

103^D CONGRESS
1ST SESSION

S. 1697

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

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

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”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Declaration of purposes.
- Sec. 3. Definitions.
- Sec. 4. Sense of Congress.
- Sec. 5. Presidential response plan.

Sec. 6. Predeclaration authority.
 Sec. 7. Domestic crisis monitoring unit.
 Sec. 8. Damage and needs assessment.
 Sec. 9. Catastrophic disasters.
 Sec. 10. Targeted emergency grants.
 Sec. 11. Reorganization of FEMA.
 Sec. 12. National Academy of Fire and Emergency Preparedness.
 Sec. 13. Research center.
 Sec. 14. Repeal of Civil Defense Act.

1 **SEC. 2. DECLARATION OF PURPOSES.**

2 The purposes of this Act are—

3 (1) to improve Government preparedness for
 4 and response to catastrophic disasters;

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

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

13 **SEC. 3. DEFINITIONS.**

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

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

19 “(2) MAJOR DISASTER.—The term ‘major dis-
 20 aster’ means any occasion or instance that, as deter-
 21 mined by the President, causes damage of sufficient

1 severity and magnitude to warrant major disaster
2 assistance under this Act to supplement the efforts
3 and available resources of State and local govern-
4 ments, and disaster relief organizations in alleviating
5 the damage, loss, and hardship caused by the disas-
6 ter. Major disasters include disasters resulting from
7 all hazards.”; and

8 (2) by adding at the end the following new
9 paragraphs:

10 “(10) CATASTROPHIC DISASTER.—The term
11 ‘catastrophic disaster’ means a major disaster that
12 immediately overwhelms the ability of State, local,
13 and volunteer agencies to adequately provide victims
14 of the disaster with services necessary to sustain life.

15 “(11) ALL HAZARDS.—The term ‘all hazards’
16 means natural or man-caused events, including,
17 without limitation, civil disturbances, that may re-
18 sult in major disasters or emergencies.

19 “(12) DIRECTOR.—The term ‘Director’ means
20 the Director of the Federal Emergency Management
21 Agency.”.

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

23 It is the sense of Congress that—

24 (1) the Federal Government should give imme-
25 diate attention to developing a broad risk-based

1 strategy for improving Federal readiness for and re-
2 sponse to major disasters;

3 (2) the all hazards approach is the best way to
4 prepare the United States for all disasters or emer-
5 gencies;

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

8 (4) initial response to emergencies and disasters
9 is made by State and local fire and emergency serv-
10 ice agencies, whose capabilities must therefore be
11 strengthened and maintained;

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

15 (6) the American Red Cross and other volun-
16 teen organizations have made, and will continue to
17 make, valuable contributions in responding to disas-
18 ters nationwide by providing channels for the gener-
19 ous sharing of time and resources with those in
20 need;

21 (7) private nonprofit organizations play an im-
22 portant role in disaster relief operations, and are an
23 essential element of disaster preparedness, response,
24 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. 5. PRESIDENTIAL RESPONSE PLAN.**

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

8 **“SEC. 201. FEDERAL AND STATE DISASTER PREPAREDNESS**
9 **PROGRAMS.**

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

13 “(1) preparation of disaster preparedness plans
14 for mitigation, warning, emergency operations, reha-
15 bilitation, and recovery;

16 “(2) training and exercises;

17 “(3) postdisaster critiques and evaluations;

18 “(4) annual review of programs;

19 “(5) coordination of Federal, State, and local
20 preparedness programs;

21 “(6) application of science and technology; and

22 “(7) research.

23 “(b) TECHNICAL ASSISTANCE.—The President shall
24 provide technical assistance to the States in developing
25 comprehensive plans and practicable programs for—

1 “(1) preparation against disasters, including
2 hazard reduction, avoidance, and mitigation;

3 “(2) assistance to individuals, businesses, and
4 State and local governments following such disas-
5 ters; and

6 “(3) recovery of damaged or destroyed public
7 and private facilities.

