

109TH CONGRESS
2D SESSION

S. 3595

To amend the Homeland Security Act of 2002 to establish the United States
Emergency Management Authority, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2006

Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. CARPER) introduced the
following bill; which was read twice and referred to the Committee on
Homeland Security and Governmental Affairs

A BILL

To amend the Homeland Security Act of 2002 to establish
the United States Emergency Management Authority,
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 “United States Emer-
5 gency Management Authority Act of 2006”.

6 **SEC. 2. UNITED STATES EMERGENCY MANAGEMENT AU-**
7 **THORITY.**

8 Title V of the Homeland Security Act of 2002 (6
9 U.S.C. 311 et seq.) is amended by—

1 (1) striking the title heading and inserting the
2 following:

3 **“TITLE V—NATIONAL PRE-**
4 **PAREDNESS AND RESPONSE”;**

5 (2) striking sections 501 through 503;

6 (3) striking sections 506 and 507;

7 (4) redesignating sections 504, 505, 508, and
8 509 as sections 519, 520, 521, and 522, respec-
9 tively;

10 (5) redesignating section 510 (relating to pro-
11 curement of security countermeasures for the stra-
12 tegic national stockpile) as section 523;

13 (6) redesignating section 510 (relating to urban
14 and other high risk area communications capabili-
15 ties) as section 524; and

16 (7) inserting before section 519, as so redesign-
17 ated by this section, the following:

18 **“SEC. 501. DEFINITIONS.**

19 “In this title—

20 “(1) the term ‘all-hazards-plus’ means an ap-
21 proach to preparedness, response, recovery, and
22 mitigation that emphasizes the development of capa-
23 bilities that are common to natural and man-made
24 disasters, while also including the development of ca-

1 pabilities that are uniquely relevant to specific types
2 of disasters;

3 “(2) the term ‘Authority’ means the United
4 States Emergency Management Authority estab-
5 lished under section 502;

6 “(3) the term ‘Administrator’ means the Ad-
7 ministrator of the Authority;

8 “(4) the term ‘Federal coordinating officer’
9 means a Federal coordinating officer as described in
10 section 302 of the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 5143);

12 “(5) the term ‘National Advisory Council’
13 means the National Advisory Council on Emergency
14 Preparedness and Response established under sec-
15 tion 508;

16 “(6) the term ‘National Incident Management
17 System’ means the National Incident Management
18 System as described in the National Response Plan;

19 “(7) the term ‘National Response Plan’ means
20 the National Response Plan prepared under Home-
21 land Security Presidential Directive 5 or any presi-
22 dential directive meant to replace or augment that
23 directive;

24 “(8) the term ‘Nuclear Incident Response
25 Team’ means a resource that includes—

1 “(A) those entities of the Department of
2 Energy that perform nuclear or radiological
3 emergency support functions (including accident
4 response, search response, advisory, and tech-
5 nical operations functions), radiation exposure
6 functions at the medical assistance facility
7 known as the Radiation Emergency Assistance
8 Center/Training Site (REAC/TS), radiological
9 assistance functions, and related functions; and

10 “(B) those entities of the Environmental
11 Protection Agency that perform such support
12 functions (including radiological emergency re-
13 sponse functions) and related functions;

14 “(9) the term ‘Regional Advisory Council’
15 means a Regional Advisory Council on Preparedness
16 and Response established under section 503;

17 “(10) the term ‘Regional Administrator’ means
18 a Regional Administrator for Preparedness and Re-
19 sponse appointed under section 507;

20 “(11) the term ‘Regional Office’ means a Re-
21 gional Office established under section 507; and

22 “(12) the term ‘surge capacity’ means the abil-
23 ity to rapidly and substantially increase the provi-
24 sion of search and rescue capabilities, food, water,
25 medicine, shelter and housing, medical care, evacu-

1 tial to saving lives or protecting or preserving prop-
2 erty or public health and safety in a natural or man-
3 made disaster;

4 “(4) fuse the Department’s emergency re-
5 sponse, preparedness, recovery, mitigation, and crit-
6 ical infrastructure assets into a new, integrated or-
7 ganization that can effectively confront the chal-
8 lenges of a natural or man-made disaster;

9 “(5) develop and maintain robust Regional Of-
10 fices that will work with State and local governments
11 and emergency response providers to identify and
12 address regional priorities;

13 “(6) under the leadership of the Secretary, co-
14 ordinate with the Commandant of the Coast Guard,
15 the Director of Customs and Border Protection, the
16 Director of Immigration and Customs Enforcement,
17 and the National Operations Center, and other agen-
18 cies and offices in the Department to take full ad-
19 vantage of the substantial range of resources in the
20 Department that can be brought to bear in pre-
21 paring for and responding to a natural or man-made
22 disaster;

23 “(7) carry out the provisions of the Robert T.
24 Stafford Disaster Relief and Emergency Assistance
25 Act (42 U.S.C. 5121 et seq.);

1 “(8) provide funding, training, exercises, tech-
2 nical assistance, planning, and other assistance, to
3 build local, State, regional, and national capabilities,
4 including communications capabilities, necessary to
5 respond to a potential natural or man-made disaster;

6 “(9) implement an all-hazards-plus strategy for
7 preparedness that places priority on building those
8 common capabilities necessary to respond to both
9 terrorist attacks and natural disasters while also
10 building the unique capabilities necessary to respond
11 to specific types of incidents that pose the greatest
12 risk to our Nation; and

13 “(10) promote, plan for, and facilitate the secu-
14 rity of critical infrastructure and key resources, in-
15 cluding cyber infrastructure, against a natural or
16 man-made disaster, and the post-disaster restoration
17 of such critical infrastructure and key resources.

