

# Union Calendar No. 416

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1174

**[Report No. 111–459, Part I]**

To establish the Federal Emergency Management Agency as a cabinet-level independent agency in the executive branch, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2009

Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. MARIO DIAZ-BALART of Florida) 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

APRIL 13, 2010

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 13, 2010

Referral to the Committee on Homeland Security extended for a period ending not later than September 30, 2010

SEPTEMBER 30, 2010

Referral to the Committee on Homeland Security extended for a period ending not later than December 3, 2010

DECEMBER 3, 2010

Referral to the Committee on Homeland Security extended for a period ending not later than December 17, 2010

DECEMBER 17, 2010

Referral to the Committee on Homeland Security extended for a period ending not later than December 21, 2010

DECEMBER 21, 2010

Referral to the Committee on Homeland Security extended for a period ending not later than December 22, 2010

DECEMBER 22, 2010

Additional sponsors: Ms. BORDALLO, Mr. TAYLOR, Mr. CAO, Ms. MARKEY of Colorado, Mr. SCHAUER, Mr. MCMAHON, Mr. FILNER, Mr. PETERSON, Mrs. MYRICK, Mr. COHEN, Ms. CORRINE BROWN of Florida, Mr. COSTELLO, Mr. BOSWELL, Ms. KAPTUR, Mr. YOUNG of Alaska, Mr. RAHALL, Mr. DINGELL, Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, Mr. CARNAHAN, Mr. POE of Texas, Mr. MELANCON, Mr. LIPINSKI, Mrs. CAPITO, and Mr. PIERLUISI

DECEMBER 22, 2010

The Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 25, 2009]

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## A BILL

To establish the Federal Emergency Management Agency as a cabinet-level independent agency in the executive branch, 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,*

3        **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5        *“FEMA Independence Act of 2009”.*

6        (b) *TABLE OF CONTENTS.*—

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

**TITLE I—ESTABLISHMENT OF FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

*Sec. 101. Establishment of independent agency.*

*Sec. 102. Administrator; Deputy Administrator; and other officials of the Agency.*

*Sec. 103. Authority and responsibilities.*

*Sec. 104. Office of the Inspector General.*

*Sec. 105. Transfer of functions.*

*Sec. 106. Personnel and other transfers.*

*Sec. 107. Savings provisions.*

*Sec. 108. Offices and functions of Department of Homeland Security.*

*Sec. 109. Homeland security grants.*

*Sec. 110. Additional conforming amendments to Homeland Security Act of 2002.*

*Sec. 111. Conforming amendments to Post-Katrina Emergency Management Re-*  
*form Act of 2006.*

*Sec. 112. Conforming and technical amendments to other laws.*

*Sec. 113. Changes to administrative documents.*

*Sec. 114. Recommended legislation.*

**TITLE II—RELATED MATTERS**

*Sec. 201. National Advisory Council.*

*Sec. 202. National Integration Center.*

*Sec. 203. Credentialing and typing.*

*Sec. 204. Disability coordinator.*

*Sec. 205. Nuclear incident response.*

*Sec. 206. Urban area all hazards preparedness grant program.*

7        **SEC. 2. DEFINITIONS.**

8        *In this Act, the following definitions apply:*

9                (1) *ADMINISTRATOR.*—*The term “Adminis-*  
 10        *trator” means the Administrator of the Federal*  
 11        *Emergency Management Agency appointed under sec-*  
 12        *tion 102.*

1           (2) *AGENCY*.—*The term “Agency” means the*  
2           *Federal Emergency Management Agency established*  
3           *under section 101.*

4           (3) *EMERGENCY*.—*The term “emergency” has the*  
5           *meaning given that term in section 102 of the Robert*  
6           *T. Stafford Disaster Relief and Emergency Assistance*  
7           *Act (42 U.S.C. 5122).*

8           (4) *EMERGENCY MANAGEMENT*.—*The term*  
9           *“emergency management” means preparedness for, re-*  
10          *sponse to, recovery from, and mitigating hazards.*

11          (5) *HAZARD*.—*The term “hazard” has the mean-*  
12          *ing given that term in section 602(b) of the Robert T.*  
13          *Stafford Disaster Relief and Emergency Assistance*  
14          *Act (42 U.S.C. 5196(b)) and includes any major dis-*  
15          *aster or emergency.*

16          (6) *MAJOR DISASTER*.—*The term “major dis-*  
17          *aster” has the meaning given that term in section 102*  
18          *of the Robert T. Stafford Disaster Relief and Emer-*  
19          *gency Assistance Act (42 U.S.C. 5122).*

1 **TITLE I—ESTABLISHMENT OF**  
2 **FEDERAL EMERGENCY MAN-**  
3 **AGEMENT AGENCY**

4 **SEC. 101. ESTABLISHMENT OF INDEPENDENT AGENCY.**

5 (a) *IN GENERAL.*—*The Federal Emergency Manage-*  
6 *ment Agency is established as a cabinet-level independent*  
7 *establishment in the executive branch.*

8 (b) *MISSION.*—*The primary mission of the Agency*  
9 *shall be to reduce the loss of life and property and protect*  
10 *the Nation from hazards by leading and supporting the Na-*  
11 *tion in a comprehensive emergency management system of*  
12 *preparedness, response, recovery, and mitigation.*

13 **SEC. 102. ADMINISTRATOR; DEPUTY ADMINISTRATOR; AND**  
14 **OTHER OFFICIALS OF THE AGENCY.**

15 (a) *ADMINISTRATOR.*—

16 (1) *IN GENERAL.*—*The Agency shall be headed by*  
17 *an Administrator, who shall be appointed by the*  
18 *President, by and with the advice and consent of the*  
19 *Senate, and who shall report directly to the President.*

20 (2) *QUALIFICATIONS.*—*The Administrator shall*  
21 *be appointed from among individuals who have exten-*  
22 *sive experience in emergency preparedness, response,*  
23 *recovery, and mitigating hazards.*

24 (3) *EXECUTIVE SCHEDULE.*—*Title 5, United*  
25 *States Code, is amended—*

1                   (A) in section 5312 by adding at the end  
2                   the following:

3                   “Administrator of the Federal Emergency Manage-  
4                   ment Agency.”; and

5                   (B) in section 5313 by striking the item re-  
6                   lating to “Administrator of the Federal Emer-  
7                   gency Management Agency”.

8                   (b) *DEPUTY ADMINISTRATOR.*—

9                   (1) *IN GENERAL.*—The Agency shall have one  
10                  Deputy Administrator, who shall be appointed by the  
11                  President, by and with the advice and consent of the  
12                  Senate. The Deputy Administrator shall carry out  
13                  duties and powers prescribed by the Administrator  
14                  and act for the Administrator when the Adminis-  
15                  trator is absent or unable to serve or when the posi-  
16                  tion of the Administrator is vacant.

17                  (2) *QUALIFICATIONS.*—The Deputy Adminis-  
18                  trator shall be appointed from among individuals  
19                  who have extensive experience in emergency prepared-  
20                  ness, response, recovery, and mitigating hazards.

21                  (3) *EXECUTIVE SCHEDULE.*—Section 5314 of  
22                  title 5, United States Code, is amended by striking  
23                  the item relating to “Deputy Administrators, Federal  
24                  Emergency Management Agency” and inserting the  
25                  following:

1       *“Deputy Administrator, Federal Emergency Manage-*  
2 *ment Agency.”.*

3       (c) *ASSISTANT ADMINISTRATORS.—*

4             (1) *IN GENERAL.—The Agency shall have one or*  
5 *more Assistant Administrators, who shall be ap-*  
6 *pointed by the Administrator, and whose duties shall*  
7 *be determined by the Administrator.*

8             (2) *QUALIFICATIONS.—Each Assistant Adminis-*  
9 *trator shall be appointed from among individuals*  
10 *who have a demonstrated ability in and knowledge of*  
11 *emergency management or other field relevant to their*  
12 *position.*

13       (d) *REGIONAL OFFICES.—*

14             (1) *IN GENERAL.—There shall be in the Agency*  
15 *10 Regional Offices, as identified by the Adminis-*  
16 *trator.*

17             (2) *REGIONAL ADMINISTRATORS.—*

18               (A) *IN GENERAL.—Each Regional Office*  
19 *shall be headed by a Regional Administrator*  
20 *who shall be appointed by the Administrator.*

21               (B) *QUALIFICATIONS.—*

22                   (i) *IN GENERAL.—Each Regional Ad-*  
23 *ministrator shall be appointed from among*  
24 *individuals who have a demonstrated abil-*