8 “(C) PRESIDENTIAL RESPONSE PLAN.—

9 “(1) ESTABLISHMENT.—Not later than 180
10 days after the date of enactment of the Federal Dis-
11 aster Preparedness and Response Act of 1993, the
12 President, acting through the Director, shall develop
13 a Presidential Response Plan to provide Federal as-
14 sistance, when requested, to States impacted by a
15 major disaster, catastrophic disaster, or emergency,
16 in coordination with appropriate Federal and non-
17 Federal agencies, as determined by the President.

18 “(2) DISTRIBUTION.—The Director shall ensure
19 that copies of the plan are widely distributed and
20 publicly available.

21 “(3) TRAINING EXERCISES.—The plan shall in-
22 clude provisions for annual training exercises to be
23 performed by designated participants in the plan,
24 State and local entities, and private relief agencies
25 to test their disaster preparedness capability.

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

6 “(A) describe the chain of command;

7 “(B) describe the specific duties of all Fed-
8 eral agencies involved;

9 “(C) describe the relationship between, and
10 the respective duties of, Federal, State, and
11 local governments, and private relief agencies;

12 “(D) be prepared for specific geographic
13 regions designated by the Director;

14 “(E) be based on a comprehensive risk as-
15 sessment of the United States, undertaken by
16 the Director, that assesses the probability and
17 severity of natural or man-made disasters oc-
18 curring and having a severe impact on public
19 health, safety, and property within various re-
20 gions;

21 “(F) ensure consistency with the emer-
22 gency operations plans of the State and local
23 governments in the region;

1 “(G) support the development of mutual
2 aid agreements between and among the States
3 and local governments;

4 “(H) include specific systems and stand-
5 ardized plans for mutual aid, incident manage-
6 ment, and emergency communications between
7 State, regional, and local entities for the pur-
8 pose of coordinating and integrating all emer-
9 gency management activities; and

10 “(I) specify the participation of representa-
11 tives from civilian disaster management and
12 local fire and emergency service response
13 communities.

14 “(d) NATIONAL DISASTER MEDICAL SYSTEM.—

15 “(1) TRANSFER OF FUNCTIONS.—The func-
16 tions, personnel, facilities, and equipment of the Na-
17 tional Disaster Medical System (referred to in this
18 section as the ‘System’) are transferred from the
19 Department of Health and Human Services to a new
20 directorate, to be established within FEMA not later
21 than 60 days after the date of enactment of the
22 Federal Disaster Preparedness and Response Act of
23 1993.

24 “(2) PURPOSE OF SYSTEM.—It shall be the
25 purpose of the System to prepare for and respond to

1 major disasters, catastrophic disasters, and emer-
2 gencies that require medical assistance in excess of
3 the medical service capabilities of the affected
4 States. The System shall provide for—

5 “(A) medical assistance to a disaster area
6 through disaster medical assistance teams;

7 “(B) evacuation of patients that cannot be
8 cared for locally; and

9 “(C) hospitalization through a national
10 network of medical care facilities that agree to
11 provide medical care to disaster victims.

12 “(3) LOCAL RESOURCES.—The services of the
13 System shall supplement and not supplant State and
14 local medical resources.

15 “(4) COORDINATION OF SERVICES.—The Direc-
16 tor and the Secretary of Defense shall establish pro-
17 cedures, roles, and responsibilities for the provision
18 of medical care in the event of a catastrophic disas-
19 ter to ensure coordination between the System and
20 the Department of Defense.

21 “(5) MILITARY CASUALTIES.—The System shall
22 be made available to care for military casualties
23 evacuated to the United States in the event that the
24 medical care capabilities of the Department of De-

1 fense and the Department of Veterans Affairs are
2 exceeded.

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

12 “(7) DISASTER MEDICAL ASSISTANCE TEAMS.—

13 “(A) ESTABLISHMENT.—Not later than 1
14 year after the date of enactment of the Federal
15 Disaster Preparedness and Response Act of
16 1993, the Director shall—

17 “(i) take steps necessary to ensure
18 that not fewer than 20 disaster medical as-
19 sistance teams are established and are
20 made operational; and

21 “(ii) develop standards and guidelines
22 for equipment, staffing, operations, and
23 regular training of the disaster medical as-
24 sistance teams.