18 “(c) ADMINISTRATOR.—

19 “(1) IN GENERAL.—The Administrator shall be
20 appointed by the President, by and with the advice
21 and consent of the Senate.

22 “(2) QUALIFICATIONS.—The Administrator
23 shall have not less than 5 years of executive leader-
24 ship and management experience in the public or

1 private sector and a demonstrated ability to manage
2 a substantial staff and budget.

3 “(3) REPORTING.—The Administrator shall re-
4 port to the Secretary, without being required to re-
5 port through any other official of the Department.

6 “(4) PRINCIPAL ADVISOR ON EMERGENCY PRE-
7 PAREDNESS AND RESPONSE.—

8 “(A) IN GENERAL.—The Administrator is
9 the principal emergency preparedness and re-
10 sponse advisor to the President, the Homeland
11 Security Council, and the Secretary.

12 “(B) ADVICE AND RECOMMENDATIONS.—

13 “(i) IN GENERAL.—In presenting ad-
14 vice with respect to any matter to the
15 President, the Homeland Security Council,
16 or the Secretary, the Administrator shall,
17 as the Administrator considers appro-
18 priate, inform the President, the Homeland
19 Security Council, or the Secretary, as the
20 case may be, of the range of emergency
21 mitigation, preparedness, response, and re-
22 covery options with respect to that matter.

23 “(ii) ADVICE ON REQUEST.—The Ad-
24 ministrator, as an emergency preparedness
25 and response advisor, shall provide advice

1 to the President, the Homeland Security
2 Council, or the Secretary on a particular
3 matter when the President, the Homeland
4 Security Council, or the Secretary requests
5 such advice.

6 “(iii) RECOMMENDATIONS TO CON-
7 GRESS.—After informing the Secretary,
8 the Administrator may make such rec-
9 ommendations to Congress relating to
10 emergency preparedness and response as
11 the Administrator considers appropriate.

12 “(C) RETENTION OF AUTHORITY.—Noth-
13 ing in this paragraph shall be construed as af-
14 fecting the authority of the Secretary under this
15 Act.

16 **“SEC. 503. AUTHORITIES AND RESPONSIBILITIES.**

17 “(a) IN GENERAL.—The Administrator shall provide
18 Federal leadership necessary to prepare for and respond
19 to a natural or man-made disaster, including—

20 “(1) carrying out the mission to reduce the loss
21 of life and property and protect the Nation from all
22 hazards by leading and supporting the Nation in a
23 comprehensive, risk-based emergency preparedness
24 and response program of—

1 “(A) mitigation, by taking sustained ac-
2 tions to reduce or eliminate long-term risk to
3 people and property from hazards and their ef-
4 fects;

5 “(B) preparedness, by planning, training,
6 and building the emergency preparedness and
7 response workforce to prepare effectively for,
8 mitigate against, respond to, and recover from
9 any hazard;

10 “(C) response, by conducting emergency
11 operations to save lives and property through
12 positioning emergency equipment, personnel,
13 and supplies, through evacuating potential vic-
14 tims, through providing food, water, shelter,
15 and medical care to those in need, and through
16 restoring critical public services;

17 “(D) recovery, by rebuilding communities
18 so individuals, businesses, and governments can
19 function on their own, return to normal life,
20 and protect against future hazards; and

21 “(E) critical infrastructure protection, by
22 establishing an inventory of, and protections
23 for, public and private sector critical infrastruc-
24 ture, including cyber and communications as-
25 sets;

1 “(2) increasing efficiencies, by coordinating ef-
2 forts relating to mitigation, preparedness, response,
3 recovery, and infrastructure protection;

4 “(3) helping to ensure the effectiveness of emer-
5 gency response providers in responding to a natural
6 or man-made disaster;

7 “(4) providing the Federal Government’s re-
8 sponse to a natural or man-made disaster, includ-
9 ing—

10 “(A) managing such response;

11 “(B) directing the Domestic Emergency
12 Support Team, the National Disaster Medical
13 System, and (when operating as an organiza-
14 tional unit of the Department under this title)
15 the Nuclear Incident Response Team;

16 “(C) overseeing the Metropolitan Medical
17 Response System; and

18 “(D) coordinating other Federal response
19 resources, including requiring deployment of the
20 Strategic National Stockpile, in the event of a
21 natural or man-made disaster;

22 “(5) working with Federal, State, and local gov-
23 ernment personnel, agencies, and authorities to build
24 a comprehensive national incident management sys-
25 tem to respond to a natural or man-made disaster;

1 “(6) with respect to the Nuclear Incident Re-
2 sponse Team (regardless of whether it is operating
3 as an organizational unit of the Department under
4 this title)—

5 “(A) establishing standards and certifying
6 when those standards have been met;

7 “(B) conducting joint and other exercises
8 and training and evaluating performance; and

9 “(C) providing funds to the Department of
10 Energy and the Environmental Protection
11 Agency, as appropriate, for homeland security
12 planning, exercises and training, and equip-
13 ment;

14 “(7) helping to ensure that emergency response
15 providers acquire interoperable and sustainable tech-
16 nology;

17 “(8) assisting the President in carrying out the
18 functions under the Robert T. Stafford Disaster Re-
19 lief and Emergency Assistance Act (42 U.S.C. 5121
20 et seq.);

