


(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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 _____

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.—

- 1. Short title; table of contents.
- 2. Definitions.

TITLE I—ESTABLISHMENT OF FEDERAL EMERGENCY
MANAGEMENT AGENCY

- 101. Establishment of independent agency.
- 102. Administrator; Deputy Administrator; and other officials of the Agency.
- 103. Authority and responsibilities.
- 104. Office of the Inspector General.
- 105. Transfer of functions.
- 106. Personnel and other transfers.
- 107. Savings provisions.
- 108. Conforming and technical amendments.
- 109. Amendments to Homeland Security Act of 2002.
- 110. Recommended legislation.

TITLE II—RELATED MATTERS

- 201. National Advisory Council.
- 202. National Integration Center.
- 203. Credentialing and typing.
- 204. Disability coordinator.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) ADMINISTRATOR.—The term “Adminis-
 4 trator” means the Administrator of the Federal
 5 Emergency Management Agency appointed under
 6 section 102.

7 (2) AGENCY.—The term “Agency” means the
 8 Federal Emergency Management Agency established
 9 under section 101.

10 (3) EMERGENCY.—The term “emergency” has
 11 the meaning given that term in section 102 of the
 12 Robert T. Stafford Disaster Relief and Emergency
 13 Assistance Act (42 U.S.C. 5122).

14 (4) EMERGENCY MANAGEMENT.—The term
 15 “emergency management” means preparedness for,
 16 response to, recovery from, and mitigating hazards.

1 (5) HAZARD.—The term “hazard” has the
2 meaning given that term in section 602(b) of the
3 Robert T. Stafford Disaster Relief and Emergency
4 Assistance Act (42 U.S.C. 5196(b)) and includes
5 any major disaster or emergency.

6 (6) MAJOR DISASTER.—The term “major dis-
7 aster” has the meaning given that term in section
8 102 of the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5122).

10 **TITLE I—ESTABLISHMENT OF**
11 **FEDERAL EMERGENCY MAN-**
12 **AGEMENT AGENCY**

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

14 (a) IN GENERAL.—The Federal Emergency Manage-
15 ment Agency is established as a cabinet-level independent
16 establishment in the executive branch.

17 (b) MISSION.—The primary mission of the Agency
18 shall be to reduce the loss of life and property and protect
19 the Nation from hazards by leading and supporting the
20 Nation in a comprehensive emergency management system
21 of preparedness, response, recovery, and mitigation.

22 **SEC. 102. ADMINISTRATOR; DEPUTY ADMINISTRATOR; AND**
23 **OTHER OFFICIALS OF THE AGENCY.**

24 (a) ADMINISTRATOR.—

1 (1) IN GENERAL.—The Agency shall be headed
2 by an Administrator, who shall be appointed by the
3 President, by and with the advice and consent of the
4 Senate, and who shall report directly to the Presi-
5 dent.

6 (2) QUALIFICATIONS.—The Administrator shall
7 be appointed from among individuals who have ex-
8 tensive experience in emergency preparedness, re-
9 sponse, recovery, and mitigation from hazards.

10 (3) EXECUTIVE SCHEDULE.—Title 5, United
11 States Code, is amended—

12 (A) in section 5312 by adding at the end
13 the following:

14 “Administrator of the Federal Emergency Manage-
15 ment Agency.”; and

16 (B) in section 5313 by striking the fol-
17 lowing:

18 “Administrator of the Federal Emergency Manage-
19 ment Agency.”.

20 (b) DEPUTY ADMINISTRATOR.—

21 (1) IN GENERAL.—The Agency shall have one
22 Deputy Administrator, who shall be appointed by
23 the President, by and with the advice and consent
24 of the Senate. The Deputy Administrator shall carry
25 out duties and powers prescribed by the Adminis-

1 trator and act for the Administrator when the Ad-
2 ministrator is absent or unable to serve or when the
3 position of the Administrator is vacant.