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

10 “(i) if still qualified to perform the
11 duties of the position or able to become
12 requalified with reasonable efforts by the
13 employer, be restored to the position or to
14 a position of like seniority, status, and pay;
15 or

16 “(ii) if not qualified to perform the
17 duties of the position or able to become
18 requalified with reasonable efforts by the
19 employer, by reason of disability sustained
20 during service, but qualified to perform the
21 duties of any other position in the employ
22 of the employer, be offered employment
23 and, if the person so requests, be employed
24 in such other position the duties of which
25 the person is qualified to perform as will

1 provide the person like seniority, status,
2 and pay, or the nearest approximation of
3 seniority, status, and pay, consistent with
4 the circumstances of the case, unless the
5 circumstances of the employer have so
6 changed as to make it impossible or unrea-
7 sonable to do so.

8 “(C) CONSTRUCTION WITH OTHER
9 LAWS.—Nothing in this subsection shall excuse
10 noncompliance with any law of a State or politi-
11 cal subdivision establishing greater or additional
12 rights or protections than the rights and protec-
13 tions established under this subsection.

14 “(8) AUTHORIZATION OF APPROPRIATIONS.—
15 Beginning with fiscal year 1994, there are author-
16 ized to be appropriated to the National Disaster
17 Medical System \$20,000,000 for each fiscal year, of
18 which \$5,000,000 shall be available for the Disaster
19 Medical Assistance Teams.

20 “(e) ROLE OF NATIONAL GUARD.—

21 “(1) REVIEW.—The Secretary of Defense, in
22 cooperation with the Director, shall direct the Chief,
23 National Guard Bureau, to review the role of the
24 National Guard in responding to major disasters

1 and emergencies and make recommendations to the
2 President. The recommendations shall address—

3 “(A) how the National Guard could better
4 prepare for and respond to major disasters and
5 emergencies;

6 “(B) how the force structure of the Na-
7 tional Guard could be adjusted to provide Gov-
8 ernors with improved immediate access to criti-
9 cal assets during an emergency;

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

12 “(D) how the National Guard should co-
13 ordinate with the Disaster Medical Assistance
14 Teams in preparing for and responding to dis-
15 asters and emergencies; and

16 “(E) the development by the Chief, Na-
17 tional Guard Bureau, of a format for an inter-
18 state compact that, when subscribed to by the
19 States, facilitates the mutual use of National
20 Guard assets across State borders during na-
21 tional disasters and domestic emergencies.

22 “(2) STUDY.—Not later than 30 days after the
23 date of enactment of the Federal Disaster Prepared-
24 ness and Response Act of 1993, the Director shall
25 contract with the National Academy of Public Ad-

1 ministration for a study to determine the proper
2 roles of the Adjutant Generals of the States and the
3 National Guard in preparing for and responding to
4 natural disasters and domestic emergencies.

5 “(3) REPORT.—Not later than 1 year after the
6 date of enactment of the Federal Disaster Prepared-
7 ness and Response Act of 1993, the Secretary of De-
8 fense shall report to the President and Congress on
9 the results of the review conducted pursuant to
10 paragraph (1) and the study conducted pursuant to
11 paragraph (2).

12 “(4) ALL HAZARDS RESPONSE TRAINING.—The
13 Chief, National Guard Bureau, shall require Na-
14 tional Guard units or members to participate in spe-
15 cialized training and exercises designed to enhance
16 the readiness of the National Guard to respond to
17 all hazards. Up to 5 percent of the funds appro-
18 priated for the military pay and operations and
19 maintenance of the Army and Air National Guard
20 may be used to fund the training and exercises.

21 “(5) INTERSTATE MUTUAL ASSISTANCE COM-
22 PACT.—The States are encouraged to enter into a
23 nationwide compact for the mutual use of National
24 Guard assets across State borders during domestic
25 disasters and emergencies.