21 “(9) administering homeland security emer-
22 gency management, first responder, and other pre-
23 paredness grants;

1 “(10) monitoring, evaluating, and ensuring the
2 readiness of each emergency support function under
3 the National Response Plan;

4 “(11) coordinating with the National Advisory
5 Council;

6 “(12) ensuring the protection of critical infra-
7 structure by—

8 “(A) carrying out the responsibilities under
9 paragraphs (2) through (6) of section 201(d);

10 “(B) helping ensure the protection and re-
11 siliency of key resources and critical infrastruc-
12 ture, including cyber infrastructure, against a
13 natural or man-made disaster; and

14 “(C) planning for, assisting with, and fa-
15 cilitating, the restoration of key resources and
16 critical infrastructure, including cyber infra-
17 structure, in the event of a natural or man-
18 made disaster;

19 “(13) establishing in each Regional Office a Re-
20 gional Advisory Council on Preparedness and Re-
21 sponse, to advise the Regional Administrator of that
22 Regional Office on emergency preparedness and re-
23 sponse issues specific to the region; and

24 “(14) otherwise carrying out the mission of the
25 Authority as described in section 502(b).

1 “(b) ADDITIONAL RESPONSIBILITIES RELATED TO
2 CATASTROPHIC INCIDENTS.—

3 “(1) IN GENERAL.—The Administrator, in con-
4 sultation with the Secretary and other senior De-
5 partment officials, shall develop a national emer-
6 gency management system that is capable of re-
7 sponding to catastrophic incidents.

8 “(2) IDENTIFICATION OF RESOURCES.—

9 “(A) IN GENERAL.—The Administrator
10 shall develop and submit to Congress annually
11 an estimate of the resources of the Authority
12 and other Federal agencies needed for and de-
13 voted specifically to developing local, State, and
14 national capabilities necessary to respond to a
15 catastrophic incident.

16 “(B) CONTENTS.—Each estimate under
17 subparagraph (A) shall include the resources
18 both necessary for and devoted to—

19 “(i) planning;

20 “(ii) training and exercises;

21 “(iii) Regional Office enhancements;

22 “(iv) staffing, including for surge ca-
23 pacity during a catastrophic event;

24 “(v) additional logistics capabilities;

1 “(vi) other responsibilities under the
2 Catastrophic Incident Annex of the Na-
3 tional Response Plan; and

4 “(vii) State and local catastrophic pre-
5 paredness.

6 “(c) **ALL-HAZARDS-PLUS APPROACH.**—In carrying
7 out this section, the Administrator shall implement an all-
8 hazards-plus strategy that places priority on building
9 those common capabilities necessary to prepare for, re-
10 spond to, recover from, and mitigate the risks of terrorist
11 attacks and natural disasters, while also building the
12 unique capabilities necessary to prepare for, respond to,
13 recover from, and mitigate the risks of specific types of
14 incidents that pose the greatest risk to the Nation.

15 **“SEC. 504. AUTHORITY COMPONENTS.**

16 “There are transferred to the Authority the following:

17 “(1) The Federal Emergency Management
18 Agency, including the functions of the Under Sec-
19 retary for Federal Emergency Management relating
20 thereto.

21 “(2) The Directorate of Preparedness, as con-
22 stituted on June 1, 2006, including the functions of
23 the Under Secretary for Emergency Preparedness
24 relating to the Directorate, as constituted on that
25 date.

1 **“SEC. 505. PRESERVING THE UNITED STATES EMERGENCY**
2 **MANAGEMENT AUTHORITY.**

3 “(a) **DISTINCT ENTITY.**—The Authority shall be
4 maintained as a distinct entity within the Department.

5 “(b) **REORGANIZATION.**—Section 872 shall not apply
6 to the Authority, including any function or organizational
7 unit of the Authority.

8 “(c) **PROHIBITION ON CHANGES TO MISSIONS.**—

9 “(1) **IN GENERAL.**—The Secretary may not
10 substantially or significantly reduce the authorities,
11 responsibilities, or functions of the Authority or the
12 capability of the Authority to perform those respon-
13 sibilities, except as otherwise specifically provided in
14 an Act enacted after the date of enactment of the
15 United States Emergency Management Authority
16 Act of 2006.

17 “(2) **CERTAIN TRANSFERS PROHIBITED.**—No
18 asset, function or mission of the Authority may be
19 diverted to the principal and continuing use of any
20 other organization, unit, or entity of the Depart-
21 ment, except for details or assignments that do not
22 reduce the capability of the Authority to perform its
23 missions.

24 **“SEC. 506. DIRECTORS.**

25 “(a) **IN GENERAL.**—There shall be in the Authority
26 a Director for Preparedness and a Director for Response

1 and Recovery, each of whom shall be appointed by the
2 President, by and with the advice and consent of the Sen-
3 ate, and shall report to the Administrator.

4 “(b) QUALIFICATIONS.—

5 “(1) IN GENERAL.—A Director shall have—

6 “(A) not less than 5 years of—

7 “(i) executive leadership and manage-
8 ment experience in the public or private
9 sector; and

10 “(ii) significant experience in crisis
11 management or another relevant field; and

12 “(B) a demonstrated ability to manage a
13 substantial staff and budget.

14 “(2) CONCURRENT EXPERIENCE.—Service dur-
15 ing any period of time may be used in meeting the
16 requirements under both clause (i) and (ii) of para-
17 graph (1)(A).