4 (2) QUALIFICATIONS.—The Deputy Adminis-
5 trator shall be appointed from among individuals
6 who have extensive experience in emergency pre-
7 paredness, response, recovery, and mitigation from
8 hazards.

9 (3) EXECUTIVE SCHEDULE.—Section 5314 of
10 title 5, United States Code, is amended—

11 (A) by striking the following:

12 “Deputy Administrators, the Federal Emergency
13 Management Agency.”; and

14 (B) inserting the following:

15 “Deputy Administrator, the Federal Emergency
16 Management Agency.”.

17 (c) ASSISTANT ADMINISTRATORS.—

18 (1) IN GENERAL.—The Agency shall have one
19 or more Assistant Administrators, who shall be ap-
20 pointed by the Administrator and whose duties shall
21 be determined by the Administrator.

22 (2) QUALIFICATIONS.—Each Assistant Admin-
23 istrator shall be appointed from among individuals
24 who have a demonstrated ability in and knowledge

1 of emergency management or other field relevant to
2 their position.

3 (d) REGIONAL OFFICES.—

4 (1) IN GENERAL.—There shall be in the Agency
5 10 Regional Offices, as identified by the Adminis-
6 trator.

7 (2) REGIONAL ADMINISTRATORS.—

8 (A) IN GENERAL.—Each Regional Office
9 shall be headed by a Regional Administrator
10 who shall be appointed by the Administrator.

11 (B) QUALIFICATIONS.—

12 (i) IN GENERAL.—Each Regional Ad-
13 ministrator shall be appointed from among
14 individuals who have a demonstrated abil-
15 ity in and knowledge of emergency man-
16 agement.

17 (ii) CONSIDERATIONS.—In selecting
18 an individual to serve as a Regional Ad-
19 ministrator for a Regional Office, the Ad-
20 ministrator shall consider the familiarity of
21 the individual with the geographical area
22 and demographic characteristics of the
23 population served by the Regional Office.

24 (3) REGIONAL ADVISORY COUNCILS.—

1 (A) ESTABLISHMENT.—Each Regional Ad-
2 ministrator shall establish a Regional Advisory
3 Council.

4 (B) NOMINATIONS.—A State, local, or
5 tribal government located within the geographic
6 area served by the Regional Office may nomi-
7 nate officials, including Adjutants General and
8 emergency managers, to serve as members of
9 the Regional Advisory Council for that region.

10 (C) RESPONSIBILITIES.—Each Regional
11 Advisory Council shall—

12 (i) advise the Regional Administrator
13 on emergency management issues specific
14 to that region;

15 (ii) identify any geographic, demo-
16 graphic, or other characteristics peculiar to
17 any State, local, or tribal government with-
18 in the region that might make prepared-
19 ness, response, recovery, or mitigation
20 more complicated or difficult; and

21 (iii) advise the Regional Administrator
22 of any weaknesses or deficiencies in pre-
23 paredness, response, recovery, and mitiga-
24 tion for any State, local, and tribal govern-

1 ment within the region of which the Re-
2 gional Advisory Council is aware.

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

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

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

11 (b) STAFFORD ACT.—The Administrator shall assist
12 the President in carrying out the functions under the Rob-
13 ert T. Stafford Disaster Relief and Emergency Assistance
14 Act (42 U.S.C. 5121 et seq.) and carrying out all func-
15 tions and authorities given to the Administrator under
16 that Act.

17 (c) MISSION.—The responsibilities of Administrator
18 shall include carrying out the mission of the Agency by
19 leading and supporting the Nation in a comprehensive
20 emergency management system of—

21 (1) mitigation, by taking sustained actions to
22 reduce or eliminate long-term risks to people and
23 property from hazards and their effects;

24 (2) preparedness, by planning, training, and
25 building the emergency management profession to

1 prepare effectively for mitigating, responding to, and
2 recovering from any hazard;

3 (3) response, by conducting emergency oper-
4 ations to save lives and property through positioning
5 emergency equipment, personnel, and supplies,
6 through evacuating potential victims, through pro-
7 viding food, water, shelter, and medical care to those
8 in need, and through restoring critical public serv-
9 ices; and

10 (4) recovery, by rebuilding communities so indi-
11 viduals, businesses, and governments can function
12 on their own, return to normal life, and protect
13 against future hazards.