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

14 “(A) ELIGIBILITY.—For a State to be eli-
15 gible for reimbursement under this subsection
16 for deployment of its National Guard units in
17 support of a natural disaster and domestic
18 emergency, the National Guard units must be
19 deployed in a State active duty status.

20 “(B) SOURCE OF FUNDS.—Funds available
21 for disbursement to the States under this sub-
22 section shall come from the funds appropriated
23 to the disaster relief fund.

24 “(C) APPROVAL.—A request by a Governor
25 for reimbursement for use of the National

1 Guard of the State shall be submitted to the
2 Director, and the Director, upon validation of
3 eligible activities, shall issue the necessary fund-
4 ing documents to effect reimbursement to the
5 State.

6 “(D) CONSISTENCE WITH ACT.—In in-
7 stances of natural disasters and domestic emer-
8 gencies that result in a Federal declaration of
9 a disaster or emergency by the President, the
10 Director shall ensure that all funding reim-
11 bursement is in accordance with this Act, at a
12 Federal share rate determined for that
13 occurrence.

14 “(7) TRAINING AND COORDINATION WITH
15 STATE ENTITIES.—

16 “(A) AUTHORIZATION OF APPROPRIA-
17 TIONS.—There are authorized to be appro-
18 priated \$5,000,000 to the National Guard
19 through FEMA to conduct disaster and emer-
20 gency training exercises in conjunction with ap-
21 propriate State and local entities.

22 “(B) ALLOCATION.—The Director shall al-
23 locate the funds made available under subpara-
24 graph (A) to the States.

25 “(C) USE OF FUNDS.—

1 “(i) IN GENERAL.—Funds made avail-
2 able under this paragraph shall be used to
3 enhance the preparedness of State and
4 local governments for disasters and emer-
5 gencies.

6 “(ii) MINIMUM TRAINING.—The Na-
7 tional Guard shall be required to conduct
8 at least 2 disaster preparedness training
9 exercises annually in every State, in con-
10 junction with appropriate State and local
11 entities.

12 “(f) DISASTER RESOURCE INVENTORY.—

13 “(1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of the Federal Disaster Pre-
15 paredness and Response Act of 1993, the Director
16 shall complete an inventory of resources that are
17 available to the Federal Government, including med-
18 ical assets and foreign language communication,
19 through public or private entities, for use or deploy-
20 ment, or both, in disaster relief or search and rescue
21 operations following a major disaster, catastrophic
22 disaster, or emergency. Each item in the inventory
23 shall include the information necessary for prompt
24 access to the resource.

1 “(2) ORGANIZATION.—The inventory shall be
2 organized to facilitate the dispatch of resources on
3 a regional basis. This paragraph shall not be con-
4 strued to preclude the dispatch of specialized equip-
5 ment or scarce resources from outside the geo-
6 graphic proximity of the disaster or emergency.

7 “(3) AVAILABILITY.—The Director shall ensure
8 that the inventory is made available to the Governor
9 of each State for the purposes of formulating a re-
10 quest for the declaration of a major disaster, cata-
11 strophic disaster, or emergency.

12 “(4) MAINTENANCE.—The Director shall en-
13 sure that information contained in the inventory is
14 current and accurate.

15 “(5) STATE PARTICIPATION.—

16 “(A) IN GENERAL.—Not later than 90
17 days after the establishment of the inventory,
18 the Director shall request each Governor of a
19 State to identify the State Coordinating Officer
20 and other public safety officials who are respon-
21 sible for coordinating or overseeing State and
22 local response to disasters and emergencies in
23 the State.

24 “(B) ACCESS.—A public safety official des-
25 ignated under subparagraph (A) shall have di-

1 rect and immediate access to the information
2 contained in the inventory to expedite State and
3 local responses to disasters and emergencies not
4 declared by the President.