1                    *ity in and knowledge of emergency manage-*  
2                    *ment.*

3                    (ii) *CONSIDERATIONS.—In selecting an*  
4                    *individual to serve as a Regional Adminis-*  
5                    *trator for a Regional Office, the Adminis-*  
6                    *trator shall consider the familiarity of the*  
7                    *individual with the geographical area and*  
8                    *demographic characteristics of the popu-*  
9                    *lation served by the Regional Office.*

10                  (3) *REGIONAL ADVISORY COUNCILS.—*

11                  (A) *ESTABLISHMENT.—Each Regional Ad-*  
12                  *ministrator shall establish a Regional Advisory*  
13                  *Council.*

14                  (B) *NOMINATIONS.—A State, local, or tribal*  
15                  *government located within the geographic area*  
16                  *served by the Regional Office may nominate offi-*  
17                  *cials, including Adjutants General and emer-*  
18                  *gency managers, to serve as members of the Re-*  
19                  *gional Advisory Council for that region.*

20                  (C) *RESPONSIBILITIES.—Each Regional*  
21                  *Advisory Council shall—*

22                    (i) *advise the Regional Administrator*  
23                    *on emergency management issues specific to*  
24                    *that region;*



(ii) identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, response, recovery, or mitigation more complicated or difficult; and

(iii) advise the Regional Administrator of any weakness or deficiency in preparedness, response, recovery, or mitigation for any State, local, or tribal government within the region of which the Regional Advisory Council is aware.

(e) *AREA OFFICES.*—There shall be an Area Office for the Pacific, an Area Office for the Caribbean, and an Area Office in Alaska, as components in the appropriate Regional Offices.

**SEC. 103. AUTHORITY AND RESPONSIBILITIES.**

(a) *IN GENERAL.*—The Administrator shall provide the Federal leadership necessary to prepare for, respond to, recover from, and mitigate hazards.

(b) *STAFFORD ACT.*—The Administrator shall assist the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and carrying out all functions and authorities given to the Administrator under that Act.

1       (c) *MISSION.*—*The responsibilities of the Adminis-*  
2 *trator shall include carrying out the mission of the Agency*  
3 *by leading and supporting the Nation in a comprehensive*  
4 *emergency management system of—*

5           (1) *mitigation, by taking sustained actions to re-*  
6 *duce or eliminate long-term risks to people and prop-*  
7 *erty from hazards and their effects;*

8           (2) *preparedness, by planning, training, con-*  
9 *ducting exercises, and building the emergency man-*  
10 *agement profession to prepare effectively for miti-*  
11 *gating, responding to, and recovering from any haz-*  
12 *ard;*

13          (3) *response, by conducting emergency operations*  
14 *to save lives and property through positioning emer-*  
15 *gency equipment, personnel, and supplies, through*  
16 *evacuating potential victims, through providing food,*  
17 *water, shelter, and medical care to those in need, and*  
18 *through restoring critical public services; and*

19          (4) *recovery, by rebuilding communities so indi-*  
20 *viduals, businesses, and governments can function on*  
21 *their own, return to normal life, and protect against*  
22 *future hazards.*

23       (d) *RESPONSE DUTIES.*—*In carrying out subsection*  
24 *(c)(3), the Administrator, at a minimum, shall—*

1           (1) *help to ensure the effectiveness of emergency*  
2           *response providers in responding to a hazard;*

3           (2) *coordinate and provide the Federal Govern-*  
4           *ment's response to hazards;*

5           (3) *build a comprehensive national incident*  
6           *management system with Federal, State, and local*  
7           *government personnel, agencies, and authorities to re-*  
8           *spond to hazards;*

9           (4) *consolidate existing Federal Government*  
10          *emergency response plans into a single, coordinated*  
11          *plan to be known as the National Response Plan;*

12          (5) *administer and ensure the implementation of*  
13          *the National Response Plan, including coordinating*  
14          *and ensuring the readiness of each emergency support*  
15          *function under the National Response Plan; and*

16          (6) *help ensure the acquisition of operable and*  
17          *interoperable communications capabilities by Federal,*  
18          *State, local, and tribal governments and emergency*  
19          *response providers.*

20          (e) *CONTINUITY OF GOVERNMENT.—The Adminis-*  
21          *trator shall prepare and implement the plans and programs*  
22          *of the Federal Government for—*

23               (1) *continuity of operations;*

24               (2) *continuity of Government; and*

25               (3) *continuity of plans.*

1       (f) *OTHER DUTIES.*—*The Administrator shall—*

2               (1) *coordinate the National Advisory Council au-*  
3       *thorized by this Act;*

4               (2) *maintain and operate within the Agency the*  
5       *National Response Coordination Center (or its suc-*  
6       *cessor);*

7               (3) *develop and maintain a national emergency*  
8       *management system that is capable of preparing for,*  
9       *responding to, recovering from, and mitigating haz-*  
10       *ards of all magnitudes, including catastrophic disas-*  
11       *ters; and*

12              (4) *supervise grant programs administered by*  
13       *the Agency.*

14       (g) *ALL-HAZARDS APPROACH.*—*In carrying out the re-*  
15       *sponsibilities under this section, the Administrator shall co-*  
16       *ordinate the implementation of an all-hazards strategy that*  
17       *builds those common capabilities necessary to prepare for,*  
18       *respond to, recover from, and mitigate hazards.*

19       **SEC. 104. OFFICE OF THE INSPECTOR GENERAL.**

20       *The Agency shall have an Office of the Inspector Gen-*  
21       *eral, headed by an Inspector General, in accordance with*  
22       *the Inspector General Act of 1978 (Public Law 95–452; 5*  
23       *U.S.C. App.).*

1 **SEC. 105. TRANSFER OF FUNCTIONS.**

2 (a) *IN GENERAL.*—*Except as provided by subsection*  
3 *(c), there shall be transferred to the Administrator the fol-*  
4 *lowing:*

5 (1) *All functions of the Federal Emergency Man-*  
6 *agement Agency, as constituted on January 1, 2009,*  
7 *including continuity of operations and continuity of*  
8 *Government plans and programs.*

9 (2) *The functions relating to the Agency under*  
10 *the Robert T. Stafford Disaster Relief and Emergency*  
11 *Assistance Act (42 U.S.C. 5121 et seq.) and other*  
12 *laws, including—*

13 (A) *the National Flood Insurance Act of*  
14 *1968 (42 U.S.C. 4001 et seq.);*

15 (B) *the Earthquake Hazards Reduction Act*  
16 *of 1977 (42 U.S.C. 7701 et seq.);*

17 (C) *the National Dam Safety Program Act*  
18 *(33 U.S.C. 467 et seq.);*

19 (D) *the Federal Fire Prevention and Con-*  
20 *trol Act of 1974 (15 U.S.C. 2201 et seq.);*

21 (E) *Reorganization Plan No. 3 of 1978 (5*  
22 *U.S.C. App.);*

23 (F) *section 612 of the Security and Ac-*  
24 *countability For Every Port Act of 2006 (6*  
25 *U.S.C. 314a); and*

1                   (G) *title III of the McKinney-Vento Home-*  
2                   *less Assistance Act (42 U.S.C. 11331 et seq.).*

3                   (3) *Any function to be transferred to the Agency*  
4                   *under the Post-Katrina Emergency Management Re-*  
5                   *form Act of 2006 (103 Stat. 1394), including the*  
6                   *amendments made by that Act, even if the transfer*  
7                   *has not taken place as of January 1, 2009.*

8                   (b) *INSPECTOR GENERAL.—There shall be transferred*  
9                   *to the Inspector General of the Federal Emergency Manage-*  
10                  *ment Agency all of the functions relating to the Inspector*  
11                  *General that were transferred from the Federal Emergency*  
12                  *Management Agency to the Department of Homeland Secu-*  
13                  *rity on or after January 1, 2003.*

14                  (c) *EXCEPTIONS.—The following programs shall not be*  
15                  *affected by this Act and shall remain within the Depart-*  
16                  *ment of Homeland Security:*

17                   (1) *The grant programs authorized by sections*  
18                   *1406, 1513, and 1532 of the Implementing Rec-*  
19                   *ommendations of the 9/11 Commission Act (6 U.S.C.*  
20                   *1135, 1163, and 1182).*

21                   (2) *The grant program authorized by section*  
22                   *70107 of title 46, United States Code.*

23                   (3) *Programs authorized by sections 2003 and*  
24                   *2004 of the Homeland Security Act of 2002 (6 U.S.C.*  
25                   *604 and 605), as amended by this Act.*

