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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 1986."

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 so
12 that the States require the assistance of the National Government and
13 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 to relieve suffering and
18 repair damage caused by disasters; and

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

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

24 (1) "Disaster" means the imminent threat or the occurrence
25 of widespread injury or death to persons, or severe widespread injury

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1 to, or destruction of, property caused by a natural or man-made
2 catastrophe;

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

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

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

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

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

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

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

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

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

8 Section 5. Presidential authority.

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

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

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

22 (4) During a state of emergency, the President is
23 authorized to suspend any regulatory statutes, or any order, rule, or
24 regulation of an executive agency of the National Government. The
25 President shall exercise this authority only if strict adherence to

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1 the provisions of the regulatory statute, order, rule, or regulation
2 would prevent, hinder, or delay actions needed to prevent, prepare
3 for, or recover from, a disaster.

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

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

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

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

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

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

23 Section 6. State responsibilities.

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

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

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

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

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

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

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

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1 the United States Federal Emergency Management Act.

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

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

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

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

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

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

22 (4) Survey industries, facilities, and other public and
23 private resources within the Federated States of Micronesia that may
24 be useful for carrying out the purposes of this act. The President or
25 his designee shall inform the States of the results of the survey and,

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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.

23 Section 8. Restoration of National facilities.

24 (1) The President may authorize repair, restoration, or
25 replacement of any National Government facility. The authorization

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1 shall be based on a determination that the repair, restoration, or
2 replacement is so urgent that it cannot await specific legislation to
3 redress the problem.

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

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

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

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

21 (3) The President, in reviewing a State Governor's
22 requests for compensation pursuant to this section, shall ensure that
23 no claimant receives compensation for any part of a claim for which
24 the claimant has received financial aid from other sources, including
25 insurance. Partial compensation for the claimant's loss, received

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1 prior to the State Governor's request, shall not preclude National
2 aid for the remainder.

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

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

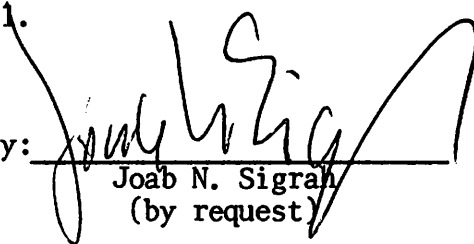
13 Section 10. No cause of action created. Nothing in this act
14 shall be construed to create or authorize any cause of action against
15 the National Government, its officials or employees for failure to
16 prevent or mitigate the effects of a disaster.

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

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21 Date: 11-07-86

Introduced by:


Joab N. Sigrah
(by request)

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