

## HR 5351

National Emergency Management Reform and Enhancement Act of 2006

**Congress:** 109 (2005–2007, Ended)

**Chamber:** House

**Policy Area:** Emergency Management

**Introduced:** May 11, 2006

**Current Status:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 109-712, Part I.

**Latest Action:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 109-712, Part I. (Nov 9, 2006)

**Official Text:** <https://www.congress.gov/bill/109th-congress/house-bill/5351>

### Sponsor

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**Name:** Rep. Reichert, David G. [R-WA-8]

**Party:** Republican • **State:** WA • **Chamber:** House

**Cosponsors** (51 total)

Cosponsor	Party / State	Role	Date Joined
Del. Christensen, Donna M. [D-VI-At Large]	D · VI		May 11, 2006
Rep. Brown-Waite, Ginny [R-FL-5]	R · FL		May 11, 2006
Rep. Butterfield, G. K. [D-NC-1]	D · NC		May 11, 2006
Rep. Carter, John R. [R-TX-31]	R · TX		May 11, 2006
Rep. Etheridge, Bob [D-NC-2]	D · NC		May 11, 2006
Rep. Fortenberry, Jeff [R-NE-1]	R · NE		May 11, 2006
Rep. Harman, Jane [D-CA-36]	D · CA		May 11, 2006
Rep. King, Peter T. [R-NY-3]	R · NY		May 11, 2006
Rep. Langevin, James R. [D-RI-2]	D · RI		May 11, 2006
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		May 11, 2006
Rep. McCaul, Michael T. [R-TX-10]	R · TX		May 11, 2006
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		May 11, 2006
Rep. McMorris, Cathy [R-WA-5]	R · WA		May 11, 2006
Rep. Meek, Kendrick B. [D-FL-17]	D · FL		May 11, 2006
Rep. Pascrell, Bill, Jr. [D-NJ-8]	D · NJ		May 11, 2006
Rep. Pearce, Stevan [R-NM-2]	R · NM		May 11, 2006
Rep. Rogers, Harold [R-KY-5]	R · KY		May 11, 2006
Rep. Rogers, Mike D. [R-AL-3]	R · AL		May 11, 2006
Rep. Sanchez, Loretta [D-CA-47]	D · CA		May 11, 2006
Rep. Schwarz, John J.H. "Joe" [R-MI-7]	R · MI		May 11, 2006
Rep. Shays, Christopher [R-CT-4]	R · CT		May 11, 2006
Rep. Simmons, Rob [R-CT-2]	R · CT		May 11, 2006
Rep. Sweeney, John E. [R-NY-20]	R · NY		May 11, 2006
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		May 11, 2006
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		May 17, 2006
Rep. Brady, Kevin [R-TX-8]	R · TX		May 17, 2006
Rep. Crenshaw, Ander [R-FL-4]	R · FL		May 17, 2006
Rep. Dent, Charles W. [R-PA-15]	R · PA		May 17, 2006
Rep. Harris, Katherine [R-FL-13]	R · FL		May 17, 2006
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		May 17, 2006
Rep. Lowey, Nita M. [D-NY-18]	D · NY		May 17, 2006
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		May 17, 2006
Rep. Smith, Lamar [R-TX-21]	R · TX		May 17, 2006
Rep. Weldon, Curt [R-PA-7]	R · PA		May 17, 2006
Rep. Alexander, Rodney [R-LA-5]	R · LA		May 25, 2006
Rep. Cuellar, Henry [D-TX-28]	D · TX		May 25, 2006
Rep. Davis, Geoff [R-KY-4]	R · KY		May 25, 2006
Rep. Gonzalez, Charles A. [D-TX-20]	D · TX		May 25, 2006
Rep. Sodrel, Michael E. [R-IN-9]	R · IN		May 25, 2006
Rep. Wilson, Joe [R-SC-2]	R · SC		May 25, 2006
Rep. English, Phil [R-PA-3]	R · PA		Jun 8, 2006

