

109TH CONGRESS
1ST SESSION

H. R. 4564

To make improvements in the administration of charitable donations made
in the aftermath of disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2005

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make improvements in the administration of charitable donations made in the aftermath of 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.**

4 This Act may be cited as the “Securing Useful and
5 Responsive Giving in Emergencies (SURGE) Act”.

1 **SEC. 2. ESTABLISHMENT OF FEMA DISASTER CHARITIES**
2 **DATABASE.**

3 (a) FEASIBILITY REPORT.—Not later than 120 days
4 after the date of the enactment of this Act, the Director
5 of the Federal Emergency Management Agency shall sub-
6 mit to the Committee on Homeland Security and Govern-
7 mental Affairs of the Senate and the Committee on Home-
8 land Security of the House of Representatives a report on
9 the feasibility of establishing a publicly accessible disaster
10 charities database consistent with the description in sub-
11 section (b).

12 (b) DESCRIPTION OF DATABASE.—The description of
13 the disaster charities database referred to in subsection
14 (a) is as follows:

15 (1) The purpose of the database shall be to
16 educate the public about—

17 (A) the variety of existing nongovern-
18 mental, private donor, private sector, and volun-
19 teer organizations that provide relief services
20 following Incidents of National Significance, as
21 defined in the National Response Plan of the
22 Department of Homeland Security, and other
23 disasters and emergencies; and

24 (B) the distinction between such organiza-
25 tions that specialize in immediate relief and

1 those that specialize in longer-term community
2 redevelopment relief.

3 (2) Information in the database shall be sub-
4 mitted on a voluntary basis by organizations that
5 are nonprofit organizations under section 501(c) of
6 the Internal Revenue Code of 1986.

7 (3) For each organization, the database shall
8 contain the name, address, and phone number of the
9 organization and the location of any area served by
10 the organization.

11 (4) Each organization shall be identified as ei-
12 ther an Immediate Relief organization or a Commu-
13 nity Redevelopment Relief organization under guide-
14 lines developed by the Director of the Federal Emer-
15 gency Management Agency.

16 (5) The Director of the Federal Emergency
17 Management Agency shall verify the accuracy of all
18 information contained in the database.

19 (c) DATABASE CONFIGURATION.—The Director of
20 the Federal Emergency Management Agency shall con-
21 sider configuring the database so as to have the following
22 attributes:

23 (1) A portal through which all donors must
24 first pass which requires donors to select between
25 Immediate Relief organizations or Community Rede-

1 velopment Relief organizations, and which includes a
2 general explanation of the type of relief the organi-
3 zations under each category can be expected to pro-
4 vide as well as an explanation of why each type of
5 relief is important.

6 (2) The ability to scroll over each listed organi-
7 zation within those categories so donors can read a
8 specific description of the types of relief that the
9 listed organization provides (something that is acces-
10 sible before linking donors to a particular organiza-
11 tion's website).

12 (3) A pop-up feature that so identifies an orga-
13 nization that is both an Immediate Relief organiza-
14 tion and a Community Redevelopment Relief organi-
15 zation and advises a donor to designate what type
16 of relief the donor wants to provide to such organi-
17 zation either by letter, email, note, or other elec-
18 tronic communication to the organization (informa-
19 tion that is provided before providing the donor with
20 access to the website of the organization).

21 (4) A mechanism by which the Director of the
22 Federal Emergency Management Agency can iden-
23 tify by zip code those areas needing assistance in the
24 immediate wake of an Incident of National Signifi-
25 cance or other disaster or emergency, which lists the

1 types of assistance needed and that automatically
2 links to a list of organizations included in the data-
3 base that are providing relief services in those af-
4 fected zip codes.

5 (5) A disaster charity database application form
6 so that interested organizations can apply for inclu-
7 sion in the database.

8 (d) DATABASE ESTABLISHMENT.—If the Director
9 determines that the establishment of a publicly accessible
10 disaster charities database consistent with the description
11 in subsection (b) is feasible, then the Director shall estab-
12 lish such a database not later than 150 days after submit-
13 ting the feasibility report described in subsection (a).