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

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

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

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

16 “(1) establish a system for the management of
17 goods donated to the Federal Government to support
18 disaster victims; and

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

20 **SEC. 6. PREDECLARATION AUTHORITY.**

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

1 **“SEC. 203. PREDECLARATION AUTHORITY.**

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

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

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

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

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

19 (c) **OTHER PARTICIPANTS.**—The Cabinet Secretary,
20 or a designee of the Secretary, and the Director, or a des-
21 ignee of the Director, shall be detailed to the unit upon
22 activation.

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

25 (1) monitor potential and pending disasters and
26 emergencies;

1 (2) notify the President and Federal agencies of
2 impending disasters and emergencies as soon as
3 practicable; and

4 (3) ensure effective, coordinated, and rapid
5 Federal agency response in the immediate aftermath
6 of a catastrophic disaster or emergency.

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

12 (f) ACTIVATION.—The President shall activate the
13 Domestic Crisis Monitoring Unit during the warning
14 stages of a major or catastrophic disaster, or immediately
15 following a catastrophic disaster when there is no warning,
16 and shall remain activated until the President determines
17 that continued activation is unwarranted.

18 (g) ROLE OF FEDERAL COORDINATING OFFICER.—

19 (1) CHIEF OF PRESIDENTIAL RESPONSE
20 PLAN.—After activation of the Domestic Crisis Mon-
21 itoring Unit, the Federal Coordinating Officer shall
22 retain authority as the chief administrator of the
23 Presidential Response Plan.

24 (2) COORDINATION OF PLAN PARTICIPANTS.—

25 The Federal Coordinating Officer shall coordinate

1 the activities of the participants of the Plan, includ-
2 ing consulting with participating agencies to deter-
3 mine disaster response priorities and directing par-
4 ticipating agencies to carry out assignments as
5 needed.

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

7 (a) IN GENERAL.—Title III of the Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act (42 U.S.C.
9 5141 et seq.) is amended—

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

12 (2) by inserting immediately after section 303,
13 the following new section:

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

15 “(a) IN GENERAL.—Not later than 6 months after
16 the date of enactment of this section, the Director shall
17 establish disaster assessment teams to be deployed at the
18 discretion of the Director to a staging area near the im-
19 pact area at the request of a governor of an affected State,
20 or to an area where a major disaster, catastrophic disas-
21 ter, or emergency is likely to be declared. The Director
22 or other FEMA official designated by the Director shall
23 lead each such assessment team, which shall have the pur-
24 pose of assessing damage and resulting needs.

1 “(b) COMPOSITION.—The Director shall designate
2 experts and officials from appropriate Federal agencies,
3 including FEMA and the Department of Defense, sup-
4 ported by representatives of State and local agencies, and
5 private relief agencies, to serve on the disaster assessment
6 teams.

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

16 “(d) EXERCISES.—The assessment teams shall con-
17 duct practice exercises at least annually, including officials
18 from appropriate Federal, State, and local agencies.

19 “(e) DAMAGE AND NEEDS ASSESSMENT.—

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

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

10 “(3) COORDINATION WITH STATE AND LOCAL
 11 OFFICIALS.—The damage and needs assessments
 12 shall be conducted in coordination with the State
 13 and local officials of the affected area.”.

14 (b) CONFORMING AMENDMENT.—Section 408(d)(2)
 15 of such Act (42 U.S.C. 5176(d)(2)) is amended by striking
 16 “308” and inserting “309”.

17 **SEC. 9. CATASTROPHIC DISASTERS.**

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

21 **“SEC. 426. CATASTROPHIC DISASTERS.**

22 “(a) DECLARATION.—

23 “(1) RECOMMENDATION BY DISASTER ASSESS-
 24 MENT TEAMS.—At the onset of a disaster in which
 25 the disaster assessment teams established under sec-

1 tion 304(a) have been deployed, or immediately
2 thereafter, the disaster assessment teams shall make
3 concurrent recommendations to the Director, the
4 President, and the Governors of the affected States,
5 the Director, and the President as to whether the
6 disaster should be declared a catastrophic disaster.

7 “(2) REQUEST FOR DECLARATION.—A request
8 for a declaration by the President that a cata-
9 strophic disaster exists shall be made by the Gov-
10 ernor of each affected State seeking such declara-
11 tion. A request for a major disaster declaration com-
12 plying with the requirements of section 401 may ac-
13 company the request for a declaration of a cata-
14 strophic disaster.