Cosponsor	Party / State	Role	Date Joined
Rep. Israel, Steve [D-NY-2]	D · NY		Jun 8, 2006
Rep. Bradley, Jeb [R-NH-1]	R · NH		Jun 16, 2006
Rep. Sessions, Pete [R-TX-32]	R · TX		Jun 16, 2006
Rep. Westmoreland, Lynn A. [R-GA-8]	R · GA		Jun 16, 2006
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		Jun 22, 2006
Rep. Brady, Robert A. [D-PA-1]	D · PA		Jun 22, 2006
Rep. Wilson, Heather [R-NM-1]	R · NM		Jun 22, 2006
Rep. Souder, Mark E. [R-IN-3]	R · IN		Jun 28, 2006
Rep. Rehberg, Dennis R. [R-MT-At Large]	R · MT		Jul 13, 2006
Rep. Rangel, Charles B. [D-NY-15]	D · NY		Jul 20, 2006

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	May 15, 2006
Homeland Security Committee	House	Reported By	Nov 9, 2006
Transportation and Infrastructure Committee	House	Referred to	May 12, 2006

### Subjects & Policy Tags

#### Policy Area:

Emergency Management

### Related Bills

Bill	Relationship	Last Action
109 HR 5759	Related bill	<b>Aug 1, 2006:</b> Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman .

National Emergency Management Reform and Enhancement Act of 2006 - **Title I: Emergency Management** - (Sec. 101) Amends the Homeland Security Act of 2002 (the Act) to provide for the establishment within the Department of Homeland Security (DHS) of a Directorate of Emergency Management (DEM) (replacing the Directorate of Emergency Preparedness and Response). Requires DEM to be headed by an Under Secretary for Emergency Management and to include Deputy Under Secretaries for: (1) Emergency Preparedness and Mitigation; and (2) Emergency Response and Recovery. Directs the Under Secretary to serve as a Cabinet Officer during an Incident of National Significance.

Establishes: (1) in DEM a Regional Office of Emergency Management for each region of the United States; (2) in each Regional Office a Regional Advisory Council on Emergency Management. Lists: (1) core responsibilities of each Regional Director, including identifying critical gaps in regional capabilities to respond to the needs of at-risk communities; and (2) responsibilities of the Advisory Council, including to assist the Regional Director in establishing a process to secure goods and services through coordinated, pre-negotiated contracts by federal, state, local, and tribal governments.

Establishes in DHS a Chief Medical Officer, who shall report directly to the Under Secretary for Emergency Management and shall be the principal advisor of the Secretary of Homeland Security (Secretary) on medical and public health issues. Directs the Chief Medical Officer to establish a program to assess, monitor, and study the health and safety of emergency managers, response providers, and support providers following Incidents of National Significance declared by the Secretary under the National Response Plan. Requires the Secretary, acting through the Chief Medical Officer, to establish a National Biosurveillance Integration System, which shall be designed to rapidly detect a biological event that presents a risk to the United States or U.S. infrastructure or key assets.

Establishes within DEM: (1) an Office of State, Local, and Tribal Government Coordination; and (2) an Office of National Capital Region Coordination.

Directs the Secretary to: (1) establish the National Advisory Council on Emergency Management; and (2) at least biennially review, revise, or replace the National Response Plan, the National Incident Management System (NIMS), the National Preparedness Guidance, the National Preparedness Goal, the Targeted Capabilities List, the Universal Task List, the National Infrastructure Protection Plan, the National Planning Scenarios, and other national initiatives on acts of terrorism, natural disasters, and other emergencies that affect emergency managers, response providers, and support providers. Requires the National Advisory Council to report to the Secretary on recommendations for reviewing, revising, or replacing such national initiatives.

Prohibits the Secretary from reallocating functions among DEM officers or establishing, consolidating, altering, or discontinuing organizational units within DEM until 120 days after notifying Congress.