18 “(c) INITIAL DIRECTORS.—The individual serving as
19 the Under Secretary for Emergency Preparedness and the
20 individual serving as the Under Secretary for the Federal
21 Emergency Management Agency on the effective date of
22 the United States Emergency Management Authority Act
23 of 2006 may serve as the Director for Preparedness and
24 the Director of Response and Recovery, respectively, until
25 a Director for Preparedness or a Director of Response and

1 Recovery, as the case may be, is appointed under sub-
2 section (a).

3 **“SEC. 507. REGIONAL OFFICES.**

4 “(a) IN GENERAL.—

5 “(1) REGIONAL OFFICES.—The Administrator
6 shall establish 10 Regional Offices of the Authority.

7 “(2) ADDITIONAL OFFICE.—In additon to the
8 Regional Offices established under paragraph (1),
9 the Administrator may designate the Office for Na-
10 tional Capital Region Coordination under section
11 882 as a Regional Office.

12 “(b) MANAGEMENT OF REGIONAL OFFICES.—

13 “(1) REGIONAL ADMINISTRATOR.—Each Re-
14 gional Office shall be headed by a Regional Adminis-
15 trator for Preparedness and Response, who shall be
16 appointed by the Secretary. Each Regional Adminis-
17 trator for Emergency Preparedness and Response
18 shall report directly to the Administrator.

19 “(2) QUALIFICATIONS.—Each Regional Office
20 shall be headed by an individual in the Senior Exec-
21 utive Service qualified to act as a senior Federal co-
22 ordinating officer to provide strategic oversight of
23 incident management when needed.

24 “(c) RESPONSIBILITIES.—

1 “(1) IN GENERAL.—The Regional Adminis-
2 trator shall work in partnership with State and local
3 governments, emergency managers, emergency re-
4 sponse providers, medical providers, the private sec-
5 tor, nongovernmental organizations, multijuris-
6 dictional councils of governments, and regional plan-
7 ning commissions and organizations in the geo-
8 graphical area served by the Regional Office to carry
9 out the responsibilities of a Regional Administrator
10 under this section.

11 “(2) RESPONSIBILITIES.—The responsibilities
12 of a Regional Administrator include—

13 “(A) ensuring effective, coordinated, and
14 integrated regional preparedness, mitigation, re-
15 sponse, and recovery activities and programs
16 for natural and man-made disasters (including
17 planning, training, exercises, and professional
18 development);

19 “(B) coordinating and integrating regional
20 preparedness, mitigation, response, and recov-
21 ery activities and programs for natural and
22 man-made disasters (including planning, train-
23 ing, exercises, and professional development),
24 which shall include—

1 “(i) providing regional and interstate
2 planning assistance;

3 “(ii) organizing, in consultation with
4 the Administrator, regional training and
5 exercise programs;

6 “(iii) providing support and coordina-
7 tion officers for State and local govern-
8 ment training and exercises;

9 “(iv) participating in emergency pre-
10 paredness and planning activities by State,
11 regional, and local governments;

12 “(v) assisting in the development of
13 regional capabilities needed for a national
14 catastrophic response system; and

15 “(vi) helping to coordinate and de-
16 velop interstate agreements;

17 “(C) establishing and overseeing 1 or more
18 strike teams within the region under subsection
19 (e), which shall serve as the focal point of the
20 Federal Government’s initial response efforts
21 for a natural or man-made disaster within that
22 region, and otherwise building Federal response
23 capabilities to respond to a natural or man-
24 made disaster within that region;

1 “(D) working with the private sector to as-
2 sess weaknesses in critical infrastructure pro-
3 tection in the region and to design and imple-
4 ment programs to address those weaknesses;

5 “(E) coordinating all activities conducted
6 under this section with other Federal depart-
7 ments and agencies; and

8 “(F) performing such other duties relating
9 to such responsibilities as the Administrator
10 may require.

11 “(d) AREA OFFICES.—The Administrator shall estab-
12 lish an Area Office for the Pacific and an Area Office for
13 the Caribbean, as components in the appropriate Regional
14 Offices.

15 “(e) REGIONAL OFFICE STRIKE TEAMS.—

16 “(1) ESTABLISHMENT.—In coordination with
17 other relevant Federal agencies, each Regional Ad-
18 ministrators shall establish multi-agency strike teams
19 that shall consist of—

20 “(A) a designated Federal coordinating of-
21 ficer;

22 “(B) personnel trained in incident manage-
23 ment;

24 “(C) public affairs, response and recovery,
25 and communications support personnel;

1 “(D) a defense coordinating officer;

2 “(E) liaisons to other Federal agencies;

3 “(F) such other personnel as the Adminis-
4 trator or Regional Administrator determines
5 appropriate; and

6 “(G) individuals from the agencies with
7 primary responsibility for each of the emer-
8 gency support functions in the National Re-
9 sponse Plan, including the following:

10 “(i) Transportation.

11 “(ii) Communications.

12 “(iii) Public works and engineering.

13 “(iv) Emergency management.

14 “(v) Mass care.

15 “(vi) Housing and human services.

16 “(vii) Public health and medical serv-
17 ices.

18 “(viii) Urban search and rescue.

19 “(ix) Public safety and security.

20 “(x) External affairs.

21 “(2) LOCATION OF MEMBERS.—The members
22 of each Regional Office strike team, including rep-
23 resentatives from agencies other than the Depart-
24 ment, shall be based primarily at the Regional Office
25 that corresponds to that strike team.