1           (4) *The trucking security grant program (Public*  
 2       *Law 110–329; 122 Stat. 3671).*

3           (5) *The buffer zone protection program (Public*  
 4       *Law 110–329; 122 Stat. 3672).*

5           (6) *The commercial equipment direct assistance*  
 6       *program (Public Law 110–329; 122 Stat. 3672).*

7       (d) *UNITED STATES FIRE ADMINISTRATOR; FEDERAL*  
 8       *INSURANCE ADMINISTRATOR.*—*Nothing in this Act shall be*  
 9       *construed to affect the appointment of the United States*  
 10       *Fire Administrator under section 5(b) of the Fire Preven-*  
 11       *tion and Control Act of 1974 (15 U.S.C. 2204(b)) or the*  
 12       *Federal Insurance Administrator under section 1105(a) of*  
 13       *the Housing and Urban Development Act of 1968 (42*  
 14       *U.S.C. 4129).*

15       (e) *TRANSITION PERIOD.*—*The transfers under this*  
 16       *section shall be carried out not later than 120 days fol-*  
 17       *lowing the date of enactment of this Act. During the transi-*  
 18       *tion period, the Secretary of Homeland Security shall pro-*  
 19       *vide to the Administrator such assistance, including the use*  
 20       *of personnel and assets, as the Administrator may request*  
 21       *in preparing for the transfer.*

22       (f) *TRANSITION.*—*The Administrator may use—*

23           (1) *the services of such officers, employees, and*  
 24       *other personnel of the Department of Homeland Secu-*

1        *city with respect to functions transferred by this sec-*  
 2        *tion; and*

3            *(2) funds appropriated to such functions for such*  
 4        *period of time as may reasonably be needed to facili-*  
 5        *tate the orderly implementation of this section.*

6        *(g) LIAISON OFFICE TO ENSURE COORDINATION WITH*  
 7        *DEPARTMENT OF HOMELAND SECURITY.—The Adminis-*  
 8        *trator shall establish a liaison office within the Agency to*  
 9        *ensure adequate coordination with the Department of*  
 10       *Homeland Security.*

11    **SEC. 106. PERSONNEL AND OTHER TRANSFERS.**

12        *(a) PERSONNEL PROVISIONS.—*

13            *(1) APPOINTMENTS.—The Administrator may*  
 14        *appoint and fix the compensation of such officers and*  
 15        *employees, including investigators, attorneys, and ad-*  
 16        *ministrative law judges, as may be necessary to carry*  
 17        *out the respective functions transferred under section*  
 18        *105. Except as otherwise provided by law, such offi-*  
 19        *cers and employees shall be appointed in accordance*  
 20        *with the civil service laws and their compensation*  
 21        *fixed in accordance with title 5, United States Code.*

22            *(2) EXPERTS AND CONSULTANTS.—The Adminis-*  
 23        *trator may obtain the services of experts and consult-*  
 24        *ants in accordance with section 3109 of title 5,*  
 25        *United States Code, and compensate such experts and*



1        *consultants for each day (including travel time) dur-*  
2        *ing which they are engaged in the actual performance*  
3        *of such services at rates not in excess of the rate of*  
4        *pay for level IV of the Executive Schedule under sec-*  
5        *tion 5315 of such title. The Administrator may pay*  
6        *experts and consultants who are serving away from*  
7        *their homes or regular place of business, travel ex-*  
8        *penses and per diem in lieu of subsistence at rates au-*  
9        *thorized by sections 5702 and 5703 of such title for*  
10       *persons in Government service employed intermit-*  
11       *tently.*

12       *(b) DELEGATION AND ASSIGNMENT.—Except where*  
13       *otherwise expressly prohibited by law or otherwise provided*  
14       *by this title, the Administrator may delegate any of the*  
15       *functions transferred to the Administrator by section 105*  
16       *and any function transferred or granted to the Adminis-*  
17       *trator after the date of the transfers by section 105 to such*  
18       *officers and employees of the Agency as the Administrator*  
19       *may designate and may authorize successive redelegations*  
20       *of such functions as may be necessary or appropriate. No*  
21       *delegation of functions by the Administrator under this sub-*  
22       *section or under any other provision of this title shall re-*  
23       *lieve the Administrator of responsibility for the administra-*  
24       *tion of such functions.*

1       (c) *REORGANIZATION.*—*The Administrator may allo-*  
2 *cate or reallocate any function transferred under section*  
3 *105 among the officers of the Agency, and may establish,*  
4 *consolidate, alter, or discontinue such organizational enti-*  
5 *ties in the Agency as may be necessary or appropriate if*  
6 *the Administrator, on or before the 30th day preceding the*  
7 *date of the allocation or reallocation, provides to Congress*  
8 *written notice of the allocation or reallocation.*

9       (d) *RULES.*—*The Administrator may prescribe, in ac-*  
10 *cordance with the provisions of chapters 5 and 6 of title*  
11 *5, United States Code, such rules and regulations as the*  
12 *Administrator determines necessary or appropriate to ad-*  
13 *minister and manage the functions of the Agency.*

14       (e) *TRANSFER AND ALLOCATIONS OF APPROPRIATIONS*  
15 *AND PERSONNEL.*—*Except as otherwise provided in this*  
16 *title, the personnel employed in connection with, and the*  
17 *assets, liabilities, contracts, property, records, and unex-*  
18 *pended balances of appropriations, authorizations, alloca-*  
19 *tions, and other funds employed, used, held, arising from,*  
20 *available to, or to be made available in connection with*  
21 *the functions transferred by section 105, subject to section*  
22 *1531 of title 31, United States Code, shall be transferred*  
23 *to the Agency. Unexpended funds transferred pursuant to*  
24 *this subsection shall be used only for the purposes for which*  
25 *the funds were originally authorized and appropriated.*

1       (f) *INCIDENTAL TRANSFERS.*—*The Director of the Of-*  
2 *fice of Management and Budget, in consultation with the*  
3 *Administrator, may make such determinations as may be*  
4 *necessary with regard to the functions transferred by section*  
5 *105, and may make such additional incidental dispositions*  
6 *of personnel, assets, liabilities, grants, contracts, property,*  
7 *records, and unexpended balances of appropriations, au-*  
8 *thorizations, allocations, and other funds held, used, arising*  
9 *from, available to, or to be made available in connection*  
10 *with such functions, as may be necessary to carry out the*  
11 *provisions of this title. The Director of the Office of Manage-*  
12 *ment and Budget shall provide for the termination of the*  
13 *affairs of all entities terminated by this title and for such*  
14 *further measures and dispositions as may be necessary to*  
15 *effectuate the purposes of this title.*

16       (g) *EFFECT ON PERSONNEL.*—

17           (1) *IN GENERAL.*—*Except as otherwise provided*  
18 *by this title, the transfer pursuant to this title of full-*  
19 *time personnel (except special Government employees)*  
20 *and part-time personnel holding permanent positions*  
21 *shall not cause any such employee to be separated or*  
22 *reduced in grade or compensation for one year after*  
23 *the date of transfer of such employee under this title.*

24           (2) *EXECUTIVE SCHEDULE POSITIONS.*—*Except*  
25 *as otherwise provided in this title, any person who,*

1        *on the day preceding the date of the transfers of func-*  
 2        *tions under section 105, held a position compensated*  
 3        *in accordance with the Executive Schedule prescribed*  
 4        *in chapter 53 of title 5, United States Code, and who,*  
 5        *without a break in service, is appointed in the Agency*  
 6        *to a position having duties comparable to the duties*  
 7        *performed immediately preceding such appointment*  
 8        *shall continue to be compensated in such new position*  
 9        *at not less than the rate provided for such previous*  
 10       *position, for the duration of the service of such person*  
 11       *in such new position.*

12    **SEC. 107. SAVINGS PROVISIONS.**

13        *(a) SAVINGS PROVISIONS.—*

14                *(1) CONTINUING EFFECT OF LEGAL DOCU-*  
 15        *MENTS.—All orders, determinations, rules, regula-*  
 16        *tions, permits, agreements, grants, contracts, certifi-*  
 17        *cates, licenses, registrations, privileges, and other ad-*  
 18        *ministrative actions—*

19                        *(A) which have been issued, made, granted,*  
 20        *or allowed to become effective by the President,*  
 21        *any Federal agency or official thereof, or by a*  
 22        *court of competent jurisdiction, in the perform-*  
 23        *ance of functions that are transferred under sec-*  
 24        *tion 105; and*

1           (B) which are in effect on the date of the  
2           transfers of functions under section 105, or were  
3           final before such date and are to become effective  
4           on or after such date, shall continue in effect ac-  
5           cording to their terms until modified, termi-  
6           nated, superseded, set aside, or revoked in ac-  
7           cordance with law by the President, the Admin-  
8           istrator, or other authorized official, a court of  
9           competent jurisdiction, or by operation of law.

