); and~~

5 ~~(B) by redesignating subsection (d) as sub-~~
 6 ~~section (c).~~

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

8 (a) *SHORT TITLE.*—*This Act may be cited as the*
 9 *“Federal Disaster Preparedness and Response Act of 1994”.*

10 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 11 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Purposes.

Sec. 4. Definitions.

Sec. 5. Presidential Response Plan.

Sec. 6. Predeclaration authority.

Sec. 7. Domestic Crisis Monitoring Unit.

Sec. 8. Damage and needs assessment.

Sec. 9. Federal response and recovery assistance for catastrophic disasters.

Sec. 10. Targeted emergency grants.

Sec. 11. FEMA structure and organization.

*Sec. 12. National Academy for Fire Prevention and Control and Emergency
 Management Institute.*

Sec. 13. Research centers.

Sec. 14. Repeal of Federal Civil Defense Act.

Sec. 15. Prevention of fraud following emergencies and disasters.

Sec. 16. FEMA region for the Pacific.

Sec. 17. Native Americans.

12 **SEC. 2. FINDINGS.**

13 *Congress finds that—*

14 (1) *the Federal Government should give imme-*
 15 *diately attention to developing a broad risk-based strat-*
 16 *egy for improving Federal preparedness for and re-*
 17 *sponse to major disasters;*

1 (2) *the all hazards approach is the best way to*
2 *prepare the United States for all disasters and emer-*
3 *gency situations;*

4 (3) *all reasonable actions should be taken to*
5 *mitigate the effects of disasters;*

6 (4) *initial response to disasters and emergency*
7 *situations is made by State and local emergency serv-*
8 *ice agencies, whose capabilities must therefore be*
9 *maintained and strengthened;*

10 (5) *fire service agencies, police, public works*
11 *agencies, emergency medical teams, and emergency*
12 *managers perform a critical function of first response*
13 *to fire and other hazards, and should be recognized*
14 *for performing this function;*

15 (6) *the American National Red Cross, Salvation*
16 *Army, Mennonite Disaster Services, and other relief*
17 *or disaster assistance organizations have made, and*
18 *will continue to make, valuable contributions in re-*
19 *sponding to disasters nationwide by providing chan-*
20 *nels for the generous sharing of time and resources*
21 *with persons in need;*

22 (7) *private nonprofit organizations play an im-*
23 *portant role in disaster relief operations, and are an*
24 *essential element of disaster preparedness, response,*
25 *and recovery efforts; and*

1 (8) training and hazard mitigation are impor-
2 tant preventive measures and are vital elements in
3 disaster preparedness and recovery.

4 **SEC. 3. PURPOSES.**

5 The purposes of this Act are—

6 (1) to improve Federal Government preparedness
7 for and response to disasters that overwhelm the abil-
8 ity of State, local, and volunteer agencies to ade-
9 quately provide victims of the disasters with services
10 necessary to sustain life;

11 (2) to shift the emphasis of the Federal Emer-
12 gency Management Agency to a risk-based strategy to
13 improve preparedness for all hazards; and

14 (3) to emphasize the mission of FEMA to provide
15 for mitigation, preparedness, response, and recovery
16 for all hazards.

17 **SEC. 4. DEFINITIONS.**

18 (a) *IN GENERAL.*—As used in this Act, the terms “all
19 hazards”, “catastrophic disaster”, “emergency”, “Director”,
20 “FEMA”, and “major disaster” have the meanings pro-
21 vided in section 102 of the Robert T. Stafford Disaster Re-
22 lief and Emergency Assistance Act (42 U.S.C. 5122) (as
23 amended by subsection (b)).

1 (b) *STAFFORD ACT.*—Section 102 of the Robert T.
2 *Stafford Disaster Relief and Emergency Assistance Act* (42
3 *U.S.C. 5122*) is amended—

4 (1) by striking paragraph (2) and inserting the
5 following new paragraph:

6 “(2) *MAJOR DISASTER.*—The term ‘major disaster’ means—

8 “(A) any natural catastrophe (including
9 any hurricane, tornado, storm, high water,
10 winddriven water, tidal wave, tsunami, earth-
11 quake, volcanic eruption, landslide, mudslide,
12 snowstorm, or drought);

13 “(B) any fire, flood, or explosion, in any
14 part of the United States (regardless of cause); or

15 “(C) a catastrophe resulting from an event
16 described in paragraph (10);

17 that, in the determination of the President, causes
18 damage of sufficient severity and magnitude to war-
19 rant major disaster assistance under this Act to sup-
20 plement the efforts and available resources of States,
21 local governments, and disaster relief organizations in
22 alleviating the damage, loss, hardship, or suffering
23 caused by the event.”; and

24 (2) by adding at the end the following new
25 paragraphs:

1 “(10) *ALL HAZARDS.*—The term ‘all hazards’
2 *means natural or human-caused events that may re-*
3 *sult in emergencies, major disasters, or catastrophic*
4 *disasters.*

5 “(11) *CATASTROPHIC DISASTER.*—The term ‘cat-
6 *astrophic disaster’ means any event described in sub-*
7 *paragraph (A), (B), or (C) of paragraph (2) that, in*
8 *the determination of the President, destroys the infra-*
9 *structure of a State and local government to the ex-*
10 *tent that the State and local government can no*
11 *longer perform the governmental functions of saving*
12 *lives and protecting public health and safety.*

13 “(12) *DIRECTOR.*—The term ‘Director’ means
14 *the Director of FEMA.*

15 “(13) *FEMA.*—The term ‘FEMA’ means the
16 *Federal Emergency Management Agency.’’.*

17 **SEC. 5. PRESIDENTIAL RESPONSE PLAN.**

18 *Section 201 of the Robert T. Stafford Disaster Relief*
19 *and Emergency Assistance Act (42 U.S.C. 5131) is amend-*
20 *ed to read as follows:*

21 **“SEC. 201. FEDERAL AND STATE DISASTER PREPAREDNESS**
22 **PROGRAMS.**

23 “(a) *ESTABLISHMENT.*—The President may establish
24 *a program of disaster preparedness that utilizes services of*
25 *all appropriate agencies, and includes—*

1 “(1) development of preparedness plans for the
2 mitigation of, warning of, emergency operations for,
3 rehabilitation from, and recovery from disasters;

4 “(2) training and exercises;

5 “(3) postdisaster evaluations;

6 “(4) review of programs;

7 “(5) coordination of Federal, State, and local
8 preparedness programs; and

9 “(6) application of research, science, and tech-
10 nology.

11 “(b) TECHNICAL ASSISTANCE.—The President shall
12 provide technical assistance to the States in developing com-
13 prehensive plans and programs regarding—

14 “(1) preparation for disasters, including hazard
15 reduction, avoidance, and mitigation;

16 “(2) assistance to individuals, businesses, and
17 State and local governments following the disasters;
18 and

19 “(3) recovery of damaged or destroyed public
20 and private facilities.