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

16 (1) help to ensure the effectiveness of emer-
17 gency response providers in responding to a hazard;

18 (2) coordinate and provide the Federal Govern-
19 ment's response to hazards;

20 (3) build a comprehensive national incident
21 management system with Federal, State, and local
22 government personnel, agencies, and authorities to
23 respond to hazards;

1 (4) consolidate existing Federal Government
2 emergency response plans into a single, coordinated
3 plan to be known as the National Response Plan;

4 (5) administer and ensure the implementation
5 of the National Response Plan, including coordi-
6 nating and ensuring the readiness of each emergency
7 support function under the National Response Plan;
8 and

9 (6) help ensure the acquisition of operable and
10 interoperable communications capabilities by Fed-
11 eral, State, local, and tribal governments and emer-
12 gency response providers.

13 (e) CONTINUITY OF GOVERNMENT.—The Adminis-
14 trator shall prepare and implement the plans and pro-
15 grams of the Federal Government for—

- 16 (1) continuity of operations;
- 17 (2) continuity of government; and
- 18 (3) continuity of plans.

19 (f) OTHER DUTIES.—The Administrator shall—

- 20 (1) coordinate the National Advisory Council
21 authorized by this Act;
- 22 (2) maintain and operate within the Agency the
23 National Response Coordination Center (or its suc-
24 cessor);

1 (3) develop and maintain a national emergency
2 management system that is capable of preparing for,
3 protecting against, responding to, recovering from,
4 and mitigating hazards of all magnitudes, including
5 catastrophic disasters; and

6 (4) supervise grant programs administered by
7 the Agency.

8 (g) **ALL-HAZARDS APPROACH.**—In carrying out the
9 responsibilities under this section, the Administrator shall
10 coordinate the implementation of an all-hazards strategy
11 that builds those common capabilities necessary to prepare
12 for, respond to, recover from, or mitigate hazards.

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

14 The Agency shall have an office of the Inspector Gen-
15 eral, headed by an Inspector General, in accordance with
16 the Inspector General Act of 1978 (Public Law 95-452;
17 5 U.S.C. App.).

18 **SEC. 105. TRANSFER OF FUNCTIONS.**

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

22 (1) All functions of the Federal Emergency
23 Management Agency, as constituted on January 1,
24 2009, including continuity of operations and con-
25 tinuity of government plans and programs.

1 (2) The functions relating to the Agency under
2 the Robert T. Stafford Disaster Relief and Emer-
3 gency Assistance Act (42 U.S.C. 5121 et seq.) and
4 other laws, including—

5 (A) the National Flood Insurance Act of
6 1968 (42 U.S.C. 4001 et seq.);

7 (B) the Earthquake Hazards Reduction
8 Act of 1977 (42 U.S.C. 7701 et seq.);

9 (C) the National Dam Safety Program Act
10 (33 U.S.C. 467 et seq.);

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

13 (E) Reorganization Plan No. 3 of 1978 (5
14 U.S.C. App.);

15 (F) section 612 of the Security and Ac-
16 countability For Every Port Act of 2006 (6
17 U.S.C. 314a); and

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

20 (3) Any function to be transferred to the Agen-
21 cy under the Post-Katrina Emergency Management
22 Reform Act of 2006 (103 Stat. 1394), including the
23 amendments made by that Act, even if the transfer
24 has not taken place as of January 1, 2009.

1 (b) INSPECTOR GENERAL.—There shall be trans-
2 ferred to the Inspector General of the Federal Emergency
3 Management Agency all of the functions relating to the
4 Inspector General that were transferred from the Federal
5 Emergency Management Agency to the Department of
6 Homeland Security on or after January 1, 2003.