1 “(3) COORDINATION.—Each Regional Office
2 strike team shall coordinate the training and exer-
3 cises of that strike team with the State and local
4 governments and private sector and nongovern-
5 mental entities which the strike team shall support
6 when a natural or man-made disaster occurs.

7 “(4) PREPAREDNESS.—Each Regional Office
8 strike team shall be trained, equipped, and staffed to
9 be well prepared to respond to natural and man-
10 made disasters, including catastrophic incidents.

11 “(5) AUTHORIZATION OF APPROPRIATIONS.—
12 There are authorized to be appropriated such sums
13 as necessary to carry out this subsection.

14 **“SEC. 508. NATIONAL ADVISORY COUNCIL ON EMERGENCY**
15 **PREPAREDNESS AND RESPONSE.**

16 “(a) ESTABLISHMENT.—Not later than 60 days after
17 the date of enactment of the United States Emergency
18 Management Authority Act of 2006, the Secretary shall
19 establish an advisory body under section 871(a), to be
20 known as the National Advisory Council on Emergency
21 Preparedness and Response.

22 “(b) RESPONSIBILITIES.—The National Advisory
23 Council shall advise the Administrator on all aspects of
24 emergency preparedness and response.

25 “(c) MEMBERSHIP.—

1 “(1) IN GENERAL.—The members of the Na-
2 tional Advisory Council shall be appointed by the
3 Administrator, and shall, to the extent practicable,
4 represent a geographic (including urban and rural)
5 and substantive cross section of State and local gov-
6 ernment officials and emergency managers, and
7 emergency response providers, from State and local
8 governments, the private sector, and nongovern-
9 mental organizations, including as appropriate—

10 “(A) members selected from the emergency
11 preparedness and response fields, including fire
12 service, law enforcement, hazardous materials
13 response, emergency medical services, and
14 emergency preparedness and response per-
15 sonnel;

16 “(B) health scientists, emergency and in-
17 patient medical providers, and public health
18 professionals;

19 “(C) experts representing standards set-
20 ting organizations;

21 “(D) State and local government officials
22 with expertise in terrorism preparedness and
23 emergency preparedness and response;

24 “(E) elected State and local government
25 executives;

1 “(F) experts in public and private sector
2 infrastructure protection, cybersecurity, and
3 communications;

4 “(G) representatives of the disabled and
5 other special needs populations; and

6 “(H) such other individuals as the Admin-
7 istrator determines to be appropriate.

8 “(d) APPLICABILITY OF FEDERAL ADVISORY COM-
9 MITTEE ACT.—

10 “(1) IN GENERAL.—Notwithstanding section
11 871(a) and subject to paragraph (2), the Federal
12 Advisory Committee Act (5 U.S.C. App.), including
13 subsections (a), (b), and (d) of section 10 of such
14 Act, and section 552b(c) of title 5, United States
15 Code, shall apply to the Advisory Council.

16 “(2) TERMINATION.—Section 14(a)(2)(B) of
17 the Federal Advisory Committee Act (5 U.S.C.
18 App.) shall not apply to the Advisory Council.

19 **“SEC. 509. NATIONAL INCIDENT MANAGEMENT SYSTEM IN-**
20 **TEGRATION CENTER.**

21 “(a) IN GENERAL.—There is in the Authority a Na-
22 tional Incident Management System Integration Center.

23 “(b) RESPONSIBILITIES.—

24 “(1) IN GENERAL.—The Administrator,
25 through the National Incident Management System

1 Integration Center, and in consultation with other
2 Federal departments and agencies and the National
3 Advisory Council, shall ensure ongoing management
4 and maintenance of the National Incident Manage-
5 ment System, the National Response Plan, any other
6 document or tool in support of Homeland Security
7 Presidential Directive 5, or any other Homeland Se-
8 curity Presidential Directive relating to incident
9 management and response.

10 “(2) SPECIFIC RESPONSIBILITIES.—The Na-
11 tional Incident Management System Integration
12 Center shall—

13 “(A) periodically review, and revise, as ap-
14 propriate, the National Incident Management
15 System and the National Response Plan;

16 “(B) review other matters relating to the
17 National Incident Management System and the
18 National Response Plan, as the Administrator
19 may require;

20 “(C) develop and implement a national
21 program for National Incident Management
22 System and National Response Plan education
23 and awareness;

24 “(D) oversee all aspects of the National
25 Incident Management System, including the de-

1 velopment of compliance criteria and implemen-
2 tation activities at Federal, State, and local
3 government levels;

4 “(E) provide guidance and assistance to
5 States and local governments and emergency
6 response providers, in adopting the National In-
7 cident Management System; and

8 “(F) perform such other duties relating to
9 such responsibilities as the Administrator may
10 require.

11 **“SEC. 510. NATIONAL OPERATIONS CENTER.**

12 “(a) DEFINITION.—In this section, the term ‘situa-
13 tional awareness’ means information gathered from a vari-
14 ety of sources that, when communicated to emergency pre-
15 paredness and response managers and decision makers,
16 can form the basis for incident management decision-
17 making.

18 “(b) ESTABLISHMENT.—There is established in the
19 Department a National Operations Center.