10          (2) *PROCEEDINGS NOT AFFECTED.*—The provi-  
11         sions of this title shall not affect any proceedings, in-  
12         cluding notices of proposed rulemaking, or any appli-  
13         cation for any license, permit, certificate, or financial  
14         assistance pending before the Agency on the date of  
15         the transfers of functions under section 105, with re-  
16         spect to functions transferred by section 105, but such  
17         proceedings and applications shall continue. Orders  
18         shall be issued in such proceedings, appeals shall be  
19         taken therefrom, and payments shall be made pursu-  
20         ant to such orders, as if this title had not been en-  
21         acted, and orders issued in any such proceedings shall  
22         continue in effect until modified, terminated, super-  
23         seded, or revoked by a duly authorized official, by a  
24         court of competent jurisdiction, or by operation of  
25         law. Nothing in this paragraph shall be deemed to

1     *prohibit the discontinuance or modification of any*  
2     *such proceeding under the same terms and conditions*  
3     *and to the same extent that such proceeding could*  
4     *have been discontinued or modified if this title had*  
5     *not been enacted.*

6           (3) *SUITS NOT AFFECTED.—The provisions of*  
7     *this title shall not affect suits commenced before the*  
8     *date of the transfers of functions under section 105,*  
9     *and in all such suits, proceedings shall be had, ap-*  
10    *peals taken, and judgments rendered in the same*  
11    *manner and with the same effect as if this title had*  
12    *not been enacted.*

13          (4) *NONABATEMENT OF ACTIONS.—No suit, ac-*  
14    *tion, or other proceeding commenced by or against the*  
15    *Agency, or by or against any individual in the offi-*  
16    *cial capacity of such individual as an officer of the*  
17    *Agency, shall abate by reason of the enactment of this*  
18    *title.*

19          (5) *ADMINISTRATIVE ACTIONS RELATING TO PRO-*  
20    *MULGATION OF REGULATIONS.—Any administrative*  
21    *action relating to the preparation or promulgation of*  
22    *a regulation by the Agency relating to a function*  
23    *transferred under section 105 may be continued by*  
24    *the Agency with the same effect as if this title had not*  
25    *been enacted.*

1       (b) *REFERENCES*.—Any reference in any other Federal  
 2 law, Executive order, rule, regulation, or delegation of au-  
 3 thority, or any document of or pertaining to a department,  
 4 agency, or office from which a function is transferred by  
 5 section 105—

6           (1) to the head of such department, agency, or of-  
 7 fice is deemed to refer to the head of the department,  
 8 agency, or office to which such function is transferred;  
 9 or

10          (2) to such department, agency, or office is  
 11 deemed to refer to the department, agency, or office to  
 12 which such function is transferred.

13 **SEC. 108. OFFICES AND FUNCTIONS OF DEPARTMENT OF**  
 14 **HOMELAND SECURITY.**

15       (a) *EVACUATION PLANS AND EXERCISES*.—Section  
 16 512(c) of the Homeland Security Act of 2002 (6 U.S.C.  
 17 321a(c)) is amended by striking “Administrator” each  
 18 place it appears and inserting “Secretary”.

19       (b) *ASSISTANT SECRETARY FOR CYBERSECURITY AND*  
 20 *COMMUNICATIONS; NATIONAL OPERATIONS CENTER*.—Sec-  
 21 tions 514 and 515 of such Act (6 U.S.C. 321c and 321d)  
 22 are amended to read as follows:

1 **“SEC. 514. ASSISTANT SECRETARY FOR CYBERSECURITY**  
2 **AND COMMUNICATIONS.**

3 *“There is in the Department an Assistant Secretary*  
4 *for Cybersecurity and Communications.*

5 **“SEC. 515. NATIONAL OPERATIONS CENTER.**

6 *“(a) DEFINITION.—In this section, the term ‘situa-*  
7 *tional awareness’ means information gathered from a vari-*  
8 *ety of sources that, when communicated to emergency man-*  
9 *agers and homeland security decisionmakers, can form the*  
10 *basis for homeland security decisionmaking.*

11 *“(b) ESTABLISHMENT.—The National Operations Cen-*  
12 *ter is the principal operations center for the Department*  
13 *and shall—*

14 *“(1) provide situational awareness and a com-*  
15 *mon operating picture for the entire Federal Govern-*  
16 *ment, and for State, local, and tribal governments as*  
17 *appropriate, for homeland security purposes; and*

18 *“(2) ensure that critical homeland security infor-*  
19 *mation reaches government decisionmakers.*

20 *“(c) FEMA AUTHORITY.—Nothing in this section shall*  
21 *be construed to provide to the National Operations Center*  
22 *any authority that overlaps with the authority of the Ad-*  
23 *ministrator of the Federal Emergency Management Agency,*  
24 *except to the extent necessary to coordinate the activities*  
25 *or information of the National Operations Center with the*  
26 *Federal Emergency Management Agency.”.*



1       (c) *CHIEF MEDICAL OFFICER.*—Section 516 of such  
2 Act of 2002 (6 U.S.C. 321e) is amended—

3           (1) in subsection (c)—

4               (A) in the matter preceding paragraph (1)  
5               by striking “natural disasters, acts of terrorism,  
6               and other man-made disasters” and inserting  
7               “homeland security”; and

8               (B) in paragraph (4) by inserting “the Fed-  
9               eral Emergency Management Agency,” after “the  
10              Department of Veterans Affairs,”; and

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

12       “(d) *FEMA AUTHORITY.*—Nothing in this section  
13 shall be construed to provide to the Chief Medical Officer  
14 any authority that overlaps with the authority of the Ad-  
15 ministrator of the Federal Emergency Management Agency,  
16 except to the extent necessary to coordinate activities or in-  
17 formation with the Federal Emergency Management Agen-  
18 cy.”.

19       (d) *REPEALS.*—The following provisions of such Act  
20 (6 U.S.C. 101 et seq.) are repealed:

21           (1) Section 501.

22           (2) Section 503.

23           (3) Section 504.

24           (4) Section 505.

25           (5) Section 506.

1           (6) *Section 507.*

2           (7) *Section 508.*

3           (8) *Section 509.*

4           (9) *Section 510.*

5           (10) *Section 513.*

6           (11) *Section 517.*

7           (12) *Section 519.*

8           (e) *REDESIGNATIONS.—Sections 502, 511, 512, 514,*  
 9 *515, 516, 518, 520, 521, 522, 523, and 524 of such Act of*  
 10 *2002 (6 U.S.C. 312, 321, 321a, 321c, 321d, 321e, 321f,*  
 11 *321g, 321i, 321j, 321k, 321l, and 321m) are redesignated*  
 12 *as sections 501 through 512, respectively.*

13          (f) *TITLE HEADING.—The heading for title V of such*  
 14 *Act is amended by striking “**NATIONAL EMER-***  
 15 ***GENCY MANAGEMENT**” and inserting “**OTHER***  
 16 ***OFFICES AND FUNCTIONS**”.*

17          (g) *TABLE OF CONTENTS.—The table of contents con-*  
 18 *tained in section 1(b) of such Act is amended by striking*  
 19 *the items relating to title V and inserting the following:*

*“TITLE V—OTHER OFFICES AND FUNCTIONS*

*“Sec. 501. Definition.*

*“Sec. 502. The National Infrastructure Simulation and Analysis Center.*

*“Sec. 503. Evacuation plans and exercises.*

*“Sec. 504. Assistant Secretary for Cybersecurity and Communications.*

*“Sec. 505. National Operations Center.*

*“Sec. 506. Chief Medical Officer.*

*“Sec. 507. Conduct of certain public health-related activities.*

*“Sec. 508. Use of commercially available technology, goods, and services.*

*“Sec. 509. Procurement of security countermeasures for strategic national stock-*  
*pile.*

*“Sec. 510. Model standards and guidelines for critical infrastructure workers.*

*“Sec. 511. Guidance and recommendations.*

*“Sec. 512. Voluntary private sector preparedness accreditation and certification program.”.*

**1 SEC. 109. HOMELAND SECURITY GRANTS.**

2 (a) *URBAN AREA SECURITY INITIATIVE.*—Section  
3 2003(a) of the Homeland Security Act of 2002 (6 U.S.C.  
4 604(a)) is amended striking “preventing, preparing for,  
5 protecting against, and responding to” and inserting “pre-  
6 venting and protecting against”.

