A BILL FOR AN ACT

To establish a program to assist the States to prevent, prepare for, and recover from natural and man-made disasters, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

Section 1. Short title. This act is known and may be cited as the "Disaster Relief Assistance Act of 1986."

Section 2. Findings and intent.

(1) The Congress of the Federated States of Micronesia finds and declares that:

(a) Natural and man-made disasters kill and injure people, disrupt communities and the workings of government, destroy and damage property, cut off income and cause suffering of other kinds; and

(b) Due to the severe impact of disasters, the resources of the States are oftentimes inadequate to cope with them so that the States require the assistance of the National Government and other sources of available aid to restore devastated areas.

(2) Therefore the Congress of the Federated States of Micronesia intends by this act to:

(a) Provide for a permanent, orderly program of National Government assistance to the States to relieve suffering and repair damage caused by disasters; and

(b) Authorize the President to coordinate National and international aid to the States to best prevent, prepare for, and recover from disasters.

Section 3. Definitions. As used in this act, the following definitions shall apply:

(1) "Disaster" means the imminent threat or the occurrence of widespread injury or death to persons, or severe widespread injury
to, or destruction of, property caused by a natural or man-made
catastrophe;

(2) "Hazardous facility" means any material, equipment, or
facility, public or private, which threatens loss of life or injury to
persons or property substantially worse, in the event of a disaster,
that expected under normal conditions;

(3) "Man made" means any event or activity which may cause,
or causes, a disaster which is the result of man's actions and not
through natural occurrences;

(4) "National Government" means the Government of the
Federated States of Micronesia;

(5) "State of emergency" means a formal declaration by the
President that a disaster is imminent or has occurred, and that the
States need National and possibly international aid to prevent,
prepare for, or recover from the disaster; and

(6) "States" means the governments of the States of the
Federated States of Micronesia.

Section 4. Limitations. Except as otherwise provided in this
act, its language shall not be construed to:

(1) Interfere with the dissemination of news or comment on
public affairs; but any communications facility or organization,
including, but not limited to, radio and television stations, wire
services, and newspapers, may be required to transmit or print public
service messages furnishing information or instructions in connection
with a disaster;
(2) Affect the jurisdiction or responsibilities of State, municipal, or local police forces, and fire fighting forces; or

(3) Limit, modify, or abridge the authority of the President to assist the States in responding to disasters or to exercise any other powers vested in him by the laws of the Federated States of Micronesia, independent of, or in conjunction with, any provisions of this act.

Section 5. **Presidential authority.**

(1) For any of the purposes of this act, the President may declare a state of emergency. Within 30 days after the declaration of emergency, the Congress of the Federated States of Micronesia shall convene at the call of its Presiding Officer or the President to consider revocation, amendment, or extension of the declaration. Unless it expires by its own terms, is revoked or extended, the declaration of emergency is effective for 30 days.

(2) The President shall also have the power to issue Presidential orders as needed in a state of emergency.

(3) Any Presidential order issued under subsection (2) of this section shall be disseminated promptly and brought to the attention of both the general public and government officials responsible for acting during and after any state of emergency.

(4) During a state of emergency, the President is authorized to suspend any regulatory statutes, or any order, rule, or regulation of an executive agency of the National Government. The President shall exercise this authority only if strict adherence to
the provisions of the regulatory statute, order, rule, or regulation
would prevent, hinder, or delay actions needed to prevent, prepare
for, or recover from, a disaster.

(5) The President or his designee shall coordinate National
Government activities to assist the States to prevent, prepare for,
and recover from disasters.

(6) The President may request aid from the United States
Government and from other foreign public and private entities
providing disaster assistance. The President shall coordinate such
foreign aid with assistance provided by the National Government.

(7) In the event of a threatened or existing disaster, the
President may provide immediate assistance from the Disaster Relief
Fund, Public Law No. 2-64, to save lives, preserve property, and
protect public health and safety. The President may provide such
assistance by directing National Government agencies to:

(a) Give technical assistance and provide advisors to
affected States;

(b) Lend equipment, supplies, facilities, and
personnel to affected States; and

(c) Perform on public or private lands or waters
emergency services needed to save lives, preserve property, and
protect public health and safety.

Section 6. State responsibilities.

(1) To be eligible for National assistance pursuant to this
act, a State shall:
1. (a) Prepare a disaster plan meeting the standards set forth in subsection (2) of section 7 of this act and the implementing regulations required by that section;

(b) Appoint a State officer to develop and maintain the State disaster plan, and recommend to the Governor measures appropriate and necessary to prevent, prepare for, and recover from disasters; and

(c) In the event of a threatened or existing disaster, regularly broadcast warnings and information concerning any disaster. The broadcasts shall be in both the predominant native languages of the State and English. The President or his designee may study the need for broadcasts in other languages and accommodate such need in the regulations required by subsection (2) of section 7 of this act.