Establishes within DEM an Office of Grants and Planning and an Office of Training and Exercises. Transfers the Noble Training Center to the Center for Domestic Preparedness. Directs the Secretary, acting through the Assistant Secretary for Training and Exercises, to: (1) carry out a National Training Program to enhance emergency prevention, response, and recovery capabilities; and (2) establish a Remedial Action Management Program to identify and analyze training, exercises, and real-world events for lessons learned and best practices.

Directs the Secretary, acting through the Assistant Secretary for Grants and Planning, to: (1) regularly update essential capabilities for government emergency preparedness, considering threat, vulnerability, and consequences with respect to population, areas of high population density, critical infrastructure, coastlines, and international borders; and (2) require

any state or urban area that submits an application for DHS homeland security assistance to maintain a catastrophic emergency plan. Requires each Regional Director for Emergency Management to develop a peer review process for any such plan submitted.

Directs the Secretary: (1) acting through the Under Secretary for Emergency Management in coordination with the Under Secretary for Science and Technology, to establish a System Assessment and Validation for Emergency Responders Program to provide evaluations and validations of critical emergency response provider-related equipment and systems; and (2) in assessing and validating personnel protective equipment, to coordinate with the Director of the National Institute for Occupational Safety and Health (NIOSH).

Directs the Secretary, acting through the Assistant Secretary for Training and Exercises, to establish a graduate-level Homeland Security Education Program in the National Capital Region to provide educational opportunities to government officials with homeland security and emergency management responsibilities.

Establishes in DEM: (1) an Office of Public and Community Preparedness; (2) a National Citizen Corps Council; and (3) a NIMS and NRP Integration Center (NIC), headed by a Director who shall report directly to the Deputy Under Secretary for Response and Recovery. Requires the Director to revise the NIMS and the National Response Plan not later than 90 days after enactment clarifying the roles and responsibilities of the Principal Federal Official, the Federal Coordinating Officer, the Federal Resource Coordinator, and the Disaster Recovery Manager and conforming the National Response Plan and NIMS to the provisions of this Act. Authorizes appropriations.

Requires the Secretary, acting through the Under Secretary for Emergency Management, to use national private sector networks and infrastructure for emergency response to the maximum extent practicable.

Directs the Nuclear Incident Response Team, in connection with actual or threatened emergencies in the United States, to operate as an organizational unit of DHS under the Secretary's direction.

Establishes in DEM a National Urban Search and Rescue Response System. Directs the Under Secretary for Emergency Management to establish an advisory committee to provide expert recommendations regarding administration of the System. Authorizes appropriations.

Establishes in DEM a Metropolitan Medical Response System. Directs the Secretary, acting through the Under Secretary, to make grants to administer the Emergency Management Assistance Compact. Authorizes appropriations.

Establishes in DEM an Office of Emergency Communications, which shall be under the authority of the Under Secretary for Emergency Management. Directs the Secretary, acting through the Assistant Secretary for Emergency Communications, to: (1) develop a National Emergency Communications Strategy to achieve interoperable emergency communications; (2) periodically assess governments; (3) report on progress in implementing and achieving goals; and (4) assess federal grants and standards programs managed by other federal agencies. Authorizes the Secretary, acting through the Assistant Secretary for Grants and Planning, to prohibit any government from using DHS homeland security assistance for interoperable emergency communications capabilities if such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan and if national voluntary consensus standards for interoperable emergency communications capabilities have not been developed and promulgated within three years.

Establishes in each Regional Office a Regional Emergency Communications Coordination Working Group.

Establishes the Emergency Communications Preparedness Center, to be jointly operated by the Secretary, the Chairman

of the Federal Communications Commission (FCC), the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other federal agencies.

Requires the Secretary to provide technical guidance, training, and other assistance to support the rapid establishment of effective interoperable emergency communications capabilities in the event of an emergency in urban and other high risk areas.