7 (b) *STATE HOMELAND SECURITY GRANT PROGRAM.*—  
8 Section 2004 of such Act (6 U.S.C. 605) is amended—

9 (1) in subsection (a) by striking “preventing,  
10 preparing for, protecting against, and responding to”  
11 and inserting “preventing and protecting against”;

12 (2) in subsection (c)(3) by striking “to prevent,  
13 prepare for, protect against, or respond to” and in-  
14 serting “to prevent or protect against”; and

15 (3) in subsection (d)(1) by striking “to prevent,  
16 prepare for, protect against, and respond to” and in-  
17 serting “to prevent and protect against”.

18 (c) *GRANTS TO DIRECTLY ELIGIBLE TRIBES.*—Section  
19 2005(h) of such Act (6 U.S.C. 606(h)) is amended by strik-  
20 ing “preventing, preparing for, protecting against, and re-  
21 sponding to” and inserting “preventing and protecting  
22 against”.

23 (d) *TERRORISM PREVENTION.*—Section 2006(b)(4)(A)  
24 of such Act (6 U.S.C. 607(b)(4)(A)) is amended by striking

1 “preventing, preparing for, protecting against, and re-  
 2 sponding to natural disasters, acts of terrorism, and other  
 3 man-made disasters within the United States” and insert-  
 4 ing “preventing and protecting against acts of terrorism  
 5 within the United States”.

6 (e) *PRIORITIZATION*.—Section 2007(a) of such Act (6  
 7 U.S.C. 608(a)) is amended—

8 (1) in paragraph (1)(H) by striking “respond  
 9 to” and inserting “address”; and

10 (2) in paragraphs (1)(J)(i) and (2) by striking  
 11 “to prevent, prepare for, protect against, and respond  
 12 to” and inserting “to prevent and protect against”.

13 (f) *USE OF FUNDS*.—Section 2008 of such Act (6  
 14 U.S.C. 609) is amended—

15 (1) in subsection (a)—

16 (A) in the matter preceding paragraph (1)  
 17 by striking “preventing, preparing for, pro-  
 18 tecting against, and responding to” and insert-  
 19 ing “preventing and protecting against”; and

20 (B) in paragraph (12) by inserting before  
 21 the semicolon at the end the following: “, except  
 22 to the extent that such activities are inconsistent  
 23 with the *FEMA Independence Act of 2009* (in-  
 24 cluding the amendments made by that Act);  
 25 and

1           (2) in subsections (b)(4)(B)(i) and (d)(2) by  
 2       striking “preventing, preparing for, protecting  
 3       against, or responding to” and inserting “preventing  
 4       or protecting against”.

5       (g) ADMINISTRATION AND COORDINATION.—Section  
 6   2021 of such Act (6 U.S.C. 611) is amended—

7           (1) by striking subsection (a) and inserting the  
 8       following:

9       “(a) REGIONAL COORDINATION.—The Secretary shall  
 10   ensure that—

11           “(1) all recipients of grants administered by the  
 12       Department to prevent and protect against acts of  
 13       terrorism coordinate, as appropriate, their prevention  
 14       and protection efforts with neighboring State, local,  
 15       and tribal governments; and

16           “(2) all high-risk urban areas and other recipi-  
 17       ents of grants administered by the Department to pre-  
 18       vent and protect against acts of terrorism that in-  
 19       clude or substantially affect parts or all of more than  
 20       1 State coordinate, as appropriate, across State  
 21       boundaries, including, where appropriate, through the  
 22       use of regional working groups and requirements for  
 23       regional plans.”; and

24           (2) in subsection (d)(1) by striking “Depart-  
 25       ment” and inserting “Federal Government”.

1       (h) *ACCOUNTABILITY.*—

2               (1) *AUDITS OF GRANT PROGRAMS.*—Section  
3       2022(a) of such Act (6 U.S.C. 612(a)) is amended—

4               (A) in paragraph (2)—

5                       (i) by striking subparagraph (A) and  
6       inserting the following:

7               “(A) *IN GENERAL.*—Not less than once  
8       every 2 years, the Secretary shall conduct, for  
9       each State and high-risk urban area receiving a  
10      grant administered by the Department, a pro-  
11      grammatic and financial review of all grants  
12      awarded by the Department to prevent or protect  
13      against acts of terrorism.”; and

14              (ii) in subparagraph (B) by striking  
15      “to prevent, prepare for, protect against,  
16      and respond to natural disasters, acts of  
17      terrorism, and other man-made disasters”  
18      and inserting “to prevent and protect  
19      against acts of terrorism”; and

20              (B) in paragraph (3)—

21                       (i) by striking subparagraph (A) and  
22      inserting the following:

23              “(A) *IN GENERAL.*—In order to ensure the  
24      effective and appropriate use of grants adminis-  
25      tered by the Department, the Inspector General

1           *of the Department each year shall conduct audits*  
 2           *of a sample of States and high-risk urban areas*  
 3           *that receive grants administered by the Depart-*  
 4           *ment to prevent or protect against acts of ter-*  
 5           *rorism.”; and*

6                       *(ii) in subparagraph (D)(ii)(IV) by*  
 7                       *striking “to prevent, prepare for, protect*  
 8                       *against, and respond to natural disasters,*  
 9                       *acts of terrorism and other man-made dis-*  
 10                      *asters” and inserting “to prevent and pro-*  
 11                      *tect against acts of terrorism”.*

12           (2) *ADMINISTRATION OF GRANTS.—Section 2022*  
 13           *of such Act (6 U.S.C. 612) is amended by adding at*  
 14           *the end the following:*

15           “(d) *ADMINISTRATION OF GRANTS.—The Secretary*  
 16           *may request the Administrator to continue to support the*  
 17           *administration of any grant authorized by this title.”.*

18           (i) *REFERENCES TO ADMINISTRATOR.—Title XX of*  
 19           *such Act (6 U.S.C. 601 et seq.) is amended—*

20                      (1) *in section 2002(a) by striking “, through the*  
 21                      *Administrator,”;*

22                      (2) *in section 2021(c)(1) by striking “(acting*  
 23                      *through the Administrator)”;*

1           (3) *in the subparagraph heading for section*  
 2           2022(a)(3)(F) *by striking “ADMINISTRATOR” and in-*  
 3           *serting “SECRETARY”;*

4           (4) *in the subsection heading for section 2022(c)*  
 5           *by striking “BY THE ADMINISTRATOR” ; and*

6           (5) *by striking “Administrator” each place it*  
 7           *appears and inserting “Secretary”, except in—*

8                     (A) *section 2001(1);*

9                     (B) *section 2006(b)(4)(F);*

10                    (C) *section 2006(b)(5);*

11                    (D) *section 2022(b)(2); and*

12                    (E) *section 2022(c)(1).*

13 **SEC. 110. ADDITIONAL CONFORMING AMENDMENTS TO**  
 14 **HOMELAND SECURITY ACT OF 2002.**

15           (a) *MISSION.—Section 101(b)(1) of the Homeland Se-*  
 16           *curity Act of 2002 (6 U.S.C. 111(b)(1)) is amended—*

17                     (1) *by striking subparagraph (C);*

18                     (2) *by redesignating subparagraphs (D) through*  
 19           *(H) as subparagraphs (C) through (G), respectively;*  
 20           *and*

21                     (3) *in subparagraph (C) (as so redesignated) by*  
 22           *striking “, including” and all that follows before the*  
 23           *semicolon at the end.*

24           (b) *SECRETARY; FUNCTIONS.—Section 102 of such Act*  
 25           *(6 U.S.C. 112) is amended—*



1           (1) *by adding at the end of subsection (c) the fol-*  
 2       *lowing:*

3       *“Nothing in this subsection may be construed to interfere*  
 4       *with the role of the Administrator of the Federal Emergency*  
 5       *Management Agency.”; and*

6           (2) *in subsection (f)—*

7               (A) *in paragraph (4)—*

8                       (i) *by inserting “and” at the end of*  
 9                       *subparagraph (A);*

10                      (ii) *by striking “and” at the end of*  
 11                      *subparagraph (B); and*

12                      (iii) *by striking subparagraph (C);*

13               (B) *by striking paragraph (8); and*

14               (C) *by redesignating paragraphs (9), (10),*  
 15               *and (11) as paragraphs (8), (9), and (10), re-*  
 16               *spectively.*

17       (c) *OTHER OFFICERS.—Section 103(a) of such Act (6*  
 18       *U.S.C. 113(a)) is amended—*

19               (1) *by striking paragraph (4); and*

20               (2) *by redesignating paragraphs (5) through (10)*  
 21       *as paragraphs (4) through (9), respectively.*

22       (d) *AUTHORITY TO ISSUE WARNINGS.—Section 214(g)*  
 23       *of such Act (6 U.S.C. 133(g)) is amended by adding at the*  
 24       *end the following:*

1 “Nothing in this subsection may be construed to limit or  
 2 otherwise affect the authority of the President or the Admin-  
 3 istrator of the Federal Emergency Management Agency  
 4 under section 202 of the Robert T. Stafford Disaster Relief  
 5 and Emergency Assistance Act (42 U.S.C. 5132).”.