7 (c) EXCEPTIONS.—The following programs shall not
8 be affected by this Act and remain within the Department
9 of Homeland Security:

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

14 (2) The grant program authorized by section
15 70107 of title 46, United States Code.

16 (3) The programs authorized by sections 2003
17 and 2004 of the Homeland Security Act of 2002 (6
18 U.S.C. 604 and 605).

19 (4) The trucking security grant program (Pub-
20 lic Law 110–329; 122 Stat. 3671).

21 (5) The buffer zone protection program (Public
22 Law 110–329; 122 Stat. 3672).

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

1 (d) UNITED STATES FIRE ADMINISTRATOR; FED-
2 ERAL INSURANCE ADMINISTRATOR.—Nothing in this Act
3 shall be construed to affect the appointment of the United
4 States Fire Administrator under section 5(b) of the Fire
5 Prevention and Control Act of 1974 (15 U.S.C. 2204(b))
6 or the Federal Insurance Administrator under section
7 1105(a) of the Housing and Urban Development Act of
8 1968 (42 U.S.C. 4129).

9 (e) TRANSITION PERIOD.—The transfers under this
10 section shall be carried out not later than 120 days fol-
11 lowing the date of enactment of this Act. During the tran-
12 sition period, the Secretary of Homeland Security shall
13 provide to the Administrator such assistance, including
14 the use of personnel and assets, as the Administrator may
15 request in preparing for the transfer.

16 (f) TRANSITION.—The Administrator may use—

17 (1) the services of such officers, employees, and
18 other personnel of the Department of Homeland Se-
19 curity with respect to functions transferred by this
20 section; and

21 (2) funds appropriated to such functions for
22 such period of time as may reasonably be needed to
23 facilitate the orderly implementation of this section.

24 (g) LIAISON OFFICE TO ENSURE COORDINATION
25 WITH THE DEPARTMENT OF HOMELAND SECURITY.—

1 The Administrator shall establish a liaison office within
2 the Agency to ensure adequate coordination with the De-
3 partment of Homeland Security.

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

5 (a) **PERSONNEL PROVISIONS.—**

6 (1) **APPOINTMENTS.—**The Administrator may
7 appoint and fix the compensation of such officers
8 and employees, including investigators, attorneys,
9 and administrative law judges, as may be necessary
10 to carry out the respective functions transferred
11 under section 105. Except as otherwise provided by
12 law, such officers and employees shall be appointed
13 in accordance with the civil service laws and their
14 compensation fixed in accordance with title 5,
15 United States Code.

16 (2) **EXPERTS AND CONSULTANTS.—**The Admin-
17 istrator may obtain the services of experts and con-
18 sultants in accordance with section 3109 of title 5,
19 United States Code, and compensate such experts
20 and consultants for each day (including traveltime)
21 during which they are engaged in the actual per-
22 formance of such services at rates not in excess of
23 the rate of pay for level IV of the Executive Sched-
24 ule under section 5315 of such title. The Adminis-
25 trator may pay experts and consultants who are

1 serving away from their homes or regular place of
2 business, travel expenses and per diem in lieu of
3 subsistence at rates authorized by sections 5702 and
4 5703 of such title for persons in Government service
5 employed intermittently.

6 (b) DELEGATION AND ASSIGNMENT.—Except where
7 otherwise expressly prohibited by law or otherwise pro-
8 vided by this title, the Administrator may delegate any
9 of the functions transferred to the Administrator by sec-
10 tion 105 and any function transferred or granted to the
11 Administrator after the date of the transfers by section
12 105 to such officers and employees of the Agency as the
13 Administrator may designate and may authorize succes-
14 sive redelegations of such functions as may be necessary
15 or appropriate. No delegation of functions by the Adminis-
16 trator under this subsection or under any other provision
17 of this title shall relieve the Administrator of responsibility
18 for the administration of such functions.