21 “(c) PRESIDENTIAL RESPONSE PLAN.—

22 “(1) ESTABLISHMENT.—Not later than 180 days
23 after the date of enactment of the Federal Disaster
24 Preparedness and Response Act of 1994, the Presi-
25 dent, acting through the Director, shall develop a

1 *Presidential Response Plan (referred to in this section*
2 *as the 'Plan') to provide Federal assistance to a*
3 *State, if so requested by the Governor of the State,*
4 *impacted by an emergency, a major disaster, or a cat-*
5 *astrophic disaster declared by the President in coordi-*
6 *nation with appropriate Federal, State, local, and*
7 *private relief agencies and other organizations, as de-*
8 *termined by the President.*

9 “(2) *DISTRIBUTION.*—*The Director shall ensure*
10 *that copies of the Plan are widely distributed and*
11 *publicly available.*

12 “(3) *TRAINING EXERCISES.*—*The Plan shall in-*
13 *clude provisions for periodic training exercises held*
14 *on at least an annual basis, to be performed by des-*
15 *ignated participants in the Plan, State and local en-*
16 *tities, and private organizations, including relief*
17 *agencies, to test their disaster preparedness*
18 *capability.*

19 “(4) *OPERATING PROCEDURES.*—*Not later than*
20 *1 year after the date of enactment of the Federal Dis-*
21 *aster Preparedness and Response Act of 1994, the Di-*
22 *rector shall prepare standard operating procedures to*
23 *accompany the Plan. The procedures shall—*

24 “(A) *describe a chain of command for ac-*
25 *tivities carried out under the Plan;*

1 “(B) describe the specific duties of each Fed-
2 eral agency involved;

3 “(C) describe the relationship between, and
4 the respective duties of, Federal, State, and local
5 governments, and private organizations, includ-
6 ing relief agencies;

7 “(D) be based on a comprehensive risk as-
8 sessment of the United States, undertaken by the
9 Director, that analyzes the probability and sever-
10 ity of natural or manmade disasters occurring
11 that are likely to have a severe impact on public
12 health, safety, and property within various
13 regions;

14 “(E) provide for the preparation of plans
15 for areas that are particularly susceptible to cer-
16 tain natural or manmade disasters;

17 “(F) provide for the development of stand-
18 ardized criteria for State and local emergency
19 operating plans that are consistent with the
20 Plan;

21 “(G) support the development of mutual aid
22 agreements between and among States and local
23 governments; and

24 “(H) include specific systems and standard-
25 ized plans for mutual aid, incident management,

1 *and emergency communications between State,*
2 *regional, and local entities for the purpose of co-*
3 *ordinating and integrating all emergency man-*
4 *agement activities.*

5 “(5) *AUTHORIZATION OF APPROPRIATIONS.—*
6 *There are authorized to be appropriated to FEMA*
7 *\$3,000,000 to support planning and other activities of*
8 *appropriate agencies under the Plan.*

9 “(d) *COORDINATION OF SERVICES UNDER THE NA-*
10 *TIONAL DISASTER MEDICAL SYSTEM.—The Director, the*
11 *Secretary of Health and Human Services, the Secretary of*
12 *Veterans Affairs, and the Secretary of Defense shall work*
13 *together to ensure that the assets of the National Disaster*
14 *Medical System are fully integrated into the Plan. The Sec-*
15 *retary of Health and Human Services shall develop proce-*
16 *dures, roles, and responsibilities for each component of the*
17 *System consistent with the provision of medical care in the*
18 *event of a catastrophic disaster.*

19 “(e) *ROLE OF STATE ADJUTANT GENERALS AND THE*
20 *NATIONAL GUARD DURING EMERGENCIES, MAJOR DISAS-*
21 *TERS, AND CATASTROPHIC DISASTERS.—*

22 “(1) *REVIEW.—*

23 “(A) *IN GENERAL.—The Director, in co-*
24 *operation with the Secretary of Defense and the*
25 *Chief of the National Guard Bureau, and in con-*

1 *sultation with the Governors of States, shall con-*
2 *duct a review to determine the proper roles of the*
3 *adjutant generals of the States and the National*
4 *Guard in preparing for and responding to emer-*
5 *gencies, major disasters, and catastrophic disas-*
6 *ters, in relation to the Plan. The review shall*
7 *address—*

8 *“(i) how the National Guard could bet-*
9 *ter prepare for and respond to emergencies,*
10 *major disasters, and catastrophic disasters;*

11 *“(ii) whether and how the force struc-*
12 *ture of the National Guard could be im-*
13 *proved to provide Governors with enhanced*
14 *immediate access to critical assets during*
15 *emergencies, major disasters, and cata-*
16 *strophic disasters; and*

17 *“(iii) the development by the Chief of*
18 *the National Guard Bureau of a format for*
19 *the implementation of interstate and re-*
20 *gional compacts that, if agreed to by States,*
21 *facilitate the mutual use of National Guard*
22 *assets across State borders during emer-*
23 *gencies, major disasters, and catastrophic*
24 *disasters.*

1 “(B) *REPORT.*—Not later than 1 year after
2 the date of enactment of the Federal Disaster
3 Preparedness and Response Act of 1994, the Di-
4 rector shall report to Congress on the results of
5 the review.

6 “(2) *ALL HAZARDS RESPONSE TRAINING.*—

7 “(A) *IN GENERAL.*—The Chief of the Na-
8 tional Guard Bureau shall require National
9 Guard units or members to participate in spe-
10 cialized disaster preparedness training and an-
11 nual exercises in each State, in conjunction with
12 appropriate State and local authorities as nec-
13 essary, to enhance the readiness of the National
14 Guard to respond to all hazards.

15 “(B) *FUNDING.*—For each fiscal year, there
16 may be used to carry out subparagraph (A) not
17 more than 6 percent of the funds made available
18 for the military pay and operations and mainte-
19 nance of the Army and Air National Guard.

20 “(3) *INTERSTATE MUTUAL ASSISTANCE COM-*
21 *PACTS.*—It is the policy of Congress that the States
22 are encouraged to enter into interstate and regional
23 compacts to facilitate the mutual use of National
24 Guard assets across State borders during emergencies,
25 major disasters, and catastrophic disasters.

1 “(4) *TRAINING AND COORDINATION WITH STATE*
2 *ENTITIES.*—

3 “(A) *AUTHORIZATION OF APPROPRIA-*
4 *TIONS.*—*There are authorized to be appropriated*
5 *to FEMA for distribution to the National Guard*
6 *through the Governors of States \$5,000,000 to*
7 *conduct disaster and emergency training exer-*
8 *cises in conjunction with appropriate State and*
9 *local entities.*

10 “(B) *USE OF FUNDS.*—*Funds made avail-*
11 *able under this paragraph shall be used to en-*
12 *hance the preparedness of State and local govern-*
13 *ments for emergencies, major disasters, and cata-*
14 *strophic disasters.*

15 “(f) *DISASTER RESOURCE INVENTORY.*—

16 “(1) *IN GENERAL.*—

17 “(A) *COMMENCEMENT OF INVENTORY.*—*Not*
18 *later than 60 days after the date of enactment of*
19 *the Federal Disaster Preparedness and Response*
20 *Act of 1994, the President, acting through the*
21 *Director, shall direct all appropriate Federal*
22 *agencies to conduct an inventory of selected re-*
23 *sources that are available within the Federal*
24 *Government, including medical assets and for-*
25 *ign language communication, for use or deploy-*

1 *ment, or both, in disaster relief or search and*
2 *rescue operations following an emergency, a*
3 *major disaster, or a catastrophic disaster. The*
4 *listing for each resource in the inventory shall*
5 *include the information necessary for prompt ac-*
6 *cess to the resource.*

7 “(B) *COMPLETION OF INVENTORY.*—*The in-*
8 *ventory shall be completed not later than 1 year*
9 *after the date of enactment of the Federal Disas-*
10 *ter Preparedness and Response Act of 1994.*

11 “(C) *REVIEW AND UPDATE OF INVEN-*
12 *TORY.*—*The inventory shall be periodically re-*
13 *viewed and updated as necessary.*