6 (e) *ENHANCEMENT OF NON-FEDERAL CYBERSECURITY*.—Section 223 of such Act (6 U.S.C. 143) is amended  
 7 by striking “Under Secretary for Emergency Preparedness  
 8 and Response” each place it appears and inserting “Ad-  
 9 ministrator of the Federal Emergency Management Agen-  
 10 cy”.

12 (f) *COORDINATION WITH FEDERAL EMERGENCY MAN-*  
 13 *AGEMENT AGENCY*.—

14 (1) *IN GENERAL*.—Title II of such Act (6 U.S.C.  
 15 121 et seq.) is amended by adding at the end the fol-  
 16 lowing:

17 **“Subtitle E—Consultation With**  
 18 **Federal Emergency Management**  
 19 **Agency**

20 **“SEC. 241. DUTY TO CONSULT.**

21 “In carrying out this title, the Secretary shall consult,  
 22 as appropriate, with the Administrator of the Federal  
 23 Emergency Management Agency.

1 **“SEC. 242. LIMITATION ON STATUTORY CONSTRUCTION.**

2       *“Nothing in this title may be construed to limit or oth-*  
 3 *erwise affect the authority of the Administrator of the Fed-*  
 4 *eral Emergency Management Agency.”.*

5           (2) *CLERICAL AMENDMENT.—The table of con-*  
 6 *tents contained in section 1(b) of such Act is amended*  
 7 *by adding at the end of the items relating to title II*  
 8 *the following:*

*“Subtitle E—Consultation With Federal Emergency Management Agency*

*“Sec. 241. Duty to consult.*

*“Sec. 242. Limitation on statutory construction.”.*

9           (g) *OFFICE FOR DOMESTIC PREPAREDNESS.—Section*  
 10 *430 of such Act (6 U.S.C. 238), and the item relating to*  
 11 *that section in the table of contents contained in section*  
 12 *1(b) of such Act, are repealed.*

13          (h) *QUADRENNIAL HOMELAND SECURITY REVIEW.—*  
 14 *Section 707 of such Act (6 U.S.C. 347) is amended—*

15           (1) *in subsection (a)(3)(A) by inserting “the Ad-*  
 16 *ministrator of the Federal Emergency Management*  
 17 *Agency,” after “the Secretary of Agriculture,”;*

18           (2) *in subsection (b)(1) by striking “, the Na-*  
 19 *tional Response Plan,”; and*

20           (3) *in subsection (c)(2)(G) by striking “and pre-*  
 21 *paring for emergency response to threats to national*  
 22 *homeland security”.*

1       (i) *COORDINATION WITH DEPARTMENT OF HEALTH*  
 2 *AND HUMAN SERVICES UNDER PUBLIC HEALTH SERVICE*  
 3 *ACT.*—Section 887 of such Act (6 U.S.C. 467) is amended—

4           (1) in subsection (a) by inserting before the pe-  
 5 riod at the end the following: “and section 202(b) of  
 6 the FEMA Independence Act of 2009”; and

7           (2) in subsections (b)(2) and (b)(3) by inserting  
 8 “the Federal Emergency Management Agency,” after  
 9 “the Department of Homeland Security,”.

10       (j) *MEMBERSHIP OF NATIONAL HOMELAND SECURITY*  
 11 *COUNCIL.*—Section 903(a) of such Act (6 U.S.C. 493(a))  
 12 is amended—

13           (1) by redesignating paragraph (6) as para-  
 14 graph (7); and

15           (2) by inserting after paragraph (5) the fol-  
 16 lowing:

17           “(6) The Administrator of the Federal Emer-  
 18 gency Management Agency.”.

19 **SEC. 111. CONFORMING AMENDMENTS TO POST-KATRINA**  
 20 **EMERGENCY MANAGEMENT REFORM ACT OF**  
 21 **2006.**

22       (a) *SURGE CAPACITY FORCE.*—Section 624 of the  
 23 *Post-Katrina Emergency Management Reform Act of 2006*  
 24 (6 U.S.C. 711) is amended—

25           (1) in subsection (b)—

1                   (A) by striking “Secretary” and inserting  
2                   “Administrator”; and

3                   (B) by striking “of the Department”; and  
4                   (2) in subsections (c)(1) and (c)(2) by striking  
5                   “section 510 of the Homeland Security Act of 2002,  
6                   as amended by this Act,” and inserting “section 203  
7                   of the FEMA Independence Act of 2009”.

8           (b) *IMPROVEMENTS TO INFORMATION TECHNOLOGY*  
9 *SYSTEMS.*—Section 640(a) of such Act (6 U.S.C. 727(a))  
10 is amended by striking “, in coordination with the Chief  
11 Information Officer of the Department,”.

12           (c) *DEFINITIONS.*—Section 641 of such Act (6 U.S.C.  
13 741) is amended in paragraphs (2) and (14) by striking  
14 “section 501 of the Homeland Security Act of 2002 (6  
15 U.S.C. 311)” and inserting “section 203 of the FEMA Inde-  
16 pendence Act of 2009”.

17           (d) *FEDERAL RESPONSE CAPABILITY INVENTORY.*—  
18 Section 651 of such Act (6 U.S.C. 751) is amended in para-  
19 graphs (2) and (3) of subsection (b) by striking “section  
20 510 of the Homeland Security Act of 2002 (6 U.S.C. 320)”  
21 and inserting “section 203 of the FEMA Independence Act  
22 of 2009”.

23           (e) *FEDERAL PREPAREDNESS.*—Section 653(a)(2) of  
24 such Act (6 U.S.C. 753(a)(2)) is amended by striking “sec-  
25 tion 510 of the Homeland Security Act of 2002 (6 U.S.C.

1 320)” and inserting “section 203 of the *FEMA Independ-*  
 2 *ence Act of 2009*”.

3 (f) *NATIONAL DISASTER RECOVERY STRATEGY*.—Sec-  
 4 tion 682(a) of such Act (6 U.S.C. 771(a)) is amended by  
 5 inserting “the Secretary,” after “the Department of the In-  
 6 terior,”.

7 (g) *INDIVIDUALS WITH DISABILITIES*.—Section  
 8 689(a) of such Act (6 U.S.C. 773(a)) is amended by striking  
 9 “section 513 of the *Homeland Security Act of 2002*, as  
 10 added by this Act” and inserting “section 204 of the *FEMA*  
 11 *Independence Act of 2009*”.

12 (h) *LIMITATIONS ON TIERING OF SUBCONTRACTORS*.—  
 13 Section 692 of such Act (6 U.S.C. 792)—

14 (1) in subsections (a) and (b) by striking “Sec-  
 15 retary” and inserting “Administrator”; and

16 (2) in subsection (c) by striking “Department”  
 17 and inserting “Agency”.

18 (i) *LIMITATION ON LENGTH OF CERTAIN NON-*  
 19 *COMPETITIVE CONTRACTS*.—Section 695 of such Act (6  
 20 U.S.C. 794) is amended—

21 (1) in subsections (a) and (b) by striking “Sec-  
 22 retary” and inserting “Administrator”; and

23 (2) in subsection (c) by striking “Department”  
 24 and inserting “Agency”.

1 **SEC. 112. CONFORMING AND TECHNICAL AMENDMENTS TO**  
2 **OTHER LAWS.**

3 (a) *CHIEF FINANCIAL OFFICER*.—Section 901(b)(2) of  
4 title 31, United States Code, is amended by adding at the  
5 end the following:

6 “(H) *The Federal Emergency Management*  
7 *Agency*.”.

8 (b) *INSPECTOR GENERAL ACT OF 1978*.—Section  
9 12(1) of the *Inspector General Act of 1978* (5 U.S.C. App.)  
10 is amended by striking “*Director of the Federal Emergency*  
11 *Management Agency*” and inserting “*Administrator of the*  
12 *Federal Emergency Management Agency*”.