19 (c) REORGANIZATION.—The Administrator may allo-
20 cate or reallocate any function transferred under section
21 105 among the officers of the Agency, and may establish,
22 consolidate, alter, or discontinue such organizational enti-
23 ties in the Agency as may be necessary or appropriate if
24 the Administrator, on or before the 30th day preceding

1 the date of the allocation or reallocation, provides to Con-
2 gress written notice of the allocation or reallocation.

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

8 (e) TRANSFER AND ALLOCATIONS OF APPROPRIA-
9 TIONS AND PERSONNEL.—Except as otherwise provided
10 in this title, the personnel employed in connection with,
11 and the assets, liabilities, contracts, property, records, and
12 unexpended balances of appropriations, authorizations, al-
13 locations, and other funds employed, used, held, arising
14 from, available to, or to be made available in connection
15 with the functions transferred by section 105, subject to
16 section 1531 of title 31, United States Code, shall be
17 transferred to the Agency. Unexpended funds transferred
18 pursuant to this subsection shall be used only for the pur-
19 poses for which the funds were originally authorized and
20 appropriated.

21 (f) INCIDENTAL TRANSFERS.—The Director of the
22 Office of Management and Budget, in consultation with
23 the Administrator, may make such determinations as may
24 be necessary with regard to the functions transferred by
25 section 105, and may make such additional incidental dis-

1 positions of personnel, assets, liabilities, grants, contracts,
2 property, records, and unexpended balances of appropria-
3 tions, authorizations, allocations, and other funds held,
4 used, arising from, available to, or to be made available
5 in connection with such functions, as may be necessary
6 to carry out the provisions of this title. The Director of
7 the Office of Management and Budget shall provide for
8 the termination of the affairs of all entities terminated by
9 this title and for such further measures and dispositions
10 as may be necessary to effectuate the purposes of this
11 title.

12 (g) EFFECT ON PERSONNEL.—

13 (1) IN GENERAL.—Except as otherwise pro-
14 vided by this title, the transfer pursuant to this title
15 of full-time personnel (except special Government
16 employees) and part-time personnel holding perma-
17 nent positions shall not cause any such employee to
18 be separated or reduced in grade or compensation
19 for one year after the date of transfer of such em-
20 ployee under this title.

21 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
22 as otherwise provided in this title, any person who,
23 on the day preceding the date of the transfers of
24 functions under section 105, held a position com-
25 pensated in accordance with the Executive Schedule

1 prescribed in chapter 53 of title 5, United States
2 Code, and who, without a break in service, is ap-
3 pointed in the Agency to a position having duties
4 comparable to the duties performed immediately pre-
5 ceding such appointment shall continue to be com-
6 pensated in such new position at not less than the
7 rate provided for such previous position, for the du-
8 ration of the service of such person in such new po-
9 sition.

10 **SEC. 107. SAVINGS PROVISIONS.**

11 (a) SAVINGS PROVISIONS.—

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

17 (A) which have been issued, made, grant-
18 ed, or allowed to become effective by the Presi-
19 dent, any Federal agency or official thereof, or
20 by a court of competent jurisdiction, in the per-
21 formance of functions that are transferred
22 under section 105; and

23 (B) which are in effect on the date of the
24 transfers of functions under section 105, or
25 were final before such date and are to become

1 effective on or after such date, shall continue in
2 effect according to their terms until modified,
3 terminated, superseded, set aside, or revoked in
4 accordance with law by the President, the Ad-
5 ministrator, or other authorized official, a court
6 of competent jurisdiction, or by operation of
7 law.

8 (2) PROCEEDINGS NOT AFFECTED.—The provi-
9 sions of this title shall not affect any proceedings,
10 including notices of proposed rulemaking, or any ap-
11 plication for any license, permit, certificate, or finan-
12 cial assistance pending before the Agency on the
13 date of the transfers of functions under section 105,
14 with respect to functions transferred by section 105
15 but such proceedings and applications shall continue.
16 Orders shall be issued in such proceedings, appeals
17 shall be taken therefrom, and payments shall be
18 made pursuant to such orders, as if this title had
19 not been enacted, and orders issued in any such pro-
20 ceedings shall continue in effect until modified, ter-
21 minated, superseded, or revoked by a duly author-
22 ized official, by a court of competent jurisdiction, or
23 by operation of law. Nothing in this paragraph shall
24 be deemed to prohibit the discontinuance or modi-
25 fication of any such proceeding under the same

1 terms and conditions and to the same extent that
2 such proceeding could have been discontinued or
3 modified if this title had not been enacted.