14 “(D) *OTHER RESOURCES.*—*In cooperation*
15 *with private and nonprofit organizations, mu-*
16 *nicipal governments, and other entities, each*
17 *Federal agency, to the extent practicable, shall*
18 *determine the scope of resources, other than re-*
19 *sources described in subparagraph (A), that are*
20 *available to the Federal Government. The Direc-*
21 *tor shall compile the information.*

22 “(2) *ORGANIZATION.*—*The inventory shall be or-*
23 *ganized to facilitate the prompt dispatch of resources*
24 *on a regional basis.*

1 “(3) *AVAILABILITY.*—*The Director shall ensure*
2 *that the list of resources in the inventory is made*
3 *available to the Governor of each State when so*
4 *requested.*

5 “(4) *STATE PARTICIPATION.*—

6 “(A) *IN GENERAL.*—*Not later than 90 days*
7 *after the completion of the inventory, the Direc-*
8 *tor shall request the Governor of each State to*
9 *identify a State coordinating officer who is re-*
10 *sponsible for managing State and local response*
11 *to disasters and emergency situations in the*
12 *State.*

13 “(B) *ACCESS.*—*The State coordinating offi-*
14 *cer identified under subparagraph (A) shall have*
15 *direct and immediate access to the information*
16 *contained in the inventory to expedite State and*
17 *local responses to disasters and emergency situa-*
18 *tions not subject to a declaration by the*
19 *President.*

20 “(g) *VOLUNTEERS AND DONATED GOODS.*—*Not later*
21 *than 180 days after the date of enactment of the Federal*
22 *Disaster Preparedness and Response Act of 1994, the Direc-*
23 *tor shall—*

24 “(1) *establish a system that is coordinated with*
25 *private relief agencies to manage and use disaster vol-*

1 *unteers to carry out priority disaster response*
2 *services;*

3 *“(2) establish a system for the management of*
4 *goods donated to the Federal Government to assist*
5 *disaster victims;*

6 *“(3) encourage other Federal agencies, State and*
7 *local emergency management agencies, and private*
8 *and nonprofit organizations to adopt systems that are*
9 *compatible with the systems established pursuant to*
10 *paragraphs (1) and (2) and to promote training in*
11 *the implementation of the systems by the agencies and*
12 *organizations; and*

13 *“(4) report to Congress on the systems estab-*
14 *lished pursuant to paragraphs (1) and (2).*

15 *“(h) AUTHORIZED LEAVE FOR FEDERAL VOLUN-*
16 *TEERS.—*

17 *“(1) IN GENERAL.—Subject to paragraph (3), a*
18 *Federal employee who is a certified disaster service*
19 *volunteer of the American National Red Cross may be*
20 *granted leave from Federal employment with pay for*
21 *a period not to exceed 15 days per year to participate*
22 *in specialized disaster relief services for the American*
23 *National Red Cross, if—*

24 *“(A) the American National Red Cross re-*
25 *quests the services of the employee; and*

1 “(B) *the appointing authority of the em-*
2 *ployee approves the grant of leave.*”

3 “(2) *COMPENSATION.—The appointing authority*
4 *shall compensate an employee granted leave under*
5 *paragraph (1) at the regular rate of pay of the em-*
6 *ployee for the regular work hours during which the*
7 *employee is absent from work.*”

8 “(3) *FEMA EMPLOYEES.—The Director may re-*
9 *quire an employee of FEMA granted leave under*
10 *paragraph (1) to perform the normal responsibilities*
11 *of the FEMA employee in responding to an emer-*
12 *gency, a major disaster, or a catastrophic disaster.”.*

13 **SEC. 6. PREDECLARATION AUTHORITY.**

14 *Title II of the Robert T. Stafford Disaster Relief and*
15 *Emergency Assistance Act (42 U.S.C. 5131 et seq.) is*
16 *amended by adding at the end the following new section:*

17 **“SEC. 203. PREDECLARATION AUTHORITY.**

18 “(a) *AUTHORITY.—When the Director determines that*
19 *a disaster event is imminent, a Federal agency, under the*
20 *direction of the Director, may take such actions as the agen-*
21 *cy considers necessary to prepare to provide Federal assist-*
22 *ance to State and local governments and to disaster victims.*”

23 “(b) *REIMBURSEMENT.—Reimbursement for actions*
24 *carried out under subsection (a) shall be consistent with the*

1 *policies and procedures of the Presidential Response Plan*
2 *developed under section 201(c) and other applicable laws.”.*

3 **SEC. 7. DOMESTIC CRISIS MONITORING UNIT.**

4 (a) *ESTABLISHMENT.*—*Not later than 60 days after*
5 *the date of enactment of this Act, the President shall estab-*
6 *lish a Domestic Crisis Monitoring Unit within the Execu-*
7 *tive Office of the President.*

8 (b) *HEAD.*—*The President shall designate the Vice*
9 *President or any official from within the Executive Office*
10 *of the President to serve as head of the Domestic Crisis Mon-*
11 *itoring Unit.*

12 (c) *OTHER PARTICIPANTS.*—*The Cabinet Secretary of*
13 *the Executive Office of the President, or a designee of the*
14 *Secretary, and the Director, or a designee of the Director,*
15 *shall be detailed to the Domestic Crisis Monitoring Unit*
16 *upon the activation of the Unit under subsection (e).*

17 (d) *RESPONSIBILITIES.*—*The head of the Domestic*
18 *Crisis Monitoring Unit shall—*

19 (1) *monitor imminent potential catastrophic*
20 *disasters;*

21 (2) *notify the President and Federal agencies of*
22 *imminent potential catastrophic disasters; and*

23 (3) *ensure effective, coordinated, and rapid Fed-*
24 *eral agency response to the aftermath of a cata-*
25 *strophic disaster.*

1 (e) *ACTIVATION.*—When a potential catastrophic disas-
2 *ter appears imminent, or immediately following a cata-*
3 *strophic disaster, the President shall activate the Domestic*
4 *Crisis Monitoring Unit, which shall remain operational for*
5 *so long as the President determines to be necessary.*

6 (f) *COORDINATION OF ACTIVITIES.*—The head of the
7 *Domestic Crisis Monitoring Unit, in consultation with the*
8 *Director, shall coordinate response preparedness with the*
9 *Governors of States when a potential catastrophic disaster*
10 *appears imminent.*

11 (g) *DOMESTIC CRISIS UNIT ADMINISTRATION.*—All
12 *Federal departments and agencies shall cooperate with the*
13 *Domestic Crisis Monitoring Unit and shall provide such as-*
14 *sistance, information, and advice as requested, consistent*
15 *with applicable law.*

16 (h) *ROLE OF FEDERAL COORDINATING OFFICER.*—

17 (1) *CHIEF OF PRESIDENTIAL RESPONSE PLAN.*—
18 *After the activation of the Domestic Crisis Monitoring*
19 *Unit, the Director shall be the chief administrator of*
20 *the Presidential Response Plan developed under sec-*
21 *tion 201(c) of the Robert T. Stafford Disaster Relief*
22 *and Emergency Assistance Act (as amended by sec-*
23 *tion 5).*

24 (2) *DESIGNEE.*—Notwithstanding section 302(a)
25 *of such Act (42 U.S.C. 5143(a)), as soon as prac-*

1 *licable after the activation, the Director shall des-*
2 *ignate an individual to serve as the Federal coordi-*
3 *nating officer.*

4 (3) *COORDINATION OF PLAN PARTICIPANTS.—In*
5 *addition to the duties under section 302(b) of such*
6 *Act (42 U.S.C. 5143(b)), the Federal coordinating of-*
7 *ficer shall coordinate the activities of the Presidential*
8 *Response Plan, including consulting with participat-*
9 *ing agencies to determine disaster response priorities*
10 *and directing participating agencies to carry out as-*
11 *signments as needed.*