13 (c) *TECHNICAL CORRECTIONS TO REFERENCES*.—The  
14 *Robert T. Stafford Disaster Relief and Emergency Assist-*  
15 *ance Act* (42 U.S.C. 5121 et seq.) is amended—

16 (1) in section 602(a) by striking paragraph (7)  
17 and inserting the following:

18 “(7) *ADMINISTRATOR*.—The term ‘*Adminis-*  
19 *trator*’ means the *Administrator of the Federal Emer-*  
20 *gency Management Agency*.”; and

21 (2) by striking “*Director*” each place it appears  
22 and inserting “*Administrator*”, except—

23 (A) the second and fourth places it appears  
24 in section 622(c); and

25 (B) in section 626(b).

1 **SEC. 113. CHANGES TO ADMINISTRATIVE DOCUMENTS.**

2 *Not later than 120 days after the date of enactment*  
 3 *of this Act, the President shall amend Homeland Security*  
 4 *Presidential Directive–5, Homeland Security Presidential*  
 5 *Directive–8, and any other similar administrative docu-*  
 6 *ment to reflect the changes made by this Act (including the*  
 7 *amendments made by this Act).*

8 **SEC. 114. RECOMMENDED LEGISLATION.**

9 *(a) IN GENERAL.—After consultation with Congress,*  
 10 *the Administrator shall prepare recommended legislation*  
 11 *containing additional technical and conforming amend-*  
 12 *ments to reflect the changes made by this title.*

13 *(b) SUBMISSION TO CONGRESS.—Not later than 90*  
 14 *days after the last day of the transition period referred to*  
 15 *in section 105(e), the Administrator shall submit to Con-*  
 16 *gress a report containing the recommended legislation.*

17 **TITLE II—RELATED MATTERS**

18 **SEC. 201. NATIONAL ADVISORY COUNCIL.**

19 *(a) ESTABLISHMENT.—The Administrator shall con-*  
 20 *tinue to maintain an advisory body to ensure effective and*  
 21 *ongoing coordination of Federal preparedness, response, re-*  
 22 *covery, and mitigation for hazards, to be known as the Na-*  
 23 *tional Advisory Council.*

24 *(b) RESPONSIBILITIES.—The National Advisory Coun-*  
 25 *cil shall advise the Administrator on all aspects of emer-*  
 26 *gency management.*



1       (c) *MEMBERSHIP.*—

2               (1) *IN GENERAL.*—*The members of the National*  
3       *Advisory Council shall be appointed by the Adminis-*  
4       *trator, and shall, to the extent practicable, represent*  
5       *a geographic (including urban and rural) and sub-*  
6       *stantive cross section of officials, emergency man-*  
7       *agers, and emergency response providers from State,*  
8       *local, and tribal governments, the private sector, and*  
9       *nongovernmental organizations, including as appro-*  
10      *priate—*

11               (A) *members selected from the emergency*  
12      *management field and emergency response pro-*  
13      *viders, including fire service, law enforcement,*  
14      *hazardous materials response, emergency medical*  
15      *services, and emergency management personnel,*  
16      *or organizations representing such individuals;*

17               (B) *health scientists, emergency and inpa-*  
18      *tient medical providers, and public health profes-*  
19      *sionals;*

20               (C) *experts from Federal, State, local, and*  
21      *tribal governments, and the private sector, rep-*  
22      *resenting standards-setting and accrediting orga-*  
23      *nizations, including representatives from the vol-*  
24      *untary consensus codes and standards develop-*  
25      *ment community, particularly those with exper-*

1           *tise in the emergency preparedness and response*  
 2           *field;*

3                     *(D) State, local, and tribal government offi-*  
 4                     *cials with expertise in preparedness, response, re-*  
 5                     *covery, and mitigation, including Adjutants*  
 6                     *General;*

7                     *(E) elected State, local, and tribal govern-*  
 8                     *ment executives;*

9                     *(F) experts in public and private sector in-*  
 10                    *frastructure protection, cybersecurity, and com-*  
 11                    *munications;*

12                    *(G) representatives of individuals with dis-*  
 13                    *abilities and other populations with special*  
 14                    *needs; and*

15                    *(H) such other individuals as the Adminis-*  
 16                    *trator determines to be appropriate.*

17                    *(2) COORDINATION WITH THE DEPARTMENTS OF*  
 18                    *HEALTH AND HUMAN SERVICES AND TRANSPOR-*  
 19                    *TATION.—In the selection of members of the National*  
 20                    *Advisory Council who are health or emergency med-*  
 21                    *ical services professionals, the Administrator shall*  
 22                    *work with the Secretary of Health and Human Serv-*  
 23                    *ices and the Secretary of Transportation.*

24                    *(3) EX OFFICIO MEMBERS.—The Administrator*  
 25                    *shall designate 1 or more officers of the Federal Gov-*

1        *ernment to serve as ex officio members of the National*  
 2        *Advisory Council.*

3            (4) *TERMS OF OFFICE.*—*The term of office of*  
 4        *each member of the National Advisory Council shall*  
 5        *be 3 years.*

6            (d) *APPLICABILITY OF FEDERAL ADVISORY COM-*  
 7        *MITTEE ACT.*—

8            (1) *IN GENERAL.*—*Subject to paragraph (2), the*  
 9        *Federal Advisory Committee Act (5 U.S.C. App.), in-*  
 10       *cluding subsections (a), (b), and (d) of section 10 of*  
 11       *such Act, and section 552b(c) of title 5, United States*  
 12       *Code, shall apply to the National Advisory Council.*

13           (2) *TERMINATION.*—*Section 14(a)(2) of the Fed-*  
 14       *eral Advisory Committee Act (5 U.S.C. App.) shall*  
 15       *not apply to the National Advisory Council.*

16        **SEC. 202. NATIONAL INTEGRATION CENTER.**

17           (a) *IN GENERAL.*—*There is established in the Agency*  
 18       *a National Integration Center.*

19           (b) *RESPONSIBILITIES.*—*The Administrator, through*  
 20       *the National Integration Center, and in consultation with*  
 21       *other Federal departments and agencies and the National*  
 22       *Advisory Council, shall ensure ongoing management and*  
 23       *maintenance, including revisions as appropriate, of the Na-*  
 24       *tional Incident Management System, the National Response*

1 *Plan (including the Catastrophic Incident Annex), and any*  
 2 *successor to such system or plan.*

3 *(c) INCIDENT MANAGEMENT.—*

4 *(1) NATIONAL RESPONSE PLAN.—The Adminis-*  
 5 *trator shall ensure that the National Response Plan*  
 6 *provides for a clear chain of command to lead and co-*  
 7 *ordinate the Federal response to any hazard.*

8 *(2) PRINCIPAL FEDERAL OFFICIAL.—The posi-*  
 9 *tion of Principal Federal Official is abolished.*

10 **SEC. 203. CREDENTIALING AND TYPING.**

11 *(a) IN GENERAL.—The Administrator shall continue*  
 12 *to implement a memorandum of understanding with the*  
 13 *administrators of the Emergency Management Assistance*  
 14 *Compact, State, local, and tribal governments, and organi-*  
 15 *zations that represent emergency response providers to col-*  
 16 *laborate on developing standards for deployment capabili-*  
 17 *ties, including for credentialing and typing of incident*  
 18 *management personnel, emergency response providers, and*  
 19 *other personnel (including temporary personnel) and re-*  
 20 *sources likely needed to respond to a hazard.*

21 *(b) DISTRIBUTION.—*

22 *(1) IN GENERAL.—The Administrator shall pro-*  
 23 *vide the standards developed under subsection (a), in-*  
 24 *cluding detailed written guidance, to—*

1           (A) each Federal agency that has respon-  
2           sibilities under the National Response Plan to  
3           aid that agency with credentialing and typing  
4           incident management personnel, emergency re-  
5           sponse providers, and other personnel (including  
6           temporary personnel) and resources likely needed  
7           to respond to a hazard; and

8           (B) State, local, and tribal governments, to  
9           aid such governments with credentialing and  
10          typing of State, local, and tribal incident man-  
11          agement personnel, emergency response pro-  
12          viders, and other personnel (including temporary  
13          personnel) and resources likely needed to respond  
14          to a hazard.

15          (2) ASSISTANCE.—The Administrator shall pro-  
16          vide expertise and technical assistance to aid Federal,  
17          State, local, and tribal government agencies with  
18          credentialing and typing incident management per-  
19          sonnel, emergency response providers, and other per-  
20          sonnel (including temporary personnel) and resources  
21          likely needed to respond to a hazard.