20 “(c) PURPOSE.—The purposes of the National Oper-
21 ations Center are to—

22 “(1) coordinate the national response to any
23 natural or man-made disaster, as determined by the
24 Secretary;

1 “(2) provide situational awareness and a com-
2 mon operating picture for the entire Federal Govern-
3 ment, and for State and local governments as appro-
4 priate, for an event described in paragraph (1);

5 “(3) collect and analyze information to help
6 deter, detect, and prevent terrorist acts;

7 “(4) disseminate terrorism and disaster-related
8 information to Federal, State, and local govern-
9 ments;

10 “(5) ensure that critical terrorism and disaster-
11 related information reaches government decision-
12 makers; and

13 “(6) perform such other duties as the Secretary
14 may require.

15 “(d) **RESPONSIBILITIES.**—The National Operations
16 Center shall carry out the responsibilities of the Homeland
17 Security Operations Center, the National Response Co-
18 ordination Center, and the Interagency Incident Manage-
19 ment Group, as constituted on the date of enactment of
20 the United States Emergency Management Authority Act
21 of 2006.

22 **“SEC. 511. CHIEF MEDICAL OFFICER.**

23 “(a) **IN GENERAL.**—There is in the Authority a Chief
24 Medical Officer, who shall be appointed by the President,
25 by and with the advice and consent of the Senate. The

1 Chief Medical Officer shall report directly to the Adminis-
2 trator.

3 “(b) QUALIFICATIONS.—The individual appointed as
4 Chief Medical Officer shall possess a demonstrated ability
5 in and knowledge of medicine and public health.

6 “(c) RESPONSIBILITIES.—The Chief Medical Officer
7 shall have the primary responsibility within the Depart-
8 ment for medical issues related to natural and man-made
9 disasters, including—

10 “(1) serving as the principal advisor to the Sec-
11 retary and the Administrator on medical and public
12 health issues;

13 “(2) coordinating the biosurveillance and detec-
14 tion activities of the Department;

15 “(3) ensuring internal and external coordina-
16 tion of all medical preparedness and response activi-
17 ties of the Department, including training, exercises,
18 and equipment support;

19 “(4) serving as the Department’s primary point
20 of contact with the Department of Agriculture, the
21 Department of Defense, the Department of Health
22 and Human Services, the Department of Transpor-
23 tation, the Department of Veterans Affairs, and
24 other Federal departments or agencies, on medical
25 and public health issues;

1 “(5) serving as the Department’s primary point
2 of contact for State and local government, the med-
3 ical community, and others within and outside the
4 Department, with respect to medical and public
5 health matters;

6 “(6) discharging, in coordination with the
7 Under Secretary for Science and Technology, the re-
8 sponsibilities of the Department related to Project
9 Bioshield;

10 “(7) establishing doctrine and priorities for the
11 National Disaster Medical System, consistent with
12 the National Response Plan and the National Inci-
13 dent Management System, supervising its medical
14 components, and exercising predeployment oper-
15 ational control, including—

16 “(A) determining composition of the
17 teams;

18 “(B) overseeing credentialing of the teams;

19 and

20 “(C) training personnel of the teams;

21 “(8) establishing doctrine and priorities for the
22 Metropolitan Medical Response System, consistent
23 with the National Response Plan and the National
24 Incident Management System;

1 “(9) managing the Metropolitan Medical Re-
2 sponse System, including developing and overseeing
3 standards, plans, training, and exercises and coordi-
4 nating with the Office of Grants and Training on
5 the use and distribution of Metropolitan Medical Re-
6 sponse grants;

7 “(10) assessing and monitoring long-term
8 health issues of emergency managers and emergency
9 response providers;

10 “(11) developing and updating, in consultation
11 with the Secretary of Health and Human Services,
12 guidelines for State and local governments for med-
13 ical response plans for chemical, biological, radio-
14 logical, nuclear, or explosive weapon attacks;

15 “(12) developing, in consultation with the Sec-
16 retary of Health and Human Services, appropriate
17 patient tracking capabilities to execute domestic pa-
18 tient movement and evacuations, including a system
19 that has the capacity of electronically maintaining
20 and transmitting the health information of hospital
21 patients;

22 “(13) establishing and providing oversight for
23 the Department’s occupational health and safety
24 program, including workforce health; and

1 “(14) performing such other duties relating to
2 such responsibilities as the Secretary or the Admin-
3 istrator may require.

4 “(d) LONG-TERM HEALTH ASSESSMENT PRO-
5 GRAM.—The Chief Medical Officer, in consultation with
6 the Director of the National Institute for Occupational
7 Safety and Health, shall establish a program to assess,
8 monitor, and study the health and safety of emergency
9 managers and emergency response providers, following In-
10 cidents of National Significance declared by the Secretary
11 under the National Response Plan.

12 **“SEC. 512. PUBLIC AND COMMUNITY PREPAREDNESS.**

13 “The Administrator shall promote public and commu-
14 nity preparedness.

15 **“SEC. 513. SAVER PROGRAM.**

16 “(a) IN GENERAL.—In the Department there is a
17 System Assessment and Validation for Emergency Re-
18 sponders Program to provide impartial evaluations of
19 emergency response equipment and systems.

20 “(b) REQUIREMENTS.—The program established
21 under subsection (a) shall—

22 “(1) provide impartial, practitioner relevant,
23 and operationally oriented assessments and valida-
24 tions of emergency response provider equipment and
25 systems that have not already been third-party cer-

1 tified to a standard adopted by the Department, in-
2 cluding—

3 “(A) commercial, off-the-shelf emergency
4 response provider equipment and systems in all
5 equipment list categories of the Standardized
6 Equipment List published by the Interagency
7 Board for Equipment Standardization and
8 Interoperability; and

9 “(B) such other equipment or systems as
10 the Secretary determines are appropriate;

11 “(2) provide information that enables decision-
12 makers and emergency response providers to better
13 select, procure, use, and maintain emergency re-
14 sponse provider equipment or systems;

15 “(3) assess and validate the performance of
16 products within a system and subsystems; and

17 “(4) provide information and feedback to emer-
18 gency response providers through the Responder
19 Knowledge Base of the National Memorial Institute
20 for the Prevention of Terrorism, or other appro-
21 priate forum.

