

(15) the term “surge capacity” means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident; and

(16) the term “tribal government” means the government of an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation.

(Pub. L. 109-295, title VI, § 602, Oct. 4, 2006, 120 Stat. 1394.)

#### REFERENCES IN TEXT

This title, referred to in text, is title VI of Pub. L. 109-295, Oct. 4, 2006, 120 Stat. 1355, known as the Post-Katrina Emergency Management Reform Act of 2006. For complete classification of title VI to the Code, see Short Title note set out below and Tables.

Section 314(a)(6) of this title, referred to in par. (13), was in the original “section 502(a)(6) of the Homeland Security Act 2002” and was translated as meaning section 502 of Pub. L. 107-296 prior to its redesignation as section 504 by Pub. L. 109-295, § 611(8), and not section 506 of Pub. L. 107-296 which was redesignated section 502 by Pub. L. 109-295, § 611(9), and is classified to section 312 of this title, to reflect the probable intent of Congress.

#### CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of this title.

#### EFFECTIVE DATE

Pub. L. 109-295, title VI, § 614, Oct. 4, 2006, 120 Stat. 1411, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this title [see Tables for classification] and the amendments made by this title shall take effect on the date of enactment of this Act [Oct. 4, 2006].

“(b) EXCEPTIONS.—The following shall take effect on March 31, 2007:

“(1) The amendments made by section 611(11) [enacting section 313 of this title].

“(2) The amendments made by section 611(12) [amending section 314 of this title].

“(3) Sections 505, 507, 508, and 514 of the Homeland Security Act of 2002 [sections 315, 317, 318, and 321c of this title], as amended by section 611(13) of this Act.

“(4) The amendments made by subsection (a) [sic].

“(5) The amendments made by subsection (b)(1) [sic].”

#### SHORT TITLE

Pub. L. 109-295, title VI, § 601, Oct. 4, 2006, 120 Stat. 1394, provided that: “This title [see Tables for classification] may be cited as the ‘Post-Katrina Emergency Management Reform Act of 2006.’”

#### CLARIFICATION OF CONGRESSIONAL INTENT

Pub. L. 110-53, title XXII, § 2202, Aug. 3, 2007, 121 Stat. 541, provided that: “The Federal departments and agencies (including independent agencies) identified under the provisions of this title [enacting provisions set out as notes under section 194 of this title and section 247d-3a of Title 42, The Public Health and Welfare, and amending provisions set out as a note under section 309 of Title 47, Telecommunications] and title III of this

Act [enacting sections 579 and 580 of this title and amending sections 194 and 572 of this title] and title VI of Public Law 109-295 [see Short Title note set out above] shall carry out their respective duties and responsibilities in a manner that does not impede the implementation of requirements specified under this title and title III of this Act and title VI of Public Law 109-295. Notwithstanding the obligations under section 1806 of Public Law 109-295 [probably means Pub. L. 107-296; 6 U.S.C. 576], the provisions of this title and title III of this Act and title VI of Public Law 109-295 shall not preclude or obstruct any such department or agency from exercising its other authorities related to emergency communications matters.”

#### NATIONAL WEATHER SERVICE

Pub. L. 109-295, title VI, § 613, Oct. 4, 2006, 120 Stat. 1411, provided that: “Nothing in this title [see Tables for classification] shall alter or otherwise affect the authorities and activities of the National Weather Service to protect life and property, including under the Act of October 1, 1890 (26 Stat. 653-55) [15 U.S.C. 312 et seq.]”

#### REFERENCES IN PUB. L. 109-295

Pub. L. 109-295, title VI, § 699A, Oct. 4, 2006, 120 Stat. 1463, provided that: “Except as expressly provided otherwise, any reference to ‘this Act’ contained in this title [see Tables for classification] shall be treated as referring only to the provisions of this title.”

### SUBCHAPTER I—PERSONNEL PROVISIONS

#### PART A—FEDERAL EMERGENCY MANAGEMENT AGENCY PERSONNEL

### § 711. Surge Capacity Force

#### (a) Establishment

##### (1) In general

Not later than 6 months after October 4, 2006, the Administrator shall prepare and submit to the appropriate committees of Congress a plan to establish and implement a Surge Capacity Force for deployment of individuals to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

##### (2) Authority

###### (A) In general

Except as provided in subparagraph (B), the plan shall provide for individuals in the Surge Capacity Force to be trained and deployed under the authorities set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5121 et seq.].

###### (B) Exception

If the Administrator determines that the existing authorities are inadequate for the training and deployment of individuals in the Surge Capacity Force, the Administrator shall report to Congress as to the additional statutory authorities that the Administrator determines necessary.

