

109TH CONGRESS
2D SESSION

H. R. 4840

To amend the Homeland Security Act of 2002 to establish requirements for appointment of the Director of the Federal Emergency Management Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2006

Mr. THOMPSON of Mississippi (for himself, Mr. PASCRELL, Mr. MEEK of Florida, Mr. LANGEVIN, Mr. ETHERIDGE, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Mr. DEFazio, Mr. BROWN of Ohio, and Mr. GRIJALVA) 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

A BILL

To amend the Homeland Security Act of 2002 to establish requirements for appointment of the Director of the Federal Emergency Management Agency, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Plan to Restore Excel-
3 lence and Professional Accountability in Responding to
4 Emergencies Act” or the “PREPARE Act”.

5 **SEC. 2. APPOINTMENT AND QUALIFICATIONS OF FEMA DI-**
6 **RECTOR AND DEPUTY DIRECTOR.**

7 Section 507 of the Homeland Security Act of 2002
8 (6 U.S.C. 317) is amended by redesignating subsections
9 (a) and (b) as subsections (b) and (c), respectively, and
10 by inserting before subsection (b) (as so redesignated) the
11 following:

12 “(a) OFFICERS.—

13 “(1) APPOINTMENT AND QUALIFICATIONS OF
14 DIRECTOR.—The Federal Emergency Management
15 Agency shall be headed by a Director who shall be
16 appointed by the President, by and with the advice
17 and consent of the Senate from among individuals
18 who possess demonstrated ability in, knowledge of,
19 and extensive background in emergency or disaster-
20 related management.

21 “(2) DEPUTY DIRECTOR.—The Federal Emer-
22 gency Management Agency shall have one Deputy
23 Director who shall be appointed by the Director—

24 “(A) in accordance with provisions of title
25 5, United States Code, governing appointments
26 in the competitive service; and

1 “(B) from among individuals who possess
 2 demonstrated ability in, knowledge of, and ex-
 3 tensive background in emergency or disaster-re-
 4 lated management.”.

5 **SEC. 3. RECOMBINATION OF PREPAREDNESS AND RE-**
 6 **SPONSE FUNCTIONS.**

7 (a) RENAMING OF UNDER SECRETARY OF PRE-
 8 PAREDNESS AND RESPONSE.—Section 103(a) of the
 9 Homeland Security Act of 2002 (6 U.S.C. 113) is amend-
 10 ed by striking paragraph (5) and inserting the following:

11 “(5) An Under Secretary of Preparedness and
 12 Response.”.

13 (b) FUNCTIONS OF UNDER SECRETARY.—Section
 14 503 of the Homeland Security Act of 2002 (6 U.S.C. 313)
 15 is amended—

16 (1) in the section heading by striking “**TRANS-**
 17 **FERRED**”;

18 (2) by inserting “(a) TRANSFERRED FUNC-
 19 TIONS.—” before the first sentence; and

20 (3) by adding at the end the following:

21 “(b) FUNCTIONS OF UNDER SECRETARY.—The
 22 Under Secretary of Preparedness and Response shall be
 23 responsible for the following:

24 “(1) The Federal Emergency Management
 25 Agency, and service as the Director of such agency.

1 “(2) The Chief Medical Officer.

2 “(3) The Assistant Secretary for Grants and
3 Training.

4 “(4) The United States Fire Administration.

5 “(5) Functions performed by the Assistant Sec-
6 retary for Cyber Security and Telecommunications.

7 “(6) Functions performed by the Assistant Sec-
8 retary for Infrastructure Protection.

9 “(7) Functions performed by the Director of
10 the Office of National Capital Region Coordination.

11 “(c) DIRECT REPORTING TO THE PRESIDENT.—Dur-
12 ing the effective period of an Incident of National Signifi-
13 cance declared by the Secretary under the National Re-
14 sponse Plan, the Under Secretary of Preparedness and
15 Response shall report directly to the President.”.

16 (c) CONFORMING AMENDMENTS.—The following pro-
17 visions of the Homeland Security Act of 2002 (6 U.S.C.
18 101 et seq.) are each amended by striking “Under Sec-
19 retary for Emergency Preparedness and Response” each
20 place it appears and inserting “Under Secretary of Pre-
21 paredness and Response”:

22 (1) Section 223(1)(B) (6 U.S.C. 143(1)(B)).

23 (2) Section 223(2) (6 U.S.C. 143(2)).

24 (3) Section 501 (6 U.S.C. 311)).

1 (4) Section 502 (6 U.S.C. 312)).

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