14 (e) DEFINITIONS.—In this section:

15 (1) The term “Immediate Relief organization”
16 means an organization that, as determined by the
17 Director of the Federal Emergency Management
18 Agency, is involved with—

19 (A) the temporary post-disaster provision
20 of shelter, food, and health (including mental
21 health) services to address basic human needs;

22 (B) feeding emergency workers;

23 (C) handling inquiries from concerned fam-
24 ily members outside disaster areas;

1 (D) providing blood and blood products to
2 disaster victims; and

3 (E) helping those affected by disaster to
4 access other available resources in the imme-
5 diate aftermath of a disaster.

6 (2) The term “Community Redevelopment orga-
7 nization” means an organization that, as determined
8 by the Director of the Federal Emergency Manage-
9 ment Agency, is involved with longer-term post-dis-
10 aster projects, including housing and infrastructure
11 reconstruction and repair and economic redevelop-
12 ment in areas that have been designated as disaster
13 areas.

14 **SEC. 3. IMMEDIATE RELIEF ESTIMATE.**

15 (a) ESTIMATE REQUIRED.—Title V of the Homeland
16 Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

17 (1) by redesignating the second section 510 as
18 section 511; and

19 (2) by adding at the end the following new sec-
20 tion:

21 **“SEC. 512. INCIDENTS OF NATIONAL SIGNIFICANCE: IMME-
22 DIATE RELIEF ESTIMATE.**

23 “(a) ESTIMATES REQUIRED.—

24 “(1) INITIAL IMMEDIATE RELIEF ESTIMATE.—

25 Not later than 7 days after the Secretary declares

1 an event to be an Incident of National Significance,
2 as defined in the National Response Plan of the De-
3 partment, the Director of the Federal Emergency
4 Management Agency shall submit to the Committee
5 on Homeland Security and Governmental Affairs of
6 the Senate and the Committee on Homeland Secu-
7 rity of the House of Representatives an initial imme-
8 diate relief estimate in accordance with this section.

9 “(2) INTERIM IMMEDIATE RELIEF ESTIMATE.—

10 Not later than 14 days after the Secretary declares
11 an event to be an Incident of National Significance,
12 as defined in the National Response Plan of the De-
13 partment, the Director of the Federal Emergency
14 Management Agency shall submit to the Committee
15 on Homeland Security and Governmental Affairs of
16 the Senate and the Committee on Homeland Secu-
17 rity of the House of Representatives an interim im-
18 mediate relief estimate in accordance with this sec-
19 tion.

20 “(3) FINAL IMMEDIATE RELIEF ESTIMATE.—

21 Not later than 21 days after the Secretary declares
22 an event to be an Incident of National Significance,
23 as defined in the National Response Plan of the De-
24 partment, the Director of the Federal Emergency
25 Management Agency shall submit to the Committee

1 on Homeland Security and Governmental Affairs of
2 the Senate and the Committee on Homeland Secu-
3 rity of the House of Representatives a final imme-
4 diate relief estimate in accordance with this section.

5 “(b) DISASTER IMPACT ASSESSMENT.—Before sub-
6 mitting an immediate relief estimate required under sub-
7 section (a), the Director shall conduct an assessment to
8 determine the extent and impact of the Incident of Na-
9 tional Significance.

10 “(c) IMMEDIATE RELIEF ESTIMATES.—The imme-
11 diate relief estimates required under subsection (a) are es-
12 timates, which are based on the disaster impact assess-
13 ment, of the amount of money needed for immediate relief
14 for victims of the Incident of National Significance, and
15 the amount toward that total that should reasonably be
16 expected to be provided by private charities and nonprofit
17 organizations (the non-Government fund contribution esti-
18 mate).