22 “(c) ASSESSMENT AND VALIDATION PROCESS.—The
23 assessment and validation of emergency response provider
24 equipment and systems shall use multiple evaluation tech-
25 niques, including—

1 “(1) TASK FORCE PARTICIPATION.—The Ad-
2 ministrator shall select eligible search and rescue
3 teams that are sponsored by State and local govern-
4 ment entities to participate as task forces in the Na-
5 tional Search and Rescue Response System. The Ad-
6 ministrator shall determine the criteria for such par-
7 ticipation.

8 “(2) AGREEMENTS WITH SPONSORING AGEN-
9 CIES.—The Administrator shall enter into an agree-
10 ment with the State or local government entity that
11 sponsors each search and rescue team selected under
12 paragraph (1) with respect the team’s participation
13 as a task force in the National Search and Rescue
14 Response System.

15 “(3) MANAGEMENT AND TECHNICAL TEAMS.—
16 The Administrator shall maintain such management
17 and other technical teams as are necessary to ad-
18 minister the National Search and Rescue Response
19 System.

20 **“SEC. 515. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

21 “(a) IN GENERAL.—There is in the Authority a Met-
22 ropolitan Medical Response System. Under the Metropoli-
23 tan Medical Response System, the Assistant Secretary for
24 Grants and Planning, in coordination with the Chief Med-
25 ical Officer, shall administer grants to develop, maintain,

1 and enhance medical preparedness systems that are capa-
2 ble of responding effectively to a public health crisis or
3 mass-casualty event caused by a natural or man-made dis-
4 aster.

5 “(b) USE OF FUNDS.—The Metropolitan Medical Re-
6 sponse System shall make grants to local governments to
7 enhance any of the following activities:

8 “(1) Medical surge capacity.

9 “(2) Mass prophylaxis.

10 “(3) Chemical, biological, radiological, nuclear,
11 and explosive detection, response, and decontamina-
12 tion capabilities.

13 “(4) Emergency communications capabilities.

14 “(5) Information sharing and collaboration ca-
15 pabilities.

16 “(6) Regional collaboration.

17 “(7) Triage and pre-hospital treatment.

18 “(8) Medical supply management and distribu-
19 tion.

20 “(9) Fatality management.

21 “(10) Such other activities as the Secretary
22 may provide.

1 **“SEC. 516. EMERGENCY MANAGEMENT ASSISTANCE COM-**
2 **PACT AUTHORIZATION.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Administrator, may make grants for the purposes of
5 administering and improving the Emergency Management
6 Assistance Compact consented to by the Joint Resolution
7 entitled ‘Joint Resolution granting the consent of Con-
8 gress to the Emergency Management Assistance Compact’
9 (Public Law 104–321; 110 Stat. 3877).

10 “(b) USES.—A grant under this section shall be used
11 to—

12 “(1) carry out recommendations identified in
13 after-action reports for the 2004 and 2005 hurricane
14 season issued under the Emergency Management
15 Assistance Compact;

16 “(2) coordinate with the Department and other
17 Federal Government agencies;

18 “(3) coordinate with State and local govern-
19 ment entities and their respective national associa-
20 tions;

21 “(4) assist State and local governments with
22 credentialing emergency response providers and the
23 typing of emergency response resources; or

24 “(5) administer the operations of the Emer-
25 gency Management Assistance Compact.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary to carry
3 out this section \$4,000,000 for each of fiscal years 2007
4 through 2010. Amounts appropriated under this section
5 shall remain available for 3 fiscal years after the date on
6 which such funds are appropriated.

7 **“SEC. 517. OFFICE FOR THE PREVENTION OF TERRORISM.**

8 “(a) ESTABLISHMENT.—There is established in the
9 Department an Office for the Prevention of Terrorism,
10 which shall be headed by a Director.

11 “(b) DIRECTOR.—

12 “(1) REPORTING.—The Director of the Office
13 for the Prevention of Terrorism shall report directly
14 to the Secretary.

15 “(2) QUALIFICATIONS.—The Director of the
16 Office for the Prevention of Terrorism shall have an
17 appropriate background with experience in law en-
18 forcement, intelligence, or other anti-terrorist func-
19 tions.

20 “(c) ASSIGNMENT OF PERSONNEL.—

21 “(1) IN GENERAL.—The Secretary shall assign
22 to the Office for the Prevention of Terrorism perma-
23 nent staff and other appropriate personnel detailed
24 from other components of the Department to carry
25 out the responsibilities under this section.

1 “(2) LIAISONS.—The Secretary shall designate
2 senior employees from each component of the De-
3 partment that has significant antiterrorism respon-
4 sibilities to act a liaison between that component
5 and the Office for the Prevention of Terrorism.