Directs the Secretary, acting through the Assistant Secretary for Emergency Communications, to develop and operate an integrated national public alert and warning system that incorporates legacy systems, which shall be operational within three years of enactment.

Requires the Secretary, acting through the Under Secretary for Emergency Management in coordination with Regional Directors, to establish: (1) a Prepositioned Equipment Program to preposition standardized emergency equipment in selected geographic areas to sustain and replenish critical assets used in response to, or rendered inoperable by the effects of, emergencies; and (2) a database that contains information about small businesses for purposes of federal contracting related to assistance activities.

Directs the Secretary, acting through the Under Secretary, to implement a program to provide training on the prevention and identification of waste, fraud, and abuse of federal assistance funds and services during emergencies.

Grants the Under Secretary the authority to enter into contracts for the delivery of necessary goods or services for emergencies and to delegate such authority to a Regional Director for Emergency Management.

Establishes in DHS an Office of Infrastructure Protection, including an Integration Center which shall: (1) be staffed by that Office, the Office of Cybersecurity and Telecommunications, and the Office of Intelligence and Analysis; (2) be responsible for the integration of relevant threat, consequence, and vulnerability information, analysis, and assessments; and (3) develop and disseminate analytical products that combine homeland security information with critical infrastructure and key resource vulnerability and consequence information. Directs the Secretary to ensure that DHS makes full use of open-source information to analyze U.S. critical infrastructure from the perspective of terrorists using publicly available information.

Establishes in DHS an Office of Cybersecurity and Telecommunications, headed by an Assistant Secretary for Cybersecurity and Telecommunications. Directs the Secretary to: (1) submit an annual report on programs of such Office and the specific funding requirements of each priority of the Secretary; and (2) the President to nominate (within 90 days) an individual to serve as such Assistant Secretary.

(Sec. 102) Directs the Secretary of Homeland Security to establish in DHS a Gulf Coast Long-Term Recovery Office to administer amounts available to DHS for providing assistance to Gulf Coast region residents for recovering from Hurricanes Katrina and Rita.

(Sec. 103) Amends the Public Health Service Act to authorize appropriations for operations of the National Disaster Medical System. Requires the Chief Medical Officer to report on the need to expand the System, the relationship between the System and the Metropolitan Medical Response System, coordination between DHS and the Department of Health and Human Services (HHS) during deployment, and whether the System should remain in DHS.

(Sec. 104) Requires the Director of the Office of Interoperability and Compatibility to support the creation of national voluntary consensus standards for interoperable emergency communications, test and deploy public safety

communications system that are less costly and prone to failure than existing systems, and work with the private sector to develop solutions to improve emergency communications capabilities and interoperability.

(Sec. 105) Permits financial assistance provided to governments by the Secretary for prevention activities to be used to hire new staff and contractors to serve as intelligence analysts to facilitate information and intelligence sharing activities.

(Sec. 106) Redesignates the Directorate for Information Analysis and Infrastructure Protection as the Office of Intelligence and Analysis (headed by the Under Secretary for Intelligence and Analysis).

(Sec. 107) Authorizes the Secretary to enter into an arrangement for the National Academy of Public Administration to study the implementation of organizational changes to DHS made by this Act and to provide assistance in the creation and implementation of DEM.

(Sec. 108) Directs the Comptroller General to submit reports on the overall inventory, status, and coordination of training programs for federal emergency response providers.

(Sec. 109) Authorizes the use of financial assistance provided governments by the Secretary under the State Homeland Security Grant program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program to assist public elementary and secondary schools in developing and implementing programs to instruct students with age-appropriate skills for emergencies.

(Sec. 110) Expresses the sense of Congress that in carrying out DHS responsibilities and authorities relating to the SAFECOM Program, the Assistant Secretary of Homeland Security for Emergency Communications should work with the National Institute of Standards and Technology (NIST) to implement the Project 25 Compliance Assessment Program.