19 “(d) CHARITY PROVISION OF DONATION TOTALS.—
20 The Director shall require that any nongovernmental, pri-
21 vate donor, private sector, or volunteer organization shall,
22 as a condition of being included as a listed charity in the
23 FEMA Disaster Charities Database described in section
24 2 of the Securing Useful and Responsive Giving in Emer-
25 gencies (SURGE) Act, if such a database is established,

1 submit to the Director the dollar amount of the total
 2 amount of donations collected each day during the period
 3 beginning on the date on which the Director submits the
 4 initial immediate relief estimate under subsection (a) and
 5 ending on the date on which the Director announces that
 6 the final immediate relief estimate has been met under
 7 subsection (e).

8 “(e) MEETING OF NON-GOVERNMENT FUND CON-
 9 TRIBUTION ESTIMATE.—If the aggregate amount of all
 10 the dollar amounts submitted by private charities and non-
 11 profit organizations under subsection (d) is equal to or
 12 exceeds the amount of the non-Government fund contribu-
 13 tion estimate, the Director shall—

14 “(1) announce publicly that the non-Govern-
 15 ment fund contribution estimate toward the final im-
 16 mediate relief estimate has been met; and

17 “(2) encourage the American people to donate
 18 money to charities or nonprofit organizations that
 19 focus on community redevelopment relief.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
 21 in section 1(b) of the Homeland Security Act of 2002 is
 22 amended by adding after the items relating to section 509
 23 the following:

“Sec. 510. Procurement of security countermeasures for strategic national
 stockpile.

“Sec. 511. Urban and other high risk area communications capabilities.

“Sec. 512. Incidents of National Significance: immediate relief estimate.”.

1 **SEC. 4. GAO REPORT ON THE USE BY THE AMERICAN NA-**
2 **TIONAL RED CROSS AND OTHER NONPROFIT**
3 **ORGANIZATIONS OF PRIVATELY DONATED**
4 **FUNDS FOR RELIEF AFTER HURRICANE**
5 **KATRINA AND HURRICANE RITA.**

6 (a) **REPORT REQUIRED.**—Not later than 270 days
7 after the date of the enactment of this Act, the Comp-
8 troller General shall submit to the Committees on Home-
9 land Security and Government Reform of the House of
10 Representatives and the Committee on Homeland Security
11 and Government Affairs of the Senate a report on the use
12 by hurricane-relief charities of non-Government funds do-
13 nated for the designated purpose of relief for the victims
14 of Hurricane Katrina and Hurricane Rita.

15 (b) **CONTENTS OF REPORT.**—With respect to non-
16 Government funds donated for the designated purpose of
17 providing relief for victims of Hurricane Katrina or Hurri-
18 cane Rita, the report required under subsection (a) shall
19 contain the following:

20 (1) the amount of money raised by hurricane-
21 relief charities for the purpose of providing assist-
22 ance to people adversely affected by Hurricane
23 Katrina or Hurricane Rita;

24 (2) a description of the specific purposes for
25 which hurricane-relief charities used such money;

1 (3) a description of the responsibilities of non-
2 governmental, private donor, private sector, and vol-
3 unteer organizations, including the American Na-
4 tional Red Cross, under the National Response Plan;

5 (4) an evaluation of how well charities met such
6 responsibilities with respect to relief and recovery ef-
7 forts after Hurricane Katrina and Hurricane Rita;

8 (5) a description of the way hurricane-relief
9 charities coordinated relief efforts after Hurricane
10 Katrina and Hurricane Rita;

11 (6) a description of the manner in which indi-
12 viduals adversely affected by Hurricane Katrina or
13 Hurricane Rita accessed services and supplies pro-
14 vided by hurricane-relief charities;

15 (7) a description of any problems encountered
16 by such individuals when accessing such services and
17 supplies;

18 (8) a description of any precautions or proce-
19 dures undertaken by hurricane-relief charities to en-
20 sure reasonable protections against fraud and abuse;

21 (9) a description of any lessons learned about
22 charity participation in disaster relief; and

23 (10) any recommendations for improvement of
24 such participation or the oversight of such participa-
25 tion.