2. (2) If the Governor of a State determines that the State needs National assistance to prevent, prepare for, or recover from disasters, he may request such aid from the President. The President shall assess the State's need and may render such aid as needed, subject to available funds. Any State desiring to obtain disaster assistance from a foreign government or organization must submit such request to the President for transmission.

Section 7. National Government responsibilities. The President or his designee shall:

(1) Assist the States in preparing and maintaining their disaster plans and review the disaster plan prepared by each State to ensure Federated States of Micronesia eligibility for funding under...

(2) Promulgate rules and regulations setting forth minimum requirements for the State disaster plans, in accordance with the requirements of chapter 1 of title 17 of the Code of the Federated States of Micronesia. Such rules and regulations shall have the force and effect of law. The regulations may include, but are not limited to:

(a) General requirements for preventing injury and damage, for speedy action in response to a disaster, and for other measures of emergency relief that may be necessary;

(b) A requirement that particularly vulnerable areas, including, but not limited to, outlying islands, be identified and accorded special consideration;

(c) Guidelines for land use regulations and building standards that promote safety; and

(d) Requirements that appropriate measures be taken to prevent injury and damage, such as the construction of seawalls and emergency shelters.

(3) Create a National disaster plan incorporating features of the State disaster plans. After approval by the President, the National plan shall be promulgated by Presidential order.

(4) Survey industries, facilities, and other public and private resources within the Federated States of Micronesia that may be useful for carrying out the purposes of this act. The President or his designee shall inform the States of the results of the survey and,
1 as needed, assist in preparing legislation to ensure governmental
2 control of such resources in the event of a threatened or existing
3 disaster. The President may, by regulation, authorize National
4 assistance to the States in compensating the owners of private
5 resources and facilities used or destroyed in the event of a
6 threatened or existing disaster, pursuant to and subject to the
7 conditions of section 9 of this act.
8 (5) Compose and maintain a register of persons in the
9 Federated States of Micronesia with training and expertise useful in
10 preventing, preparing for, and recovering from disasters. Copies of
11 the revised register shall be distributed annually to the States.
12 (6) Prepare and distribute to the States a list of foreign
13 public and private assistance programs available to them.
14 (7) Locate hazardous facilities publicly or privately
15 owned, and, as needed, assist the States in drafting provisions of
16 State disaster plans applicable to such facilities.
17 (8) Determine what means exist for speedy and efficient
18 communications in the event of a threatened or existing disaster and
19 pursue improvements as necessary to integrate or supplement such
20 communications.
21 (9) Keep abreast of weather conditions which could
22 potentially develop into a natural disaster.

Section 8. Restoration of National facilities.

(1) The President may authorize repair, restoration, or
replacement of any National Government facility. The authorization
shall be based on a determination that the repair, restoration, or
replacement is so urgent that it cannot await specific legislation to
redress the problem.

(2) National Government Departments and Offices shall
assess the natural and man-made hazards that threaten their facilities
and shall take appropriate action to reduce or eliminate such
hazards.

Section 9. Compensation for property used or destroyed by order
of a State Governor.

(1) The National Government shall provide no aid to the
States to compensate persons who volunteer their services to prevent,
prepare for, or recover from disasters.

(2) If State resources are inadequate to compensate the
owners of private land, facilities, and other resources which the
Governor of the State orders used or destroyed to prepare for,
prevent the spread of, or recover from a disaster, National
assistance may be provided from the Disaster Relief Fund, Public Law
No. 2-64, at the discretion of the President. The Governor of the
affected State may submit such claims for compensation, calculated
according to fair market value, to the President for approval.

(3) The President, in reviewing a State Governor's
requests for compensation pursuant to this section, shall ensure that
no claimant receives compensation for any part of a claim for which
the claimant has received financial aid from other sources, including
insurance. Partial compensation for the claimant's loss, received
prior to the State Governor's request, shall not preclude National aid for the remainder.

(4) If the President finds that National aid has duplicated any part of aid otherwise received by a claimant, he shall direct such claimant to pay to the Treasurer of the Federated States of Micronesia the amount of such superfluous aid for deposit to the Disaster Relief Fund, Public Law No. 2-64.

(5) The President is authorized to promulgate rules and regulations to implement the purposes of this section, in accordance with the requirements of chapter 1 of title 17 of the Code of the Federated States of Micronesia. Such rules and regulations shall have the force and effect of law.

Section 10. No cause of action created. Nothing in this act shall be construed to create or authorize any cause of action against the National Government, its officials or employees for failure to prevent or mitigate the effects of a disaster.

Section 11. Effective date. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 11-07-86

Introduced by: Joab N. Sigrah (by request)