6 “(d) RESPONSIBILITIES.—The Director of the Office
7 for the Prevention of Terrorism shall—

8 “(1) coordinate policy and operations between
9 the Department and State and local government
10 agencies relating to preventing acts of terrorism
11 within the United States;

12 “(2) serve as a liaison between State and local
13 law enforcement agencies and the Department;

14 “(3) in coordination with the Office of Intel-
15 ligence, develop better methods for the sharing of in-
16 telligence with State and local law enforcement
17 agencies;

18 “(4) coordinate with the Office of Grants and
19 Training to ensure that homeland security grants to
20 State and local government agencies are adequately
21 focused on terrorism prevention activities; and

22 “(5) coordinate with the Authority, the Depart-
23 ment of Justice, the National Institute of Justice,
24 law enforcement organizations, and other appro-
25 priate entities to develop national voluntary con-

1 sensus standards for training and personal protec-
2 tive equipment to be used in a tactical environment
3 by law enforcement officers.

4 “(e) PILOT PROJECT.—

5 “(1) IN GENERAL.—The Director of the Office
6 for the Prevention of Terrorism, in coordination with
7 the Director for Response, shall establish a pilot
8 project to determine the efficacy and feasibility of
9 establishing law enforcement deployment teams.

10 “(2) FUNCTION.—The law enforcement deploy-
11 ment teams participating in the pilot program under
12 this subsection shall form the basis of a national
13 network of standardized law enforcement resources
14 to assist State and local governments in responding
15 to a natural or man-made disaster.

16 “(f) CONSTRUCTION.—Nothing in this section may be
17 construed to effect the roles or responsibilities of the De-
18 partment of Justice.

19 **“SEC. 518. DEPARTMENT OFFICIALS.**

20 “(a) CYBERSECURITY AND TELECOMMUNI-
21 CATIONS.—There is in the Department an Assistant Sec-
22 retary for Cybersecurity and Telecommunications.

23 “(b) UNITED STATES FIRE ADMINISTRATION.—The
24 Administrator of the United States Fire Administration

1 shall have a rank equivalent to an assistant secretary of
2 the Department.”.

3 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as are necessary to carry out this Act and the amendments
6 made by this Act.

7 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

8 (a) EXECUTIVE SCHEDULE.—

9 (1) ADMINISTRATOR.—Section 5313 of title 5,
10 United States Code, is amended by adding at the
11 end the following:

12 “Administrator of the United States Emergency
13 Management Authority.”.

14 (2) DIRECTORS.—Section 5314 of title 5,
15 United States Code, is amended by adding at the
16 end the following:

17 “Directors, United States Emergency Manage-
18 ment Authority.”.

19 (3) FEMA OFFICERS.—

20 (A) FEDERAL INSURANCE ADMINIS-
21 TRATOR.—Section 5315 of title 5, United
22 States Code, is amended by striking “Federal
23 Insurance Administrator, Federal Emergency
24 Management Agency.”.

1 (B) INSPECTOR GENERAL.—Section 5315
 2 of title 5, United States Code, is amended by
 3 striking “Inspector General, Federal Emer-
 4 gency Management Agency.”.

5 (C) CHIEF INFORMATION OFFICER.—Sec-
 6 tion 5315 of title 5, United States Code, is
 7 amended by striking “Chief Information Offi-
 8 cer, Federal Emergency Management Agency.”.

9 (b) OFFICERS OF THE DEPARTMENT.—Section
 10 103(a) of the Homeland Security Act of 2002 (6 U.S.C.
 11 113(a)) is amended—

12 (1) by striking paragraph (5) and inserting the
 13 following:

14 “(5) An Administrator of the United States
 15 Emergency Management Authority.”;

16 (2) by striking paragraph (2); and

17 (3) by redesignating paragraphs (3) through
 18 (10) (as amended by this subsection) as paragraphs
 19 (2) through (9), respectively.

20 (c) TABLE OF CONTENTS.—The table of contents in
 21 section 1(b) of the Homeland Security Act of 2002 (6
 22 U.S.C. 101 et seq.) is amended by striking the items relat-
 23 ing to title V and sections 501 through 509 and inserting
 24 the following:

“TITLE V—NATIONAL PREPAREDNESS AND RESPONSE

“Sec. 501. Definitions.

- “Sec. 502. United States Emergency Management Authority.
- “Sec. 503. Authorities and responsibilities.
- “Sec. 504. Authority components.
- “Sec. 505. Preserving the United States Emergency Management Authority.
- “Sec. 506. Directors.
- “Sec. 507. Regional Offices.
- “Sec. 508. National Advisory Council on Emergency Preparedness and Response.
- “Sec. 509. National Incident Management System Integration Center.
- “Sec. 510. National Operations Center.
- “Sec. 511. Chief Medical Officer.
- “Sec. 512. Public and community preparedness.
- “Sec. 513. SAVER Program.
- “Sec. 514. National Search and Rescue Response System.
- “Sec. 515. Metropolitan Medical Response System.
- “Sec. 516. Emergency Management Assistance Compact authorization.
- “Sec. 517. Office for the Prevention of Terrorism Coordination.
- “Sec. 518. Department officials.
- “Sec. 519. Nuclear incident response.
- “Sec. 520. Conduct of certain public health-related activities.
- “Sec. 521. Use of national private sector networks in emergency response.
- “Sec. 522. Use of commercially available technology, goods, and services.
- “Sec. 523. Procurement of security countermeasures for strategic national stockpile.
- “Sec. 524. Urban and other high risk area communications capabilities.”.

1 SEC. 5. EFFECTIVE DATE.

- 2** This Act, and the amendments made by this Act,
- 3** shall take effect on January 1, 2007.