1 (c) HURRICANE-RELIEF CHARITY.—In this section,
2 the term “hurricane-relief charity” means—

3 (1) the American National Red Cross; or

4 (2) any other private organization organized as
5 a nonprofit under section 501(c) of the Internal
6 Revenue Code of 1986 that, after August 28, 2005,
7 solicited donations from private persons for the pur-
8 pose of providing relief for victims of Hurricane
9 Katrina or Hurricane Rita.

10 **SEC. 5. DEPARTMENT OF HOMELAND SECURITY OFFICE OF**
11 **INSPECTOR GENERAL ASSESSMENT OF DE-**
12 **PARTMENT OF HOMELAND SECURITY PART-**
13 **NERSHIP WITH THE AMERICAN NATIONAL**
14 **RED CROSS.**

15 (a) ASSESSMENT.—

16 (1) ASSESSMENT REQUIRED.—The Inspector
17 General of the Department of Homeland Security
18 shall assess the performance of the American Na-
19 tional Red Cross after Hurricane Katrina and Hur-
20 ricane Rita with respect to the responsibilities of the
21 Red Cross pursuant to Emergency Support Function
22 6 of the National Response Plan under section
23 502(6) of the Homeland Security Act of 2002 (6
24 U.S.C. 312(6)).

1 (2) PERFORMANCE STANDARDS.—In carrying
2 out the assessment required under paragraph (1),
3 the Inspector General shall develop and implement
4 performance standards for assessing the perform-
5 ance of nongovernmental organizations pursuant to
6 Emergency Support Function 6.

7 (b) REPORT REQUIRED.—Not later than 180 days
8 after the date of the enactment of this Act, the Inspector
9 General of the Department of Homeland Security shall
10 submit to Congress a report on the designation of the
11 American National Red Cross as the only nongovern-
12 mental organization with primary agency responsibility
13 under Emergency Support Function number 6 of the Na-
14 tional Response Plan under section 502(6) of the Home-
15 land Security Act of 2002 (6 U.S.C. 312(6)).

16 (c) CONTENTS OF REPORT.—The report required
17 under subsection (a) shall include the following:

18 (1) The criteria and factors used in designating
19 the American National Red Cross as the only non-
20 governmental organization with primary agency re-
21 sponsibility under Emergency Support Function
22 number 6 of the National Response Plan.

23 (2) Any other nongovernmental organization
24 that might be appropriate for such responsibility, as
25 determined by the Inspector General.

1 (3) An analysis of any benefit likely to be in-
2 curred if such responsibility were divided between
3 the American National Red Cross and other non-
4 governmental organizations that serve specific re-
5 gions, especially with respect to the effective and
6 rapid delivery of mass care resources after an Inci-
7 dent of National Significance, disaster, or emer-
8 gency.

9 (4) A description of the performance standards
10 developed pursuant to subsection (a)(2).

11 (5) The results of the performance assessment
12 of the American National Red Cross conducted pur-
13 suant to subsection (a).

14 **SEC. 6. ESTABLISHMENT OF DISASTER CALL CENTER NET-**
15 **WORK.**

16 (a) ESTABLISHMENT.—Title V of the Homeland Se-
17 curity Act of 2002, as amended by section 3, is further
18 amended by adding at the end the following new section:

19 **“SEC. 513. DISASTER CALL CENTER NETWORK.**

20 “(a) ESTABLISHMENT.—The Secretary shall estab-
21 lish a disaster call center network to facilitate responses
22 to Incidents of National Significance, disasters, and emer-
23 gencies, as designated by the Secretary.

24 “(b) ACTIVATION.—The network established under
25 subsection (a) shall be capable of being activated within

1 24 hours of an Incident of National Significance, disaster,
2 or emergency in any State.

3 “(c) FUNCTIONS.—The functions of the disaster call
4 center established under subsection (a) are as follows:

5 “(1) To receive information from victims and to
6 quickly forward that information to the Director of
7 the Federal Emergency Management Agency.

8 “(2) To collect and manage such information
9 about each individual who calls the call center as
10 may be required to provide relief aid to the indi-
11 vidual.