15 “(3) FINAL DETERMINATION.—Based on a re-
16 quest or requests under paragraph (2), the Presi-
17 dent may declare that a catastrophic disaster, a
18 major disaster, or an emergency exists. A determina-
19 tion by the President that a catastrophic disaster or
20 an emergency exists shall be final.

21 “(b) EFFECT OF DETERMINATION.—

22 “(1) FEDERAL SHARE.—Notwithstanding sub-
23 sections (b) and (c)(4) of section 403, the Federal
24 share of the eligible cost of essential direct Federal
25 assistance necessary to sustain life or to protect

1 property following a catastrophic disaster declaration
2 shall be—

3 “(A) for the first 72 hours (and for up to
4 an additional 96 hours, at the discretion of the
5 President) 100 percent; and

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

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

9 Upon the declaration of a catastrophic disaster, the
10 Federal Coordinating Officer shall assume an active
11 role in determining whether ancillary resources, such
12 as the resources of the Department of Defense, are
13 required to support any disaster response function.
14 Upon the determination that ancillary resources are
15 required for mass care, the Federal Coordinating Of-
16 ficer will actively assist the American Red Cross in
17 obtaining the resources of the Federal agencies.

18 “(3) RESPONSIBILITY OF THE DEPARTMENT OF
19 DEFENSE.—

20 “(A) IN GENERAL.—Following the declara-
21 tion of a catastrophic disaster, the Secretary of
22 Defense shall, when requested by the President
23 and with the concurrence of the Governor of the
24 affected State, provide to persons adversely af-
25 fected by the disaster, disaster response services

1 not otherwise available from State, local, or vol-
2 unteer agencies, including—

3 “(i) food, water, and shelter;

4 “(ii) communications;

5 “(iii) debris removal;

6 “(iv) medical assistance; and

7 “(v) any other services necessary to
8 sustain human life or to promote recovery.

9 “(B) REIMBURSEMENT.—The Secretary of
10 Defense shall be reimbursed by the disaster re-
11 lief fund for the provision of disaster response
12 services described in subparagraph (A).

13 “(C) DIRECTION OF ACTIVITIES.—The
14 provision of disaster response services under
15 subparagraph (A) and the administration of re-
16 lief by consenting State, local, and volunteer
17 agencies shall be directed by the Federal Co-
18 ordinating Officer in consultation with the Vice
19 President in coordination with the Governors of
20 the affected States or a designee of the Gov-
21 ernors. After a declaration of a catastrophic
22 disaster, specific requests by the Governors for
23 the individual disaster response services de-
24 scribed in subparagraph (A) shall not be
25 necessary.

1 “(D) TRAINING.—The Secretary of De-
2 fense shall undertake necessary training and ex-
3 ercises to ensure preparedness for this humani-
4 tarian mission.

5 “(E) CONTINGENCY PLAN.—The Director
6 shall develop a contingency plan for the provi-
7 sion of disaster response services described in
8 subparagraph (A) in the event that sufficient
9 disaster response services are unavailable under
10 subparagraph (A).

11 “(4) ADDITIONAL ASSISTANCE.—The assistance
12 provided in this subsection shall supplement and not
13 supplant the major disaster assistance programs
14 provided in titles IV and V.”.

15 **SEC. 10. TARGETED EMERGENCY GRANTS.**

16 (a) IN GENERAL.—Title II of the Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act (42 U.S.C.
18 5131 et seq.) is further amended by adding at the end
19 the following new section:

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

21 “(a) IN GENERAL.—

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

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

3 “(B) to construct and maintain State and
4 local emergency operating centers;

5 “(C) to develop, install, and maintain
6 emergency communications systems; and

7 “(D) to evaluate potential hazards in the
8 State.

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

12 “(3) BASIS FOR AWARDS.—The Director shall
13 determine eligibility for grant awards under this sec-
14 tion based on compliance with the performance
15 standards described in subsection (b), and on equal
16 consideration of—

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

19 “(B) the population of each State applying
20 for a grant.

