

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4153

To require the Federal Emergency Management Agency to evaluate the National Response Framework based on lessons learned from the COVID–19 pandemic, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Response
5 Framework Improvement Act of 2020”.

6 **SEC. 2. ROLLING SUMMARIES OF NATIONAL RESPONSE**
7 **FRAMEWORK.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, and as frequently thereafter
10 as the Administrator of the Federal Emergency Manage-
11 ment Agency (referred to in this Act as the “Adminis-

1 trator”) determines appropriate until the date on which
2 the first biennial evaluation required under subparagraph
3 (D) of section 509(b)(2) of the Homeland Security Act
4 of 2002 (6 U.S.C. 319(b)(2)), as added by section 4 of
5 this Act, is submitted, the Administrator shall provide not
6 less than 1 summary on any gaps or inefficiencies in the
7 National Response Framework of the Department of
8 Homeland Security based on the response to the COVID–
9 19 pandemic to—

10 (1) the Committee on Homeland Security and
11 Governmental Affairs of the Senate; and

12 (2) the Committee on Homeland Security of the
13 House of Representatives.

14 (b) REQUIREMENTS.—After the end of the COVID–
15 19 pandemic, as part of the after-action review process
16 of the COVID–19 pandemic by the Federal Emergency
17 Management Agency, the Administrator shall conduct an
18 evaluation of the National Response Framework, which
19 shall include—

20 (1) any updates, as determined necessary by
21 the Administrator, to the National Response Frame-
22 work, in coordination with the heads of the primary
23 and support agencies of the emergency support func-
24 tions, based on the gaps or inefficiencies identified
25 through the evaluation; and

1 (2) recommendations on actions relevant agen-
2 cies can take to address gaps identified through the
3 evaluation.

4 **SEC. 3. REQUIRED BRIEFINGS.**

5 The Administrator shall brief the Committee on
6 Homeland Security and Governmental Affairs of the Sen-
7 ate and the Committee on Homeland Security of the
8 House of Representatives on each summary required to
9 be provided under section 2(a) not later than 1 year after
10 the date on which the summary is provided.

11 **SEC. 4. BIENNIAL EVALUATIONS.**

12 (a) IN GENERAL.—Section 509(b) of the Homeland
13 Security Act of 2002 (6 U.S.C. 319(b)) is amended—

14 (1) in paragraph (2)—

15 (A) in subparagraph (B), by striking
16 “and” at the end;

17 (B) in subparagraph (C), by striking the
18 period at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(D) not less frequently than once every 2
21 years—

22 “(i) evaluating potential gaps and in-
23 efficiencies in the National Response
24 Framework, including by evaluating the
25 processes for collecting and sharing infor-

1 mation across the emergency support func-
2 tion coordinators, primary agencies, and
3 support agencies during an incident for
4 which the emergency support functions are
5 activated under the National Response
6 Framework;

7 “(ii) providing recommendations to
8 the heads of the emergency support func-
9 tion coordinators, primary agencies, and
10 support agencies for how to improve proc-
11 esses under clause (i);

12 “(iii) updating the National Response
13 Framework to account for new information
14 collection and sharing processes that result
15 from the evaluation and recommendations
16 under clauses (i) and (ii), including by
17 modifying any previously incorporated
18 processes if the Administrator determines
19 such modifications are necessary to ensure
20 efficient communication and information
21 sharing;

22 “(iv) conducting an assessment of the
23 training programs for emergency support
24 function coordinators, primary agencies,
25 and support agencies; and

1 “(v) providing recommendations to
2 the heads of the emergency support func-
3 tion coordinators, primary agencies, and
4 support agencies of emergency support
5 functions for how to improve the training
6 programs described in clause (iv)”;

7 (2) by adding at the end the following:

8 “(3) CONGRESSIONAL NOTIFICATION.—Not
9 later than 30 days after the date on which the Ad-
10 ministrators, acting through the National Integration
11 Center, completes an evaluation required under
12 paragraph (2)(D), the Administrator shall provide
13 written notice to the appropriate congressional com-
14 mittees.”.

15 (b) AFTER-ACTION EVALUATION.—For purposes of
16 the biennial evaluation required under subparagraph (D)
17 of section 509(b)(2) of the Homeland Security Act of 2002
18 (6 U.S.C. 319(b)(2)), as added by subsection (a) of this
19 section, if the evaluation required under section 2(b)(3)
20 of this Act is completed during the 2-year period following
21 the date of enactment of this Act, the evaluation shall be
22 considered to fulfill the biennial evaluation requirement in
23 subparagraph (D) of such section 509(b)(2) for the first
24 2-year period after the date of enactment of this Act.