12 **SEC. 8. DAMAGE AND NEEDS ASSESSMENT.**

13 (a) *IN GENERAL.—Title III of the Robert T. Stafford*
14 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
15 *5141 et seq.) is amended—*

16 (1) *by redesignating sections 304 through 321 as*
17 *sections 305 through 322, respectively; and*

18 (2) *by inserting after section 303 the following*
19 *new section:*

20 **“SEC. 304. DISASTER ASSESSMENT TEAMS.**

21 “(a) *IN GENERAL.—Not later than 180 days after the*
22 *date of enactment of the Federal Disaster Preparedness and*
23 *Response Act of 1994, the Director shall establish disaster*
24 *assessment teams to be deployed at the discretion of the Di-*
25 *rector to a staging area near the impact area of an emer-*

1 *gency, a major disaster, or a catastrophic disaster, at the*
2 *request of a Governor of an affected State, or to an area*
3 *where an emergency, a major disaster, or a catastrophic*
4 *disaster is likely. The Director or a designee of the Director*
5 *shall lead each such disaster assessment team, which shall*
6 *survey damage and resulting needs.*

7 “(b) *COMPOSITION.—The Director shall designate ex-*
8 *perts and officials from appropriate Federal agencies, in-*
9 *cluding the Department of Defense, to participate with rep-*
10 *resentatives of State and local agencies and private relief*
11 *agencies in serving on disaster assessment teams.*

12 “(c) *DETAIL OF FEDERAL GOVERNMENT EMPLOY-*
13 *EES.—On the request of the Director, the head of a Federal*
14 *agency shall detail to temporary duty with a disaster as-*
15 *essment team on a nonreimbursable basis, such personnel*
16 *of the Federal agency as the Director determines are nec-*
17 *essary or useful for carrying out the functions of the disaster*
18 *assessment team. Each such detail shall be without inter-*
19 *ruption or loss of civil service status or privilege.*

20 “(d) *EXERCISES.—The disaster assessment teams shall*
21 *conduct annual training and practice exercises, which shall*
22 *include, as necessary, officials from appropriate Federal,*
23 *State, and local agencies.*

24 “(e) *DAMAGE AND NEEDS ASSESSMENT.—*

1 “(1) *IN GENERAL.*—Not later than 12 hours after
2 the onset of a potential or actual catastrophic disaster
3 (as determined by the President), the Director shall
4 deploy a disaster assessment team established under
5 subsection (a) to survey the extent of the damage and
6 the resulting needs for authorized Federal disaster re-
7 lief assistance.

8 “(2) *RECOMMENDATIONS.*—As soon as prac-
9 ticable after deployment, the disaster assessment team
10 shall report to the Director, the President, and the
11 Governors of the affected States concerning the nature
12 and extent of the damage, threats to public health and
13 safety, immediate mass care needs, and other resource
14 requirements resulting from the disaster. In the case
15 of a catastrophic disaster for which the Domestic Cri-
16 sis Monitoring Unit has been activated, the disaster
17 assessment team shall report to the head of the Do-
18 mestic Crisis Monitoring Unit. The Director shall rec-
19 ommend to the President whether the disaster should
20 be declared, or how the event should be classified.

21 “(3) *COORDINATION WITH STATE AND LOCAL OF-*
22 *FICIALS.*—The damage and needs assessments shall be
23 conducted in coordination with appropriate State
24 and local officials of the affected area.”.

25 (b) *CONFORMING AMENDMENTS.*—

1 (1) *Section 408(d)(2) of such Act (42 U.S.C.*
2 *5174(d)(2)) is amended by striking “308” and insert-*
3 *ing “309”.*

4 (2) *Section 7(b)(E) of the Small Business Act*
5 *(15 U.S.C. 636(b)(E)) is amended by striking “sec-*
6 *tion 312(a) of the Disaster Relief and Emergency As-*
7 *sistance Act” and inserting “section 313(a) of the*
8 *Robert T. Stafford Disaster Relief and Emergency As-*
9 *sistance Act”.*

10 ***SEC. 9. FEDERAL RESPONSE AND RECOVERY ASSISTANCE***
11 ***FOR CATASTROPHIC DISASTERS.***

12 *Title IV of the Robert T. Stafford Disaster Relief and*
13 *Emergency Assistance Act (42 U.S.C. 5170 et seq.) (as*
14 *amended by section 10(b)) is amended by adding at the end*
15 *the following new section:*

16 ***“SEC. 426. FEDERAL RESPONSE AND RECOVERY ASSIST-***
17 ***ANCE FOR CATASTROPHIC DISASTERS.***

18 “(a) *DECLARATION.—*

19 “(1) *REQUEST FOR DECLARATION OF CATA-*
20 *STROPHIC DISASTER.—A request for a declaration by*
21 *the President that a catastrophic disaster exists shall*
22 *be made by the Governor of each affected State seeking*
23 *the declaration.*

24 “(2) *FINAL DETERMINATION.—Based on one or*
25 *more requests under paragraph (1), the President*

1 *may declare that a catastrophic disaster exists. A de-*
2 *termination by the President that a catastrophic dis-*
3 *aster exists shall be final.*

4 “(b) *EFFECT OF DETERMINATION.*—

5 “(1) *FEDERAL SHARE.*—*Notwithstanding sub-*
6 *sections (b) and (c)(4) of section 403, the Federal*
7 *share of the eligible cost of essential direct assistance*
8 *necessary to sustain life or to protect property follow-*
9 *ing the declaration of a catastrophic disaster for*
10 *which assistance is made available shall be—*

11 “(A) *for the first 72 hours after the declara-*
12 *tion (and for an additional period at the discre-*
13 *tion of the President), 100 percent; and*

14 “(B) *after the period of assistance provided*
15 *under subparagraph (A), not less than 75*
16 *percent.*

17 “(2) *DISASTER RESPONSE AND MASS CARE.*—

18 *Upon the declaration of a catastrophic disaster, the*
19 *Federal coordinating officer designated under section*
20 *7(h) of the Federal Disaster Preparedness and Re-*
21 *sponse Act of 1994 shall assume an active role in de-*
22 *termining whether ancillary resources of Federal*
23 *agencies, such as the resources of the Department of*
24 *Defense, are required to support any disaster response*
25 *function. Upon such a determination, the Federal co-*

1 *ordinating officer shall actively assist the American*
2 *National Red Cross in obtaining the resources of the*
3 *Federal agencies.*

4 “(3) *RESPONSIBILITY OF THE DEPARTMENT OF*
5 *DEFENSE.*—

6 “(A) *IN GENERAL.*—*Following the declara-*
7 *tion of a catastrophic disaster, the Secretary of*
8 *Defense shall, if requested by the Director and*
9 *with the concurrence of the Governor of the af-*
10 *ected State, provide, to persons adversely af-*
11 *ected by the disaster, disaster response services*
12 *not otherwise available from State, local, or vol-*
13 *unteer agencies, including—*

14 “(i) *food, water, and shelter;*

15 “(ii) *communications;*

16 “(iii) *debris removal;*

17 “(iv) *medical assistance; and*

18 “(v) *any other services necessary to*
19 *sustain human life or to promote recovery*
20 *from the disaster.*

21 “(B) *REIMBURSEMENT.*—*The Secretary of*
22 *Defense shall be reimbursed, with funds made*
23 *available under this Act, for the provision of eli-*
24 *gible disaster response services after the declara-*
25 *tion of the disaster by the President.*

1 “(C) *DIRECTION OF ACTIVITIES.*—The pro-
2 vision of disaster response services under sub-
3 paragraph (A) and the administration of relief
4 by participating State, local, and volunteer
5 agencies shall be managed by the Director in
6 consultation with the head of the Domestic Crisis
7 Monitoring Unit. After a declaration of a cata-
8 strophic disaster, specific requests by affected
9 Governors for the individual disaster response
10 services described in subparagraph (A) shall no
11 longer be necessary.