(Sec. 111) Directs the Secretary, acting through the Assistant Secretary for Training and Exercises and in coordination and cooperation with government agencies responsible for pandemic influenza preparedness and response, to conduct a full-scale, national exercise to test the effectiveness and implementation of the National Strategy for Pandemic Influenza.

(Sec. 112) Requires the Under Secretary for Emergency Management to direct the Regional Director for Emergency Management for a region having significant risk of both terrorism and catastrophic national disaster to establish a public-private sector planning and response pilot program, under which the Regional Director shall designate emergency managers and private sector individuals to identify critical resources and key individuals.

(Sec. 113) Authorizes appropriations for the Emergency Management Performance Grants Program.

(Sec. 114) Expands the definition of "emergency response provider." Sets forth definitions for "emergency management," "prevention," and "emergency support providers."

**Title II: Fraud, Waste, and Abuse Prevention** - (Sec. 201) Amends the Act to direct the Secretary, acting through the Under Secretary for Emergency Management, to ensure that: (1) all DEM programs administering federal assistance develop and maintain proper internal management controls to prevent and detect fraud, waste, and abuse; (2) DEM databases used to collect information on eligible recipients record disbursements and are integrated with the disbursements and payments records; and (3) such tracking is designed to identify ineligible applications. Sets forth audit and review, certification, and reporting requirements.

(Sec. 202) Directs the Under Secretary to: (1) assess the role that Independent Private Sector Inspectors General played

in preventing waste, fraud, and abuse in contracts for goods or services purchased or commissioned after the September 11, 2001, terrorist attacks; and (2) report to Congress and post the report on the primary agency public access website.

(Sec. 203) Requires: (1) each entity that receives federal assistance funds in response to emergencies to report on its expenditures six months after the initial disbursement of resources; (2) the Under Secretary to determine whether such reporting requirement duplicates or can be combined with other reporting requirements; and (3) each federal agency that disburses federal assistance in response to an emergency to report to the DHS Inspector General on the expenditure of such funds.

(Sec. 204) Requires any agency that disburses federal assistance for emergencies to make reasonable efforts to confirm the identity and eligibility of applicants without placing undue burden on them.

(Sec. 205) Establishes in DHS's Office of Inspector General the position of Deputy Inspector General for Response and Recovery. Directs the Deputy Inspector General to ensure that not more than 48 hours after a terrorist attack, natural disaster, or other national emergency the Office institutes and publicizes a Fraud Tip Line to facilitate the collection of allegations of waste, fraud, and abuse of federal assistance funds. Requires all agencies receiving or distributing such funds to maintain budgetary procedures to distinguish funds related to response and relief efforts from other agency funds. Authorizes appropriations.

(Sec. 206) Prohibits knowingly using the name, initials, insignia, and seal of DHS for commercial or other specified purposes, except with the Secretary's written permission.

## Actions Timeline

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- **Nov 9, 2006:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 109-712, Part I.
- **Nov 9, 2006:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 109-712, Part I.
- **Sep 29, 2006:** Sponsor introductory remarks on measure. (CR H7967)
- **Jun 22, 2006:** Mr. Reichert asked unanimous consent that the Committee on Homeland Security (Select) have until midnight on June 23 to file a report on H.R. 5351. Agreed to without objection.
- **May 17, 2006:** Committee Consideration and Mark-up Session Held.
- **May 17, 2006:** Ordered to be Reported (Amended) by the Yeas and Nays: 28 - 0.
- **May 15, 2006:** Referred to the Subcommittee on Telecommunications and the Internet, for a period to be subsequently determined by the Chairman .
- **May 12, 2006:** Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
- **May 11, 2006:** Introduced in House
- **May 11, 2006:** Introduced in House
- **May 11, 2006:** Referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, and Energy and Commerce, 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.
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