12 “(3) To manage information so as to be able to
13 quickly determine whether an individual has pre-
14 viously requested relief aid and to provide the indi-
15 vidual with information about the status of the re-
16 quested relief aid.

17 “(4) To collect and process information pro-
18 vided by an individual that might affect the amount
19 of aid to which that individual is entitled.

20 “(5) To collect and maintain information in
21 such a manner that is consistent with Federal laws
22 governing the protection of privacy.

23 “(6) To provide assistance in English or Span-
24 ish, as appropriate.

1 “(d) USE OF SCRIPTS.—The Director of the Federal
2 Emergency Management Agency shall develop a standard-
3 ized script to be used by individuals answering calls at
4 the call center established under subsection (a) to provide
5 and process information. The Director shall periodically
6 evaluate such script using the following performance
7 metrics:

8 “(1) Soft skill monitoring.

9 “(2) Accuracy of information provided.

10 “(3) Accuracy of information captured.

11 “(4) Customer satisfaction.

12 “(5) Average speed of answer.

13 “(6) Abandoned calls.”.

14 (b) REPORT.—Not later than 180 after the date of
15 the enactment of this Act, the Secretary of Homeland Se-
16 curity shall submit to the Committees on Homeland Secu-
17 rity and Government Reform of the House of Representa-
18 tives and the Committee on Homeland Security and Gov-
19 ernmental Affairs of the Senate a report on the status of
20 the disaster call center network under section 513 of the
21 Homeland Security Act of 2002, as added by subsection
22 (a).

23 (c) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of the Homeland Security Act of 2002, as

1 amended by section 3(b), is further amended by adding
2 after the item relating to section 512 the following:

“Sec. 513. Disaster call center network.”.

3 **SEC. 7. AMENDMENTS TO FEDERAL CHARTER OF AMER-**
4 **ICAN NATIONAL RED CROSS.**

5 (a) AUDIT.—Section 300110 of title 36, United
6 States Code, is amended—

7 (1) in subsection (a)—

8 (A) by striking “As soon as practicable”
9 and inserting “(1) As soon as practicable”;

10 (B) by striking “July 1” and inserting
11 “October 1”;

12 (C) by striking “June 30” and inserting
13 “September 30”; and

14 (D) by adding at the end the following new
15 paragraph:

16 “(2) The report submitted under paragraph (1) shall
17 include the following information:

18 “(A) The amount of money raised in response
19 to American National Red Cross calls for donations
20 following each disaster, including the amount of
21 money specifically designated by donors for each dis-
22 aster, as indicated by donors on emails, letters,
23 notes, indicators on checks or money orders, or other
24 communications sent to the American National Red
25 Cross.

1 “(B) The amount of money actually spent by
2 the American National Red Cross in response to
3 each disaster.

4 “(C) How such amount was actually spent in
5 response to each disaster.

6 “(D) A precise description of any amount
7 raised in response to a disaster that was not actually
8 spent on relief efforts for that disaster.

9 “(E) A narrative explanation corresponding
10 with each of subparagraphs (A) through (D).

11 “(F) A narrative explanation of what happened
12 to any amount of money raised in response to a dis-
13 aster that was not actually spent on relief efforts for
14 that disaster, including whether such amount was
15 deposited into a general fund designed for future
16 disasters or for some other use.”; and

17 (2) in subsection (b)—

18 (A) by striking “audit the report” and in-
19 serting “conduct a yearly performance-based
20 audit of the American National Red Cross, in-
21 cluding an audit of the report,”;

22 (B) by striking “the audited report” and
23 inserting “the audit”; and

24 (C) by striking “Congress” and inserting
25 “the Committees on Homeland Security and

1 Government Reform of the House of Represent-
2 atives and the Committee on Homeland Secu-
3 rity and Government Affairs of the Senate”.