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

25 “(b) PERFORMANCE STANDARDS.—

1 “(1) ESTABLISHMENT.—Not later than 1 year
2 after the date of enactment of this section, the Di-
3 rector shall establish performance standards to de-
4 termine eligibility and application procedures for a
5 grant award under this section.

6 “(2) CRITERIA.—The performance standards
7 shall be based on the relative severity of risk to pub-
8 lic health, safety, and property at risk in the State,
9 and shall include provisions for—

10 “(A) updating emergency operations plans
11 annually;

12 “(B) ensuring interoperability between
13 Federal, State, and local emergency operations
14 plans;

15 “(C) conducting training and annual exer-
16 cises with all appropriate entities including the
17 National Guard; and

18 “(D) requiring appropriate hazard mitiga-
19 tion activities.

20 “(3) PERFORMANCE REVIEW.—The Director
21 shall conduct annual performance reviews of State
22 emergency operations plans based on the criteria de-
23 scribed in paragraph (2).

24 “(4) NOTIFICATION.—The Director shall notify
25 a State that does not meet the performance stand-

1 ards within 60 days of review. In the notice, the Di-
2 rector shall direct the State as to the steps that
3 must be taken to meet the performance standards.

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

7 “(c) FEDERAL SHARE OF GRANT.—The Federal
8 share of a grant under this section shall be 75 percent
9 of the cost of the emergency preparedness activities of the
10 State.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 \$200,000,000 for each of fiscal years 1994 through
14 1998.”.

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

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

19 (2) by inserting immediately after section 405,
20 the following new section:

21 “SEC. 406. COMPLIANCE WITH PERFORMANCE STANDARDS.

22 “(a) IN GENERAL.—Notwithstanding any other pro-
23 vision of this Act, the Director shall establish a sliding
24 scale, in accordance with subsection (c), setting forth the
25 Federal share of the cost of eligible assistance following

1 a disaster or emergency for a State that is not in compli-
 2 ance with the performance standards established under
 3 section 204(b).

4 “(b) SLIDING SCALE.—On the sliding scale estab-
 5 lished under subsection (a), the Federal share shall not
 6 exceed 70 percent of the cost of long-term recovery for
 7 each year the State remains out of compliance with the
 8 performance standards. States that are not in compliance
 9 with performance standards shall pay a greater share of
 10 Federal assistance.”.

11 (c) CONFORMING AMENDMENTS.—

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

15 (2) Section 5(b)(2)(A) of the Earthquake Haz-
 16 ards Reduction Act of 1977 (42 U.S.C.
 17 7704(b)(2)(A)) is amended—

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

19 (B) by redesignating clauses (v) and (vi)
 20 as clauses (iv) and (v), respectively.

21 (3) The Robert T. Stafford Disaster Relief and
 22 Emergency Assistance Act is amended—

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

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

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

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

7 (i) by striking “407” and inserting
8 “408”; and

9 (ii) by striking “422” and inserting
10 “423”;

11 (C) in section 403(c)(2), by striking
12 “407(b)” and inserting “408(b)”;

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

14 (i) by striking “409” and inserting
15 “410”; and

16 (ii) by striking “406” and inserting
17 “407”;

18 (E) in section 407(f)(2) (as so redesign-
19 dated in paragraph (1) of this subsection), by
20 striking “406, 407” and inserting “407, 408”;

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

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

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

1 (G) in section 502(a)—

2 (i) in paragraph (5), by striking
3 “407” and inserting “408”; and

4 (ii) in paragraph (6), by striking
5 “408” and inserting “409”.