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

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

17 (5) ADMINISTRATIVE ACTIONS RELATING TO
18 PROMULGATION OF REGULATIONS.—Any administra-
19 tive action relating to the preparation or promulga-
20 tion of a regulation by the Agency relating to a
21 function transferred under section 105 may be con-
22 tinued by the Agency with the same effect as if this
23 title had not been enacted.

24 (b) REFERENCES.—Any reference in any other Fed-
25 eral law, Executive order, rule, regulation, or delegation

1 of authority, or any document of or pertaining to a depart-
2 ment, agency, or office from which a function is trans-
3 ferred by section 105—

4 (1) to the head of such department, agency, or
5 office is deemed to refer to the head of the depart-
6 ment, agency, or office to which such function is
7 transferred; or

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

11 **SEC. 108. CONFORMING AND TECHNICAL AMENDMENTS.**

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

15 “(H) The Federal Emergency Management
16 Agency.”.

17 (b) **INSPECTOR GENERAL ACT OF 1978.**—Section
18 12(1) of the Inspector General Act of 1978 (5 U.S.C.
19 App.) is amended by striking “Director of the Federal
20 Emergency Management Agency” and inserting “Admin-
21 istrator of the Federal Emergency Management Agency”.

22 (c) **TECHNICAL CORRECTIONS TO REFERENCES.**—
23 The Robert T. Stafford Disaster Relief and Emergency
24 Assistance Act (42 U.S.C. 5121 et seq.) is amended—

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

3 “(7) ADMINISTRATOR.—The term ‘Adminis-
4 trator’ means the Administrator of the Federal
5 Emergency Management Agency.”; and

6 (2) by striking “Director” each place it appears
7 and inserting “Administrator”, except—

8 (A) the second and fourth places it appears
9 in section 622(c); and

10 (B) in section 626(b).

11 **SEC. 109. AMENDMENTS TO HOMELAND SECURITY ACT OF**
12 **2002.**

13 (a) EVACUATION PLANS AND EXERCISES.—Section
14 512(c) of such Act (6 U.S.C. 321a(c)) is amended by
15 striking “Administrator” each place it appears and insert-
16 ing “Secretary”.

17 (b) ASSISTANT SECRETARY FOR CYBERSECURITY
18 AND COMMUNICATIONS; NATIONAL OPERATIONS CEN-
19 TER.—Sections 514 and 515 of such Act (6 U.S.C. 321c
20 and 321d) are amended to read as follows:

21 **“SEC. 514. ASSISTANT SECRETARY FOR CYBERSECURITY**
22 **AND COMMUNICATIONS.**

23 “There is in the Department an Assistant Secretary
24 for Cybersecurity and Communications.

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

2 “(a) DEFINITION.—In this section, the term ‘situa-
3 tional awareness’ means information gathered from a vari-
4 ety of sources that, when communicated to emergency
5 managers and homeland security decision makers, can
6 form the basis for homeland security decisionmaking.

7 “(b) ESTABLISHMENT.—The National Operations
8 Center is the principal operations center for the Depart-
9 ment and shall—

10 “(1) provide situational awareness and a com-
11 mon operating picture for the entire Federal Govern-
12 ment, and for State, local, and tribal governments as
13 appropriate, for homeland security purposes; and

14 “(2) ensure that critical homeland security in-
15 formation reaches government decision-makers.