12 “(D) *TRAINING.*—The Secretary of Defense
13 shall undertake necessary training and exercises
14 to ensure preparedness for the provision of disas-
15 ter response services under this paragraph.

16 “(E) *CONTINGENCY PLAN.*—The Director
17 shall develop a contingency plan for the provi-
18 sion of disaster response services described in
19 subparagraph (A) in the event that sufficient
20 disaster response services are unavailable.

21 “(4) *ADDITIONAL ASSISTANCE.*—The assistance
22 provided under this subsection shall supplement, in
23 the event of a catastrophic disaster, and not supplant,
24 the major disaster assistance programs established
25 under this title and title V.”

1 **SEC. 10. TARGETED EMERGENCY GRANTS.**

2 (a) *IN GENERAL.*—Title II of the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act (42 U.S.C.
4 5131 et seq.) (as amended by section 6) is further amended
5 by adding at the end the following new section:

6 **“SEC. 204. TARGETED EMERGENCY GRANTS.**

7 “(a) *IN GENERAL.*—

8 “(1) *ESTABLISHMENT.*—The Director shall estab-
9 lish a grant program, and shall make grants under
10 the program to pay the Federal share of enabling
11 State and local governments to—

12 “(A) mitigate, prepare for, respond to, and
13 recover from emergencies, major disasters, and
14 catastrophic disasters;

15 “(B) construct and maintain State and
16 local emergency operating centers;

17 “(C) develop, install, and maintain emer-
18 gency communications systems;

19 “(D) evaluate potential hazards in the
20 State;

21 “(E) coordinate the emergency response
22 plans of State and local governments in the re-
23 gion with the emergency response plans of other
24 State and local governments in the region; and

1 “(F) facilitate and enhance the development
2 of mutual aid agreements among State and local
3 emergency management organizations.

4 “(2) APPLICATION.—Application for a grant
5 under this section shall be made by the Governor of
6 a State, and shall be reviewed by the Director.

7 “(3) BASIS FOR AWARDS.—The Director shall de-
8 termine eligibility for grant awards under this section
9 based on, and giving equal weight to—

10 “(A) compliance with the performance
11 standards described in subsection (b); and

12 “(B) with respect to the State for which the
13 application is made—

14 “(i) the risk of occurrence of emer-
15 gencies, major disasters, and catastrophic
16 disasters;

17 “(ii) the population of the State;

18 “(iii) the incentives for the State to de-
19 velop and maintain funds for disaster relief;

20 “(iv) the level of State resources dedi-
21 cated to an emergency management pro-
22 gram;

23 “(v) the past performance of the emer-
24 gency management program; and

1 “(vi) other factors as determined by the
2 Director.

3 “(4) DISTRIBUTION TO LOCAL JURISDICTIONS.—
4 Each State that receives a grant under this section
5 shall allocate a portion of the grant award, in an
6 amount to be determined by the Director, to local
7 participating jurisdictions.

8 “(b) PERFORMANCE STANDARDS.—

9 “(1) ESTABLISHMENT.—Not later than 1 year
10 after the date of enactment of the Federal Disaster
11 Preparedness and Response Act of 1994, the Director
12 shall establish performance standards to determine
13 eligibility and application procedures for a grant
14 award under this section.

15 “(2) CRITERIA.—The performance standards
16 shall be based on the relative severity of risk to public
17 health, safety, and property in the State, and shall
18 include provisions for—

19 “(A) reviewing and updating emergency op-
20 erations plans on at least an annual basis;

21 “(B) ensuring coordination between Fed-
22 eral, State, and local emergency operations
23 plans;

24 “(C) conducting training and annual exer-
25 cises with all appropriate entities involved in

1 *disaster preparedness, response, and recovery, in-*
2 *cluding State and local emergency response per-*
3 *sonnel, and the National Guard under section*
4 *201(e)(2); and*

5 *“(D) requiring a strategy and program for*
6 *the implementation of hazard mitigation activi-*
7 *ties throughout the State.*

8 *“(3) PERFORMANCE REVIEW.—The Director shall*
9 *conduct and make available to the public reviews and*
10 *assessments of State emergency operations plans based*
11 *on the criteria described in paragraph (2).*

12 *“(4) NOTIFICATION.—Not later than 60 days*
13 *after a review conducted under paragraph (3), the Di-*
14 *rector shall notify any State that does not meet the*
15 *performance standards. In the notification, the Direc-*
16 *tor shall recommend actions that the State should*
17 *take to meet the performance standards.*

18 *“(5) OPPORTUNITY TO MEET STANDARDS.—A*
19 *State that does not meet the performance standards*
20 *shall be given an additional 120 days, after the date*
21 *of notification under paragraph (4), to meet the*
22 *standards.*

23 *“(c) FEDERAL SHARE OF GRANT.—Subject to section*
24 *406, the Federal share of a grant under this section shall*

1 *be not less than 75 percent of the cost of the activities de-*
2 *scribed in subsection (a)(1).*

3 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
4 *are authorized to be appropriated to carry out this section*
5 *\$200,000,000 for each of fiscal years 1995 through 1999.”*

6 (b) *FEDERAL SHARE OF ASSISTANCE.*—*Title IV of*
7 *such Act (42 U.S.C. 5170 et seq.) is amended—*

8 (1) *by redesignating sections 406 through 424 as*
9 *sections 407 through 425, respectively; and*

10 (2) *by inserting after section 405 the following*
11 *new section:*

12 **“SEC. 406. COMPLIANCE WITH PERFORMANCE STANDARDS.**

13 “(a) *IN GENERAL.*—*Notwithstanding any other provi-*
14 *sion of this Act, the Director shall establish a compliance*
15 *system, in accordance with subsection (b), that will define*
16 *the Federal share of the costs of eligible assistance following*
17 *an emergency, a major disaster, or a catastrophic disaster*
18 *for a State that is not in compliance with the performance*
19 *standards established under section 204(b).*

20 “(b) *LIMITATION ON FEDERAL ASSISTANCE.*—*The*
21 *compliance system shall provide that the Federal share of*
22 *the costs of the eligible assistance referred to in subsection*
23 *(a) shall be reduced for any year that the State remains*
24 *out of compliance with the performance standards.*

1 “(c) *WAIVER.*—*The Director may recommend waiver*
2 *of, and the President may waive, subsection (b), in the event*
3 *of a catastrophic disaster or under another condition that*
4 *adversely affects public health and safety.*”.

