

109TH CONGRESS  
1ST SESSION

# H. R. 3816

To reestablish the Federal Emergency Management Agency as an independent agency and to require that its Director be adequately qualified.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2005

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reestablish the Federal Emergency Management Agency as an independent agency and to require that its Director be adequately qualified.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FEDERAL EMERGENCY MANAGEMENT AGENCY.**

4       (a) INDEPENDENT ESTABLISHMENT.—The Federal  
5       Emergency Management Agency shall be an independent  
6       establishment in the executive branch that is responsible  
7       for the Nation’s preparedness for and response to natural  
8       disasters.

1 (b) DIRECTOR.—

2 (1) IN GENERAL.—The Agency shall be headed  
3 by a Director, who shall be appointed by the Presi-  
4 dent, by and with the advice and consent of the Sen-  
5 ate, and who shall report directly to the President.  
6 The Director of the Federal Emergency Manage-  
7 ment Agency shall be compensated at the rate pro-  
8 vided for at level I of the Executive Schedule under  
9 section 5312 of title 5, United States Code.

10 (2) QUALIFICATIONS.—The Director shall be  
11 appointed from among persons who at the time of  
12 appointment have—

13 (A) appropriate formal training in emer-  
14 gency or disaster-related management; and

15 (B) extensive background in emergency or  
16 disaster-related management, including at least  
17 two years of experience as head of a disaster-  
18 management agency of—

19 (i) a State; or

20 (ii) a political subdivision of a State  
21 that has a population of not less than  
22 1,000,000 residents according to the most  
23 recent decennial Federal census.

24 (3) TERM OF OFFICE.—The term of office of an  
25 individual appointed as the Director shall be 6 years.

1       (c) TRANSFER OF FUNCTIONS.—There shall be  
2 transferred to the Director of the Federal Emergency  
3 Management Agency the functions, personnel, assets, and  
4 liabilities of the Department of Homeland Security relat-  
5 ing to the Federal Emergency Management Agency, in-  
6 cluding the functions of the Department under paragraphs  
7 (3) and (8) of section 430(c) and sections 502 (other than  
8 paragraph (2)) and 503(1) of the Homeland Security Act  
9 of 2002 (6 U.S.C. 238(c), 312, 313), the functions relat-  
10 ing to firefighter assistance grants under the Federal Fire  
11 Prevention and Control Act of 1974 (15 U.S.C. 2229 et  
12 seq.), and the functions relating to emergency manage-  
13 ment performance grants under the National Flood Insur-  
14 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert  
15 T. Stafford Disaster Relief and Emergency Assistance Act  
16 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-  
17 tions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorga-  
18 nization Plan No. 3 of 1978 (5 U.S.C. App.).

19       (d) TRANSITION PERIOD.—The transfers under this  
20 section shall be carried out as soon as practicable after  
21 the date of enactment of this Act. During the transition  
22 period, the Secretary of Homeland Security shall provide  
23 to the Director of the Federal Emergency Management  
24 Agency such assistance, including the use of personnel and

1 assets, as the Director may request in preparing for the  
2 transfer.

3 **SEC. 2. CONFORMING AMENDMENT.**

4 Section 504(a) of the Homeland Security Act of 2002  
5 (6 U.S.C. 314(a)) is amended by striking “, major dis-  
6 aster,”.

7 **SEC. 3. REPEALS.**

8 The following provisions of the Homeland Security  
9 Act of 2002 (6 U.S.C. 101 et seq.) are repealed:

10 (1) Section 2(11).

11 (2) Section 503(1).

12 (3) Section 507.

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