#### (b) Employees designated to serve

The plan shall include procedures under which the Secretary shall designate employees of the Department who are not employees of the Agency and shall, in conjunction with the heads of other Executive agencies, designate employees of those other Executive agencies, as appropriate, to serve on the Surge Capacity Force.

**(c) Capabilities**

The plan shall ensure that the Surge Capacity Force—

(1) includes a sufficient number of individuals credentialed in accordance with section 320 of this title that are capable of deploying rapidly and efficiently after activation to prepare for, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; and

(2) includes a sufficient number of full-time, highly trained individuals credentialed in accordance with section 320 of this title to lead and manage the Surge Capacity Force.

**(d) Training**

The plan shall ensure that the Administrator provides appropriate and continuous training to members of the Surge Capacity Force to ensure such personnel are adequately trained on the Agency's programs and policies for natural disasters, acts of terrorism, and other man-made disasters.

**(e) No impact on agency personnel ceiling**

Surge Capacity Force members shall not be counted against any personnel ceiling applicable to the Federal Emergency Management Agency.

**(f) Expenses**

The Administrator may provide members of the Surge Capacity Force with travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 for the purpose of participating in any training that relates to service as a member of the Surge Capacity Force.

**(g) Immediate implementation of Surge Capacity Force involving Federal employees**

As soon as practicable after October 4, 2006, the Administrator shall develop and implement—

- (1) the procedures under subsection (b); and
- (2) other elements of the plan needed to establish the portion of the Surge Capacity Force consisting of individuals designated under those procedures.

(Pub. L. 109-295, title VI, § 624, Oct. 4, 2006, 120 Stat. 1419.)

## REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a)(2)(A), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

PART B—EMERGENCY MANAGEMENT  
CAPABILITIES**§ 721. Evacuation preparedness technical assistance**

The Administrator, in coordination with the heads of other appropriate Federal agencies, shall provide evacuation preparedness technical assistance to State, local, and tribal govern-

ments, including the preparation of hurricane evacuation studies and technical assistance in developing evacuation plans, assessing storm surge estimates, evacuation zones, evacuation clearance times, transportation capacity, and shelter capacity.

(Pub. L. 109-295, title VI, § 632, Oct. 4, 2006, 120 Stat. 1421.)

## GUIDANCE ON EVACUATION ROUTES

Pub. L. 115-254, div. D, § 1209, Oct. 5, 2018, 132 Stat. 3441, provided that:

“(a) IN GENERAL.—

“(1) IDENTIFICATION.—The Administrator [of the Federal Emergency Management Agency], in coordination with the Administrator of the Federal Highway Administration, shall develop and issue guidance for State, local, and Indian tribal governments regarding the identification of evacuation routes.

“(2) GUIDANCE.—The Administrator of the Federal Highway Administration, in coordination with the Administrator, shall revise existing guidance or issue new guidance as appropriate for State, local, and Indian tribal governments regarding the design, construction, maintenance, and repair of evacuation routes.

“(b) CONSIDERATIONS.—

“(1) IDENTIFICATION.—In developing the guidance under subsection (a)(1), the Administrator shall consider—

“(A) whether evacuation routes have resisted impacts and recovered quickly from disasters, regardless of cause;

“(B) the need to evacuate special needs populations, including—

“(i) individuals with a physical or mental disability;

“(ii) individuals in schools, daycare centers, mobile home parks, prisons, nursing homes and other long-term care facilities, and detention centers;

“(iii) individuals with limited-English proficiency;

“(iv) the elderly; and

“(v) individuals who are tourists, seasonal workers, or homeless;

“(C) the sharing of information and other public communications with evacuees during evacuations;

“(D) the sheltering of evacuees, including the care, protection, and sheltering of animals;

“(E) the return of evacuees to their homes; and

“(F) such other items the Administrator considers appropriate.

“(2) DESIGN, CONSTRUCTION, MAINTENANCE, AND REPAIR.—In revising or issuing guidance under subsection (a)(2), the Administrator of the Federal Highway Administration shall consider—

“(A) methods that assist evacuation routes to—

“(i) withstand likely risks to viability, including flammability and hydrostatic forces;

“(ii) improve durability, strength (including the ability to withstand tensile stresses and compressive stresses), and sustainability; and

“(iii) provide for long-term cost savings;

“(B) the ability of evacuation routes to effectively manage contraflow operations;

“(C) for evacuation routes on public lands, the viewpoints of the applicable Federal land management agency regarding emergency operations, sustainability, and resource protection; and

“(D) such other items the Administrator of the Federal Highway Administration considers appropriate.

“(c) STUDY.—The Administrator, in coordination with the Administrator of the Federal Highway Administration and State, local, territorial, and Indian tribal governments, may—

“(1) conduct a study of the adequacy of available evacuation routes to accommodate the flow of evacuees; and