To establish a program to assist the States to prevent, prepare for, and recover from natural and man-made disasters, to repeal chapter 7 of title 41 of the Code of the Federated States of Micronesia, 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 the "Disaster Relief Assistance Act of 1989."

2 Section 2. Findings and intent.

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

4 (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

5 (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.

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

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

8 (i) Upgrading and broadening the scope of existing disaster relief programs;

9 (ii) Encouraging the development of comprehensive
disaster preparedness and assistance plans, programs, capabilities,
and organizations by the States and local governments;
(iii) Encouraging the adoption of hazard mitigation
measures to minimize losses from disasters, including development of
land use and construction regulations;
(iv) Achieving greater coordination and respon-
siveness of disaster preparedness and relief programs; and
(v) Providing National Government assistance for
losses sustained as a result of a disaster.
(b) Authorize the President to establish a program
of disaster preparedness, assistance and relief that utilizes the
services of all appropriate agencies, including the assistance from
the United States Federal agencies, and other foreign governments and
agencies providing assistance during disasters to provide for:
(i) Preparation of disaster preparedness plans
for mitigation, warning, emergency operations, rehabilitation, and
recovery;
(ii) Training and exercise;
(iii) Post-disaster critique and evaluation; and
(iv) Coordination of the National, States and
local preparedness programs.

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,
than 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 Feder-
ated States of Micronesia;

(5) "State of emergency" means a formal declaration by the
President in a situation where it is required to preserve public
peace, health, or safety, at a time of extreme emergency caused by
a disaster, and where the States need National and possibly inter-
national 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) Impair a civil right during a state of emergency except
to the extent actually required for the preservation of peace, health,
or safety;

(2) Interfere with normal programming or 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;

(3) Impair the power of the judiciary except that the
declaration of a state of emergency shall be free from judicial
interference for 30 days after it is first issued;

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

(5) 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) In situations where it is required to preserve public
peace, health, or safety, at a time of extreme emergency caused by
disaster, 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.
1 (2) The President shall also have the power to issue
2 Presidential orders as needed in a state of emergency.
3 (3) Any Presidential order issued under subsection (2) of
4 this section shall be disseminated promptly and brought to the
5 attention of both the general public and government officials
6 responsible for acting during and after any state of emergency.
7 (4) During a state of emergency, the President is
8 authorized to suspend any regulatory statutes, or any order, rule, or
9 regulation of an executive agency of the National Government. The
10 President shall exercise this authority only if strict adherence to
11 the provisions of the regulatory statute, order, rule, or regulation
12 would substantially prevent, hinder, or delay actions needed to
13 prevent, prepare for, or recover from a disaster.
14 (5) The President or his designee shall coordinate
15 National Government activities to assist the States to prevent,
16 prepare for, and recover from disasters.
17 (6) The President may request aid from the United States
18 Government and from other foreign public and private entities
19 providing disaster assistance. The President shall coordinate such
20 foreign aid with assistance provided by the National Government.
21 (7) In the event of a threatened or existing disaster, the
22 President may provide immediate assistance from the Disaster Relief
23 Fund, Public Law No. 2–64, to save lives, preserve property, and
24 protect public health and safety. The President may provide such
25 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:
(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) 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, as needed, assist in preparing legislation to ensure governmental
control of such resources in the event of a threatened or existing
disaster. The President may, by regulation, authorize National
assistance to the States in compensating the owners of private
resources and facilities used or destroyed in the event of a
threatened or existing disaster, pursuant to and subject to the
conditions of section 9 of this act.

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

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

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

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

(9) Keep abreast of weather conditions which could
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 that has been destroy-
ed or damaged by disaster, subject to availability of funds. 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. Repealer. Chapter 7 of title 41 of the Code of the
Federated States of Micronesia is hereby repealed in its entirety.

Section 12. 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.

January 9, 1990

John R. Nguen
President
Federated States of Micronesia