5 (c) *CONFORMING AMENDMENTS.*—

6 (1) *Section 7(p) of the Endangered Species Act*
7 *of 1973 (16 U.S.C. 1536(p)) is amended—*

8 (A) *by striking “under the Disaster Relief*
9 *and Emergency Assistance Act” and inserting*
10 *“under the Robert T. Stafford Disaster Relief*
11 *and Emergency Assistance Act (42 U.S.C. 5121*
12 *et seq.)”;* and

13 (B) *by striking “section 405 or 406 of the*
14 *Disaster Relief and Emergency Assistance Act”*
15 *and inserting “section 405 or 407 of the Robert*
16 *T. Stafford Disaster Relief and Emergency As-*
17 *sistance Act”.*

18 (2) *Section 802(b) of the Public Works and Eco-*
19 *nomic Development Act of 1965 (42 U.S.C. 3232(b))*
20 *is amended by striking “section 406(c) of the Disaster*
21 *Relief and Emergency Assistance Act” and inserting*
22 *“section 407(c) of the Robert T. Stafford Disaster Re-*
23 *lief and Emergency Assistance Act”.*

24 (3) *The Robert T. Stafford Disaster Relief and*
25 *Emergency Assistance Act is amended—*

1 (A) in section 312 (as redesignated by sec-
2 tion 8(a)(1))—

3 (i) by striking “406” each place it ap-
4 pears and inserting “407”; and

5 (ii) by striking “422” each place it ap-
6 pears and inserting “423”;

7 (B) in section 317 (as redesignated by sec-
8 tion 8(a)(1))—

9 (i) by striking “406, 407” and insert-
10 ing “407, 408”; and

11 (ii) by striking “422” and inserting
12 “423”;

13 (C) in section 403(c)(2) (42 U.S.C.
14 5170b(c)(2)), by striking “407(b)” and inserting
15 “408(b)”;

16 (D) in section 404 (42 U.S.C. 5170c), by
17 striking “409” and inserting “410”;

18 (E) in section 407(f)(2) (as redesignated by
19 subsection (b)(1)), by striking “406, 407” and
20 inserting “407, 408”;

21 (F) in section 423 (as redesignated by sub-
22 section (b)(1))—

23 (i) by striking “407” each place it ap-
24 pears and inserting “408”; and

1 (ii) by striking “406” each place it ap-
2 pears, and inserting “407”; and

3 (G) in section 502(a) (42 U.S.C. 5192(a))—

4 (i) in paragraph (5), by striking
5 “407” and inserting “408”; and

6 (ii) in paragraph (6), by striking
7 “408” and inserting “409”.

8 (4) *The Omnibus Insular Areas Act of 1992 is*
9 *amended—*

10 (A) in section 202 (42 U.S.C. 5204a), by
11 striking “406 of *The Robert T. Stafford Disaster*
12 *Relief and Emergency Assistance Act (42 U.S.C.*
13 *5170b, 5172)”* and inserting “407 of the *Robert*
14 *T. Stafford Disaster Relief and Emergency As-*
15 *sistance Act”*; and

16 (B) in section 204 (42 U.S.C. 5204c), by
17 striking “406, 407, 408, and 411” and inserting
18 “407, 408, 409, and 412”.

19 (5) *Section 106(c) of the Housing and Commu-*
20 *nity Development Act of 1974 (42 U.S.C. 5306(c)) is*
21 *amended by striking paragraph (4).*

22 (6) *Section 5(b)(2)(A) of the Earthquake Haz-*
23 *ards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A))*
24 *is amended—*

25 (A) by striking clause (iv); and

1 (B) by redesignating clauses (v) and (vi) as
2 clauses (iv) and (v), respectively.

3 **SEC. 11. FEMA STRUCTURE AND ORGANIZATION.**

4 (a) *IN GENERAL.*—

5 (1) *STRUCTURE.*—*The Director shall ensure that*
6 *FEMA is structured and organized to—*

7 (A) *implement an all hazards approach to*
8 *disaster management, mitigation, and prepared-*
9 *ness, which includes activities and measures de-*
10 *signed or undertaken to—*

11 (i) *minimize the effects of natural dis-*
12 *asters, civil disturbances, or attack-related*
13 *emergency situations and disasters;*

14 (ii) *respond swiftly and effectively to*
15 *the immediate emergency conditions that*
16 *are created by disasters; and*

17 (iii) *repair and restore quickly those*
18 *vital utilities and facilities destroyed or*
19 *damaged by a disaster, subject to reimburse-*
20 *ment by private utilities;*

21 (B) *utilize, to the maximum extent feasible,*
22 *resources previously dedicated to defense-related*
23 *programs with coordinated response to an emer-*
24 *gency, a major disaster, or a catastrophic disas-*
25 *ter;*

1 (C) promote coordination between all offices
2 and directorates of FEMA to ensure effective dis-
3 aster planning, preparedness, and response; and

4 (D) provide for rapid response, efficient de-
5 livery of services, and technical monitoring sup-
6 port to the States by the Regional Offices.

7 (2) REVIEW AND RECOMMENDATIONS.—Not later
8 than 90 days after the date of enactment of this Act,
9 the Director shall review and analyze the structure of
10 FEMA and the locations of the regional offices of
11 FEMA in relation to identified hazards and levels of
12 risk and recommend to the President any necessary
13 changes to the structure and locations.

14 (b) QUALIFICATIONS OF OFFICERS.—

15 (1) DIRECTOR AND DEPUTY DIRECTOR.—The Di-
16 rector and Deputy Director of FEMA shall be ap-
17 pointed solely on the basis of professional qualifica-
18 tions, such as experience and expertise in emergency
19 management and disaster relief assistance, required to
20 perform the duties and responsibilities of the positions
21 of the Director and Deputy Director.

22 (2) OTHER POSITIONS.—Appointees to other po-
23 sitions in FEMA that require confirmation of ap-
24 pointment by the Senate, and the positions of Re-
25 gional Director, shall be appointed on the basis of ex-

1 *perience and knowledge in the diverse disciplines that*
2 *constitute emergency management, including State*
3 *and local government operations, legislative and*
4 *intergovernmental relations, voluntary assistance and*
5 *disaster management, and planning and manage-*
6 *ment.*

7 **SEC. 12. NATIONAL ACADEMY FOR FIRE PREVENTION AND**
8 **CONTROL AND EMERGENCY MANAGEMENT**
9 **INSTITUTE.**

10 *The National Academy for Fire Prevention and Con-*
11 *trol, and the Emergency Management Institute, operated by*
12 *FEMA shall provide education for all hazards emergency*
13 *management and response. The curricula for the Academy*
14 *and the Institute shall be complimentary and shall provide*
15 *for integration and cross-training of the respective commu-*
16 *nities served by the Academy and the Institute, where ap-*
17 *propriate. Participation in the training offered at the Acad-*
18 *emy and the Institute should reflect the diversity of dis-*
19 *ciplines involved in emergency management and the unique*
20 *needs of the specific communities.*

21 **SEC. 13. RESEARCH CENTERS.**

22 *Title VI of the Robert T. Stafford Disaster Relief and*
23 *Emergency Assistance Act (42 U.S.C. 5101 et seq.) is*
24 *amended by adding at the end the following new section:*

1 **“SEC. 605. RESEARCH CENTERS.**

2 “(a) *IN GENERAL.*—Not later than 1 year after the
3 date of enactment of the Federal Disaster Preparedness and
4 Response Act of 1994, the Director shall provide assistance
5 to university-based research centers to—

6 “(1) *conduct research on disaster management*
7 *methods and technologies used for mitigation, re-*
8 *sponse, and recovery systems;*

9 “(2) *develop a curriculum for disaster manage-*
10 *ment in the areas of mitigation preparedness, re-*
11 *sponse, and recovery as well as in related fields; and*

12 “(3) *translate research findings into practical*
13 *applications.*

14 “(b) *COMPOSITION.*—Each center receiving assistance
15 under this section shall be supported by one or more univer-
16 sities and shall be selected by the Director based on the
17 merit of research proposals and the ability of the university
18 to support the development of timely and high quality prac-
19 tical applications.

