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SIXTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST SPECIAL SESSION, 1989

C. B. No. 6-76

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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:

1       Section 1. Short title. This act is known and may be cited as  
2 the "Disaster Relief Assistance Act of 1989."

3       Section 2. Findings and intent.

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

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

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

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

16                      (a) Provide for a permanent, orderly program of  
17 National Government assistance to the States and local governments in  
18 carrying out their responsibilities to alleviate suffering and damage  
19 which result from disasters by:

20                               (i) Revising and broadening the scope of existing  
21 disaster relief programs;

22                               (ii) Encouraging the development of  
23 comprehensive disaster preparedness and assistance plans, programs,  
24 capabilities, and organizations by the States and local governments;

25                               (iii) Encouraging hazard mitigation measures to

1 reduce lossess from disasters, including development of land use and  
2 construction regulations;

3 (iv) Achieving greater coordination and  
4 responsiveness of disaster preparedness and relief programs; and

5 (v) Providing National Government assistance  
6 for losses sustained as a result of a disaster.

7 (b) Authorize the President to establish a program of  
8 disaster preparedness, assistance and relief that utilizes the  
9 services of all appropriate agencies, including the assistance from  
10 the United States Federal agencies, and other foreign governments and  
11 agencies providing assistance during disasters to provide for:

12 (i) Preparation of disaster preparedness plans  
13 for mitigation, warning, emergency operations, rehabilitation, and  
14 recovery;

15 (ii) Training and exercise;

16 (iii) Post-disaster critique and evaluation; and

17 (iv) Coordination of the National, States and  
18 local preparedness programs.

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

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

25 (2) "Hazardous facility" means any material, equipment, or

1 facility, public or private, which threatens loss of life or injury  
2 to persons or property substantially worse, in the event of a  
3 disaster, than that expected under normal conditions;

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

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

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

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

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

17 (1) Interfere with the dissemination of news or comment on  
18 public affairs; but any communications facility or organization,  
19 including, but not limited to, radio and television stations, wire  
20 services, and newspapers, may be required to transmit or print public  
21 service messages furnishing information or instructions in connection  
22 with a disaster;

23 (2) Affect the jurisdiction or responsibilities of State,  
24 municipal, or local police forces, and fire fighting forces; or

25 (3) Limit, modify, or abridge the authority of the



1 President to assist the States in responding to disasters or to  
2 exercise any other powers vested in him by the laws of the Federated  
3 States of Micronesia, independent of, or in conjunction with, any  
4 provisions of this act.

5 Section 5. Presidential authority.

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

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

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

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

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

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

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

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

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

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

20       Section 6. State responsibilities.

21           (1) To be eligible for National assistance pursuant to  
22 this act, a State shall:

23           (a) Prepare a disaster plan meeting the standards set  
24 forth in subsection (2) of section 7 of this act and the implementing  
25 regulations required by that section;

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

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

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

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

21                  (1) Assist the States in preparing and maintaining their  
22 disaster plans and review the disaster plan prepared by each State to  
23 ensure Federated States of Micronesia eligibility for funding under  
24 the United States Federal Emergency Management Act.

25                  (2) Promulgate rules and regulations setting forth minimum

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

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

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

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

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

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

20 (4) Survey industries, facilities, and other public and  
21 private resources within the Federated States of Micronesia that may  
22 be useful for carrying out the purposes of this act. The President  
23 or his designee shall inform the States of the results of the survey  
24 and, as needed, assist in preparing legislation to ensure  
25 governmental control of such resources in the event of a threatened



1 or existing disaster. The President may, by regulation, authorize  
2 National assistance to the States in compensating the owners of  
3 private resources and facilities used or destroyed in the event of a  
4 threatened or existing disaster, pursuant to and subject to the  
5 conditions of section 9 of this act.

6 (5) Compose and maintain a register of persons in the  
7 Federated States of Micronesia with training and expertise useful in  
8 preventing, preparing for, and recovering from disasters. Copies of  
9 the revised register shall be distributed annually to the States.

10 (6) Prepare and distribute to the States a list of foreign  
11 public and private assistance programs available to them.

12 (7) Locate hazardous facilities publicly or privately  
13 owned, and, as needed, assist the States in drafting provisions of  
14 State disaster plans applicable to such facilities.

15 (8) Determine what means exist for speedy and efficient  
16 communications in the event of a threatened or existing disaster and  
17 pursue improvements as necessary to integrate or supplement such  
18 communications.

19 (9) Keep abreast of weather conditions which could  
20 potentially develop into a natural disaster.

21 Section 8. Restoration of National facilities.

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



1 redress the problem.

2           (2) National Government departments and offices shall  
3 assess the natural and man-made hazards that threaten their  
4 facilities and shall take appropriate action to reduce or eliminate  
5 such hazards.

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

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

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

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

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

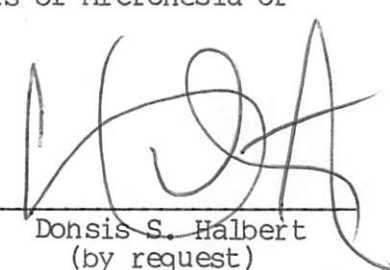
6 (5) The President is authorized to promulgate rules and  
7 regulations to implement the purposes of this section, in accordance  
8 with the requirements of chapter 1 of title 17 of the Code of the  
9 Federated States of Micronesia. Such rules and regulations shall  
10 have the force and effect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

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

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

18  
19 Date: 09-11-89

Introduced by:

  
Donsis S. Halbert  
(by request)