22          (c) CREDENTIALING AND TYPING OF PERSONNEL.—  
23          Each Federal agency with responsibilities under the Na-  
24          tional Response Plan shall ensure that incident manage-  
25          ment personnel, emergency response providers, and other

1 *personnel (including temporary personnel) and resources*  
 2 *likely needed to respond to a hazard are credentialed or*  
 3 *typed, as appropriate, in accordance with this section.*

4 *(d) CONSULTATION ON HEALTH CARE STANDARDS.—*  
 5 *In developing standards for credentialing health care pro-*  
 6 *fessionals under this section, the Administrator shall con-*  
 7 *sult with the Secretary of Health and Human Services.*

8 *(e) DEFINITION.—For purposes of this section, the*  
 9 *term “credentialing” means to provide documentation that*  
 10 *identifies personnel and authenticates and verifies the*  
 11 *qualifications of such personnel by ensuring that such per-*  
 12 *sonnel possess a minimum common level of training, experi-*  
 13 *ence, physical and medical fitness, and capability appro-*  
 14 *priate for a particular position in accordance with stand-*  
 15 *ards created under this section.*

16 **SEC. 204. DISABILITY COORDINATOR.**

17 *(a) IN GENERAL.—The Administrator shall appoint in*  
 18 *the Agency a Disability Coordinator in order to ensure that*  
 19 *the needs of individuals with disabilities are being properly*  
 20 *addressed in emergency preparedness and disaster relief.*  
 21 *The Disability Coordinator shall report directly to the Ad-*  
 22 *ministrator.*

23 *(b) CONSULTATION.—The Disability Coordinator shall*  
 24 *be appointed after consultation with organizations rep-*  
 25 *resenting individuals with disabilities, the National Coun-*

1 *cil on Disabilities, and the Interagency Coordinating Coun-*  
 2 *cil on Preparedness and Individuals with Disabilities estab-*  
 3 *lished under Executive Order No. 13347 (6 U.S.C. 312*  
 4 *note).*

5 (c) *TRANSITIONAL PROVISION.—The individual serv-*  
 6 *ing in the Agency as Disability Coordinator on the date*  
 7 *of enactment of this Act may continue to serve in that posi-*  
 8 *tion at the discretion of the Administrator.*

9 **SEC. 205. NUCLEAR INCIDENT RESPONSE.**

10 (a) *IN GENERAL.—At the direction of the Adminis-*  
 11 *trator (in connection with an actual or threatened terrorist*  
 12 *attack, major disaster, or other emergency in the United*  
 13 *States), the Nuclear Incident Response Team shall operate*  
 14 *as an organizational unit of the Agency. While so operating,*  
 15 *the Nuclear Incident Response Team shall be subject to the*  
 16 *direction, authority, and control of the Administrator.*

17 (b) *RULE OF CONSTRUCTION.—Nothing in this section*  
 18 *shall be construed to limit the ordinary responsibility of*  
 19 *the Secretary of Energy or the Administrator of the Envi-*  
 20 *ronmental Protection Agency for organizing, training,*  
 21 *equipping, or utilizing their respective entities in the Nu-*  
 22 *clear Incident Response Team, or (subject to the provisions*  
 23 *of this section) from exercising direction, authority, or con-*  
 24 *trol over them when they are not operating as a unit of*  
 25 *the Agency.*

1 **SEC. 206. URBAN AREA ALL HAZARDS PREPAREDNESS**  
 2 **GRANT PROGRAM.**

3 *Subtitle A of title VI of the Robert T. Stafford Disaster*  
 4 *Relief and Emergency Assistance Act (42 U.S.C. 5196 et*  
 5 *seq.) is amended by adding at the end the following:*

6 **“SEC. 617. URBAN AREA ALL HAZARDS PREPAREDNESS**  
 7 **GRANT PROGRAM.**

8 *“(a) IN GENERAL.—To assist urban areas to prepare*  
 9 *for any hazard, the Administrator shall establish an urban*  
 10 *area all hazards preparedness grant program.*

11 *“(b) ELIGIBILITY.—The 100 most populous metropoli-*  
 12 *tan statistical areas, as defined by the Office of Manage-*  
 13 *ment and Budget, shall be eligible to receive a grant award*  
 14 *under this section. The Administrator may consider addi-*  
 15 *tional urban areas for a grant award based on criteria es-*  
 16 *tablished by the Administrator.*

17 *“(c) NOTIFICATION AND INFORMATION.—Not later*  
 18 *than 30 days before the Administrator accepts applications*  
 19 *for the urban area all hazards preparedness grant program,*  
 20 *the Administrator shall notify the chief elected official of*  
 21 *each urban area and the Governor of the State in which*  
 22 *such urban area is located if the urban area is eligible for*  
 23 *a grant under this section and provide information regard-*  
 24 *ing the application procedures and grant award criteria.*  
 25 *Such notification and information shall also be published*



1 *in the Federal Register not later than 15 days before the*  
 2 *Administrator accepts applications for the grant program.*

3 “(d) *APPLICATION.—An urban area eligible under sub-*  
 4 *section (b) may apply to the Administrator for a grant*  
 5 *award under this section. Such application shall dem-*  
 6 *onstrate, to the satisfaction of the Administrator, that—*

7 “(1) *the urban area will use funds awarded*  
 8 *under this section to develop or implement activities*  
 9 *that support the emergency management goals of the*  
 10 *State in which an urban area is located; and*

11 “(2) *the State has reviewed the application.*

12 “(e) *ALLOCATION OF FUNDS.—*

13 “(1) *IN GENERAL.—The Administrator shall al-*  
 14 *locate funds to each State in which an urban area se-*  
 15 *lected to receive a grant award under this section is*  
 16 *located based on—*

17 “(A) *the population of each eligible urban*  
 18 *area;*

19 “(B) *the relative level of risk of any hazard*  
 20 *faced by each eligible urban area; and*

21 “(C) *other factors as determined appro-*  
 22 *priate by the Administrator.*

23 “(2) *MINIMUM ALLOCATION.—In determining the*  
 24 *allocation amount under paragraph (1), the Adminis-*

1        *trator may provide each eligible urban area with a*  
 2        *minimum allocation.*

3                *“(3) STATE DISTRIBUTION OF FUNDS.—*

4                        *“(A) IN GENERAL.—Not later than 45 days*  
 5                        *after the date on which a State receives a grant*  
 6                        *award under this section, the State shall provide*  
 7                        *each urban area awarded a grant not less than*  
 8                        *80 percent of the award amount for such area.*  
 9                        *Any funds retained by a State shall be expended*  
 10                        *on items, services, or activities related to emer-*  
 11                        *gency preparedness that benefit such urban area*  
 12                        *for activities described in subsection (f).*

13                        *“(B) FUNDS RETAINED.—A State shall pro-*  
 14                        *vide each urban area awarded such a grant with*  
 15                        *an accounting of the items, services, or activities*  
 16                        *on which any funds retained by the State under*  
 17                        *subparagraph (A) were expended.*

18                        *“(4) INTERSTATE URBAN AREAS.—If an urban*  
 19                        *area selected to receive a grant award under this sec-*  
 20                        *tion is located in 2 or more States, the Administrator*  
 21                        *shall distribute to each such State a portion of the*  
 22                        *grant funds that the Administrator determines to be*  
 23                        *appropriate.*

24                        *“(f) USES OF FUNDS.—An urban area that receives*  
 25        *a grant award under this section may use funds only for*

1 *activities determined by the Administrator to enhance the*  
2 *preparedness of an urban area for a hazard, and shall in-*  
3 *clude—*

4           “(1) *planning;*

5           “(2) *purchase and maintenance of equipment;*

6           “(3) *training;*

7           “(4) *exercises; and*

8           “(5) *management and administration.*

9           “(g) *REGULATIONS.—Not later than 180 days after the*  
10 *date of enactment of this Act, the Administrator shall issue*  
11 *regulations to implement the urban area all hazards pre-*  
12 *paredness grant program under this section.*

13           “(h) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
14 *authorized to be appropriated to carry out this section—*

15           “(1) *\$525,000,000 for fiscal year 2010;*

16           “(2) *\$575,000,000 for fiscal year 2011; and*

17           “(3) *\$650,000,000 for fiscal year 2012.”.*

Union Calendar No. 416

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 1174**

[Report No. 111-459, Part I]

**A BILL**

To establish the Federal Emergency Management  
Agency as a cabinet-level independent agency in  
the executive branch, and for other purposes.

DECEMBER 22, 2010

The Committee on Homeland Security discharged; com-  
mitted to the Committee of the Whole House on the  
State of the Union and ordered to be printed