20 “(c) *REPORT.*—Each center shall report annually to
21 the Director on the activities supported by the center with
22 assistance made available under this section.

23 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There
24 are authorized to be appropriated to carry out this section
25 \$5,000,000 for each of fiscal years 1995 and 1996.”.

1 **SEC. 14. REPEAL OF FEDERAL CIVIL DEFENSE ACT.**

2 *Not later than 90 days after the date of enactment of*
3 *this Act, the Director shall submit to Congress recommenda-*
4 *tions concerning which provisions of the Federal Civil De-*
5 *fense Act of 1950 (50 U.S.C. App. 2251 et seq.) should be*
6 *repealed, and which provisions of such Act should be inte-*
7 *grated into the Robert T. Stafford Disaster Relief and*
8 *Emergency Assistance Act (42 U.S.C. 5121 et seq.). The rec-*
9 *ommendations shall include proposed technical or other*
10 *amendments that the Director determines are necessary.*

11 **SEC. 15. PREVENTION OF FRAUD FOLLOWING EMER-**
12 **GENCIES AND DISASTERS.**

13 (a) *DEFINITIONS.—As used in this section:*

14 (1) *AGREEMENT.—The term “agreement”, with*
15 *respect to the provision of a consumer good or service,*
16 *includes an offer or undertaking to provide or ar-*
17 *range for the provision of the consumer good or serv-*
18 *ice without regard to whether an enforceable contract*
19 *is entered into.*

20 (2) *CONSUMER GOOD OR SERVICE.—The term*
21 *“consumer good or service” means a good, piece of*
22 *equipment, or service provided primarily for per-*
23 *sonal, family, or household purposes, including food,*
24 *water, ice, a chemical, a building supply, a tool, a pe-*
25 *troleum product, a residential lease property, a resi-*
26 *dential construction, reconstruction, or repair service,*

1 *or a service for the removal of debris (including a*
2 *damaged tree) and garbage.*

3 (3) *PROVIDE.*—*The term “provide”, with respect*
4 *to a consumer good or service, means to sell, lease, or*
5 *otherwise provide in exchange for consideration, the*
6 *good or service.*

7 (4) *SUPPLIER.*—*The term “supplier” includes a*
8 *seller, reseller, wholesaler, distributor, retailer, lessor,*
9 *provider, or licensed or unlicensed contractor, sub-*
10 *contractor, or laborer, involved in the provision or*
11 *distribution of a consumer good or service.*

12 (b) *ESTABLISHMENT OF ANTI-FRAUD STRIKE*
13 *FORCES.*—*Following the declaration of the existence of an*
14 *emergency, a major disaster, or a catastrophic disaster by*
15 *the President under the Robert T. Stafford Disaster Relief*
16 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the*
17 *Attorney General shall—*

18 (1) *consult with the United States Attorney for*
19 *the district in which the emergency, major disaster, or*
20 *catastrophic disaster occurred and with State and*
21 *local law enforcement officials to determine the extent*
22 *to which victims of the emergency or disaster are*
23 *being further victimized by fraudulent or otherwise*
24 *unscrupulous activities of suppliers offering consumer*
25 *goods and services for cleanup, repair, and other re-*

1 covery from the effects of the emergency or disaster;
2 and

3 (2) if it appears that the extent of the activities
4 referred to in paragraph (1) is such that the resources
5 of the officials are not sufficient to quickly and ade-
6 quately investigate and prosecute the activities, estab-
7 lish an anti-fraud task force of investigators and
8 prosecutors to combat the activities in the area af-
9 fected by the emergency or disaster.

10 (c) *FRAUD INVOLVING EMERGENCY AND DISASTER*
11 *VICTIMS.*—

12 (1) *SUPPLIERS OF CONSUMER GOODS AND SERV-*
13 *ICES.*—

14 (A) *OFFENSE.*—During the period begin-
15 ning on the date the existence of an emergency,
16 a major disaster, or a catastrophic disaster is de-
17 clared by the President and ending 180 days
18 after that date, and within the area to which the
19 declaration applies, a supplier who by false pre-
20 tenses, by the making of a representation that the
21 supplier knows, or has reason to know, is false
22 or misleading, or through fraudulent conduct, ob-
23 tains money or any other thing of value in con-
24 nection with an agreement to provide a
25 consumer good or service for the cleanup, repair,

1 *or other recovery from the effects of an emer-*
2 *gency, a major disaster, or a catastrophic disas-*
3 *ter shall be punished as provided in subpara-*
4 *graph (B).*

5 *(B) PENALTY.—A supplier who commits an*
6 *offense described in subparagraph (A) shall be*
7 *imprisoned not more than 10 years or fined*
8 *under title 18, United States Code, or both.*

9 *(C) PRESUMPTIONS.—For the purposes of*
10 *subparagraph (A), a supplier shall be considered*
11 *to obtain money or another thing of value by*
12 *false pretenses if—*

13 *(i)(I) the supplier uses the money or*
14 *other thing of value for any purpose other*
15 *than to—*

16 *(aa) purchase materials to be used*
17 *in carrying out the agreement;*

18 *(bb) pay for work performed or*
19 *other expenses incurred in connection*
20 *with the agreement; or*

21 *(cc) pay for a proportionate share*
22 *of the overhead and profit of the sup-*
23 *plier; and*

24 *(II) the person with whom the agree-*
25 *ment was made has not authorized, in writ-*

1 *ing, the use of the money or other thing of*
2 *value for a purpose other than a purpose*
3 *described in item (aa), (bb), or (cc) of*
4 *subclause (I); or*

5 *(ii) in the case of an agreement to pro-*
6 *vide or arrange for the provision of a resi-*
7 *dential construction, reconstruction, or re-*
8 *pair service, or a service for the removal of*
9 *debris (including a damaged tree) and gar-*
10 *bage—*

11 *(I) the supplier receives more than*
12 *10 percent of the money or other thing*
13 *of value under the agreement for the*
14 *service and fails to—*

15 *(aa) apply for each permit*
16 *necessary to carry out the agree-*
17 *ment by the date that is 30 days*
18 *after the date of the receipt of the*
19 *money or thing of value; or*

20 *(bb) start carrying out the*
21 *construction, reconstruction, re-*
22 *pair, or removal by the date that*
23 *is 90 days after the last necessary*
24 *permit is obtained; and*

1 (II) *the person with whom the*
2 *agreement was made has not author-*
3 *ized, in writing, a longer time period*
4 *than the applicable period described in*
5 *subclause (I).*

6 (2) *BENEFICIARIES OF FEDERAL ASSISTANCE.—*

7 (A) *OFFENSE.—A person who by false pre-*
8 *tenses, by the making of a representation that the*
9 *supplier knows, or has reason to know, is false*
10 *or misleading, or through fraudulent conduct, ob-*
11 *tains a grant or loan of money, a consumer good*
12 *or service, or any other form of assistance, di-*
13 *rectly or indirectly, from the Federal Govern-*
14 *ment for use in connection with the cleanup, re-*
15 *pair, or other recovery from the effects of an*
16 *emergency, a major disaster, or a catastrophic*
17 *disaster shall be punished as provided in sub-*
18 *paragraph (B).*

19 (B) *PENALTY.—A person who commits an*
20 *offense described in subparagraph (A) shall be*
21 *imprisoned not more than 10 years or fined*
22 *under title 18, United States Code, or both.*

23 (d) *PRICE-GOUGING OF EMERGENCY AND DISASTER*
24 *VICTIMS.—*

25 (1) *OFFENSE.—*

1 (A) *IN GENERAL.*—During the period begin-
2 ning on the date the existence of an emergency,
3 a major disaster, or a catastrophic disaster is de-
4 clared by the President and ending 180 days
5 after that date, and within the area to which the
6 declaration applies, it shall be unlawful for a
7 supplier to provide, or to offer to provide, any
8 consumer good or service at an unconscionably
9 excessive price (as determined under subpara-
10 graph (B)).