6 **SEC. 11. REORGANIZATION OF FEMA.**

7 (a) IN GENERAL.—The Director shall restructure
8 FEMA to—

9 (1) implement an all hazards approach to disaster management that includes activities and measures designed or undertaken to—

12 (A) minimize the effects of natural disasters, civil disturbances, or attack-related emergencies and disasters;

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

17 (C) effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by a disaster, subject to reimbursement by private utilities;

21 (2) utilize resources dedicated to defense-related programs on the date of enactment of this Act to respond to major disasters, catastrophic disasters, and emergencies;

1 (3) redefine the relationship between the Direc-
2 tor and FEMA headquarters and regional offices to
3 ensure effective disaster planning and response; and

4 (4) reduce the number of regional offices and
5 locate the offices in areas the Director identifies as
6 high risk.

7 (b) REDESIGNATION OF EMPLOYEE POSITIONS.—

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

12 (1) The position of Executive Director of
13 FEMA/Chief of Staff of FEMA.

14 (2) The position of Federal Insurance Adminis-
15 trator.

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

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

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

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

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

2 **PREPAREDNESS.**

3 (a) **ESTABLISHMENT.**—The National Academy for
4 Fire Prevention and Control and the Emergency Manage-
5 ment Institute operated by FEMA are abolished and
6 merged into the National Academy of Fire and Emergency
7 Preparedness. The National Academy of Fire and Emer-
8 gency Preparedness shall provide appropriate education
9 for fire prevention and control of all hazards emergency
10 management.

11 (b) **PURPOSE.**—The primary purpose of the Academy
12 shall be first-response training for all hazards. Not less
13 than 50 percent of the resources of the Academy shall be
14 spent on training fire and emergency services profes-
15 sionals.

16 (c) **REDESIGNATION OF TRAINING ACADEMY.**—Sec-
17 tion 7 of the Federal Fire Prevention and Control Act of
18 1974 (15 U.S.C. 2206) is amended—

19 (1) in subsection (a), by striking “National
20 Academy for Fire Prevention and Control” and in-
21 serting “National Academy of Fire and Emergency
22 Preparedness”; and

23 (2) in subsection (d)—

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

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

3 (C) by adding at the end the following new
4 paragraph:

5 “(6) train employees of the Federal Emergency
6 Management Agency and State and local officials in
7 all hazards, as defined in section 102(11) of the
8 Robert T. Stafford Disaster Relief and Emergency
9 Assistance Act.”.

10 (d) TRANSFER OF FUNCTIONS AND RESOURCES.—
11 The Director of the Federal Emergency Management
12 Agency shall transfer the functions, personnel, facilities,
13 and equipment of the Emergency Management Institute
14 existing on the date of enactment of this Act to the Na-
15 tional Academy of Fire and Emergency Preparedness.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
17 17 of the Federal Fire Prevention and Control Act of 1974
18 (15 U.S.C. 2216) is amended by adding at the end the
19 following new subsection:

20 “(h) There are authorized to be appropriated for the
21 National Academy of Fire and Emergency Preparedness
22 \$80,000,000 for each of fiscal years 1994 through 1998.”.

23 (f) CONFORMING AMENDMENT.—Section 4 of such
24 Act (15 U.S.C. 2203) is amended by striking “National
25 Academy for Fire Prevention and Control” and inserting

1 “National Academy of Fire and Emergency Prepared-
2 ness”.

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

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

7 **“SEC. 605. RESEARCH CENTER.**

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

11 “(1) conduct research on disaster management
12 methods, technologies, mitigation and response sys-
13 tems;

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

16 “(3) provide education and training to the
17 emergency response community.

18 “(b) COMPOSITION.—The university or universities
19 shall be selected by the Director following a competitive
20 selection process.

21 “(c) REPORT.—The center shall report annually to
22 the President and Congress on the activities of the
23 consortium.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$5,000,000 for each of fiscal years 1994 and 1995.”.

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

5 (a) REPEAL.—The Federal Civil Defense Act of 1950
 6 (50 U.S.C. App. 2251 et seq.) is repealed.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 813(d)(2) of the Agricultural Act of
 9 1970 (7 U.S.C. 1427a(d)(2)) is amended by striking
 10 “as proclaimed” and all that follows through the
 11 period and inserting a period.

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

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

19 (A) by striking subsection (c); and

20 (B) by redesignating subsection (d) as sub-
 21 section (c).

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