4 (b) PURPOSES.—Section 300102 of title 36, United
5 States Code, is amended—

6 (1) in paragraph (3), by striking “and” at the
7 end;

8 (2) in paragraph (4), by striking “, and to
9 apply that system” and all that follows and inserting
10 a semicolon; and

11 (3) by adding at the end the following new
12 paragraphs:

13 “(4) to apply that system in mitigating the suf-
14 fering caused by a hurricane, tornado, storm, flood,
15 high water, wind-driven water, tidal wave, earth-
16 quake, drought, blizzard, pestilence, famine, fire, ex-
17 plosion, volcanic eruption, building collapse, trans-
18 portation accident, or other disaster that causes
19 human suffering or creates human needs that those
20 affected by disasters cannot alleviate without assist-
21 ance;

22 “(5) to apply that system in coordination with
23 any relief efforts undertaken by any other agency,
24 group, or organization before the arrival of Amer-

1 ican National Red Cross relief workers in a disaster
2 area;

3 “(6) to coordinate the services of other vol-
4 untary agencies or groups before, during, or after a
5 disaster upon the request of the Federal Emergency
6 Management Agency (FEMA) or a FEMA-appointed
7 Federal Coordinating Officer with the consent of
8 such agencies or groups; and

9 “(7) to devise and carry out measures for pre-
10 venting disasters.”.

11 (c) DIVERSITY REQUIREMENT.—

12 (1) REQUIREMENT.—Chapter 3001 of title 36,
13 United States Code, is amended by inserting after
14 section 300105 the following new section:

15 **“§ 300105A. Diversity requirement**

16 “(a) STAFF DIVERSITY.—The corporation shall fos-
17 ter a high-performing and diverse—

18 “(1) management staff; and

19 “(2) paid and volunteer staff that effectively de-
20 livers the corporation’s products and services to an
21 increasingly diverse American public.

22 “(b) EQUAL OPPORTUNITY.—The corporation shall
23 strive to be an equal opportunity provider that embraces
24 and values the richness of diversity and reflects the com-

1 munities that it serves in governance, at all decision-mak-
2 ing levels, and in its volunteer and paid work force.

3 “(c) DIVERSITY COMMITMENT BENCHMARKS.—The
4 corporation accordingly will meet the following diversity
5 commitment benchmarks nationwide by 2008:

6 “(1) the ethnic and cultural mix of the corpora-
7 tion’s management, boards, chapters, staff, and vol-
8 unteers shall reflect the demographics of the commu-
9 nities they serve;

10 “(2) programs and activities of the corpora-
11 tion’s chapters throughout the country shall be ap-
12 propriate and culturally sensitive to diverse audi-
13 ences;

14 “(3) the corporation shall substantially increase
15 its partnerships at the local level with minority asso-
16 ciations, civic groups, foundations, grass roots orga-
17 nizations, religious institutions and other entities for
18 the purpose of establishing relief networks that aid
19 all disaster victims within affected communities; and

20 “(4) the corporation’s Diverse Business Enter-
21 prises initiative shall be expanded to ensure that no
22 less than 23 percent of the corporation’s service and
23 supply needs are provided by businesses owned by
24 minorities, woman, persons with disabilities, and so-
25 cially and economically disadvantaged individuals.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by inserting after the item relating to section
4 300105 the following new item:

“300105A. Diversity Requirement.”.

5 **SEC. 8. DIVERSITY AMENDMENT TO NATIONAL RESPONSE**
6 **PLAN.**

7 (a) DIVERSITY AMENDMENT.—The Secretary of
8 Homeland Security shall amend the National Response
9 Plan developed pursuant to section 502(6) of the Home-
10 land Security Act of 2002 (6 U.S.C. 312(6)) so as to in-
11 clude the following obligation: “Providing resources and
12 support to all victims of domestic incidents regardless of
13 the victim’s race, color, religion, sex, age, marital status,
14 sexual orientation, national origin, disability, or veteran’s
15 status.”.

16 (b) RESUBMISSION OF LETTER OF AGREEMENT.—
17 The Director of the Federal Emergency Management
18 Agency shall resubmit the Letter of Agreement contained
19 in the preface of the National Response Plan to each sig-
20 natory of the National Response Plan so each such signa-
21 tory may agree to the obligation added pursuant to sub-
22 section (a).

○