11 (B) *DETERMINATION OF UNCONSCIONABLY*
12 *EXCESSIVE PRICE.*—

13 (i) *IN GENERAL.*—For the purpose of
14 subparagraph (A), whether a price is un-
15 conscionably excessive shall be a question of
16 law for a court to determine. There shall be
17 considered to be *prima facie* evidence that a
18 price is unconscionably excessive if—

19 (I)(aa) the amount charged rep-
20 resents a gross disparity between the
21 price of the consumer good or service
22 that is the subject of the transaction
23 and the average price at which the
24 consumer good or service was provided,
25 or offered to be provided, by the sup-

1 *plier in the ordinary course of business*
2 *during the 30-day period immediately*
3 *prior to the declaration of the existence*
4 *of the emergency, major disaster, or*
5 *catastrophic disaster; or*

6 *(bb) the amount charged grossly*
7 *exceeds the average price at which the*
8 *same or similar consumer goods or*
9 *services was readily obtainable by con-*
10 *sumers in the trade area during the*
11 *30-day period immediately prior to the*
12 *declaration of the existence of the emer-*
13 *gency, major disaster, or catastrophic*
14 *disaster; and*

15 *(II) subject to clause (ii), the*
16 *amount by which the amount charged*
17 *exceeds the average price referred to in*
18 *subclause (I) is not attributable to in-*
19 *creased costs incurred by the supplier*
20 *in connection with the provision of the*
21 *consumer good or service.*

22 *(ii) DETERMINATION OF INCREASED*
23 *COSTS OF SUPPLIER.—In determining the*
24 *increased costs incurred by a supplier under*
25 *clause (i)(II), an increase in the replace-*

1 *ment cost to the supplier of a good may not*
2 *be taken into account unless the supplier*
3 *has no reasonable assurance of recouping*
4 *the increased replacement cost in a subse-*
5 *quent sale involving the good.*

6 (2) *ENFORCEMENT.*—

7 (A) *PENALTY.*—*A supplier who knowingly*
8 *violates paragraph (1) shall be imprisoned not*
9 *more than 1 year or fined not more than*
10 *\$10,000, or both. In addition, a court may re-*
11 *quire disgorgement of any gain unlawfully ac-*
12 *quired and restitution to any injured party.*

13 (B) *ACTIONS BY VICTIMS.*—*A person, Fed-*
14 *eral agency, State, or local government that suf-*
15 *fers loss or damage as a result of a violation of*
16 *paragraph (1) may bring an action against a*
17 *supplier in a district court of the United States*
18 *for treble damages, disgorgement, special or pu-*
19 *nitive damages, reasonable attorney's fees, costs*
20 *and expenses of suit, and any other appropriate*
21 *legal or equitable relief, including injunctive*
22 *relief.*

23 (C) *ACTIONS BY STATE ATTORNEYS GEN-*
24 *ERAL.*—*An attorney general of a State, or other*
25 *authorized State official, may bring a civil ac-*

1 *tion in the name of the State, on behalf of per-*
2 *sons residing in the State, in a district court of*
3 *the United States that has jurisdiction over the*
4 *defendant for treble damages, disgorgement, spe-*
5 *cial or punitive damages, reasonable attorney's*
6 *fees, costs and expenses of suit, and any other*
7 *appropriate legal or equitable relief, including*
8 *injunctive relief.*

9 *(3) NO PREEMPTION.—Nothing in this subsection*
10 *is intended to preempt State law.*

11 *(e) PROVISION OF FRAUD PREVENTION INFORMA-*
12 *TION.—The Director of the Federal Emergency Management*
13 *Agency shall—*

14 *(1) in consultation with the Attorney General,*
15 *the Administrator of the Small Business Administra-*
16 *tion, State attorneys general, and other State officials*
17 *with responsibility for fraud prevention, develop pub-*
18 *lic information materials to assist victims of emer-*
19 *gencies, major disasters, and catastrophic disasters in*
20 *detecting and avoiding suppliers who attempt to ob-*
21 *tain money or other things of value from the victims*
22 *in exchange for fraudulent or otherwise unscrupulous*
23 *offers of consumer goods or services for cleanup, re-*
24 *pair, and other recovery from the effects of the emer-*
25 *gencies and disasters; and*

1 (2) provide for the distribution of the materials
2 developed under paragraph (1) to the victims of each
3 emergency, major disaster, or catastrophic disaster as
4 soon as practicable after the declaration of the exist-
5 ence of the emergency or disaster by the President.

6 (f) *COMMISSION OF OFFENSE FOLLOWING AN EMER-*
7 *GENCY OR A DISASTER TO BE CONSIDERED AN AGGRAVAT-*
8 *ING FACTOR.*—The United States Sentencing Commission,
9 in the exercise of the authority of the Commission under
10 section 994 of title 28, United States Code, shall review and,
11 if necessary, amend the sentencing guidelines promulgated
12 under such section to provide that the commission of an
13 offense under section 1341, 1343, or 2314 of title 18, United
14 States Code, in connection with the provision of a consumer
15 good or service for the cleanup, repair, or other recovery
16 from the effects of an emergency, a major disaster, or a cata-
17 strophic disaster shall be an aggravating factor that may
18 result in the imposition of a sentence that is twice as great
19 as a sentence that would otherwise be imposed.

20 **SEC. 16. FEMA REGION FOR THE PACIFIC.**

21 The Director shall establish a region of FEMA for the
22 Pacific region, that encompasses—

23 (1) Hawaii, which shall serve as headquarters
24 for the FEMA region;

25 (2) American Samoa;

1 (3) *Guam;*

2 (4) *the Commonwealth of the Northern Mariana*
3 *Islands;*

4 (5) *the Federated States of Micronesia;*

5 (6) *the Republic of Palau; and*

6 (7) *the Republic of the Marshall Islands.*

7 **SEC. 17. NATIVE AMERICANS.**

8 (a) *IN GENERAL.*—*Not later than 180 days after the*
9 *date of enactment of this Act, the Director shall implement*
10 *a policy to—*

11 (1) *require designated FEMA representatives to*
12 *consult directly with the governing bodies of Indian*
13 *tribes during disaster relief operations and with re-*
14 *spect to other FEMA programs that directly affect the*
15 *tribes; and*

16 (2) *for the purpose of paragraph (1), authorize*
17 *such a governing body to designate an entity of a*
18 *State or local government to serve as the representa-*
19 *tive of the body at the discretion of the body.*

20 (b) *NATIONAL LIAISON.*—*In order to fully implement*
21 *subsection (a), the Director shall appoint 1 member of the*
22 *staff of the Director to serve as the national liaison for all*
23 *Indian tribes.*

24 (c) *DEFINITION OF INDIAN TRIBE.*—*As used in this*
25 *section, the term “Indian tribe” means any Indian tribe,*

1 *band, nation, or other organized group or community of*
2 *Indians (including any Native village, Native group, Re-*
3 *gional Corporation, or Village Corporation, as defined in*
4 *section 3 of the Alaska Native Claims Settlement Act (43*
5 *U.S.C. 1602)), that is recognized as eligible for the special*
6 *programs and services provided by the United States to In-*
7 *dians because of their status as Indians.*

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