16 “(c) FEMA AUTHORITY.—Nothing in this section
17 shall be construed to provide to the National Operations
18 Center any authority that overlaps with the authority of
19 the Administrator of the Federal Emergency Management
20 Agency, except to the extent necessary to coordinate the
21 activities or information of the National Operations Cen-
22 ter with the Federal Emergency Management Agency.”.

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

25 (1) in subsection (c)—

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

5 (B) in paragraph (4) by inserting “the
6 Federal Emergency Management Agency,”
7 after “the Department of Veterans Affairs,”;
8 and

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

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

17 (d) REPEALS.—

18 (1) IN GENERAL.—The following provisions of
19 such Act (6 U.S.C. 101 et seq.) are repealed:

20 (A) Section 501.

21 (B) Section 503.

22 (C) Section 504.

23 (D) Section 505.

24 (E) Section 506.

25 (F) Section 507.

1 (G) Section 508.

2 (H) Section 509.

3 (I) Section 510.

4 (J) Section 513.

5 (K) Section 519.

6 (e) REDESIGNATIONS.—Sections 502, 511, 512, 514,
7 515, 516, 517, 518, 520, 521, 522, 523, and 524 of such
8 Act of 2002 (6 U.S.C. 312, 321, 321a, 321c, 321d, 321e,
9 321f, 321g, 321i, 321j, 321k, 321l, and 321m) are reded-
10 igned as sections 501 through 513, respectively.

11 (f) TABLE OF CONTENTS.—The table of contents
12 contained in section 1(b) of such Act is amended by strik-
13 ing the items relating to title V and inserting the fol-
14 lowing:

“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. Nuclear incident response.

“Sec. 508. Conduct of certain public health-related activities.

“Sec. 509. Use of commercially available technology, goods, and services.

“Sec. 510. Procurement of security countermeasures for strategic national
stockpile.

“Sec. 511. Model standards and guidelines for critical infrastructure workers.

“Sec. 512. Guidance and recommendations.

“Sec. 513. Voluntary private sector preparedness accreditation and certification
program.”.

15 **SEC. 110. RECOMMENDED LEGISLATION.**

16 (a) IN GENERAL.—After consultation with Congress,
17 the Administrator shall prepare recommended legislation

1 containing technical and conforming amendments to re-
2 flect the changes made by this title.

3 (b) SUBMISSION TO CONGRESS.—Not later than 90
4 days after the last day of the transition period referred
5 to in section 105(e), the Administrator shall submit to
6 Congress a report containing the recommended legislation.

7 **TITLE II—RELATED MATTERS**

8 **SEC. 201. NATIONAL ADVISORY COUNCIL.**

9 (a) ESTABLISHMENT.—The Administrator shall con-
10 tinue to maintain an advisory body to ensure effective and
11 ongoing coordination of Federal preparedness, response,
12 recovery, and mitigation for hazards, to be known as the
13 National Advisory Council.

14 (b) RESPONSIBILITIES.—The National Advisory
15 Council shall advise the Administrator on all aspects of
16 emergency management.

17 (c) MEMBERSHIP.—

18 (1) IN GENERAL.—The members of the Na-
19 tional Advisory Council shall be appointed by the
20 Administrator, and shall, to the extent practicable,
21 represent a geographic (including urban and rural)
22 and substantive cross section of officials, emergency
23 managers, and emergency response providers from
24 State, local, and tribal governments, the private sec-

1 tor, and nongovernmental organizations, including as
2 appropriate—

3 (A) members selected from the emergency
4 management field and emergency response pro-
5 viders, including fire service, law enforcement,
6 hazardous materials response, emergency med-
7 ical services, and emergency management per-
8 sonnel, or organizations representing such indi-
9 viduals;

10 (B) health scientists, emergency and inpa-
11 tient medical providers, and public health pro-
12 fessionals;

13 (C) experts from Federal, State, local, and
14 tribal governments, and the private sector, rep-
15 resenting standards-setting and accrediting or-
16 ganizations, including representatives from the
17 voluntary consensus codes and standards devel-
18 opment community, particularly those with ex-
19 pertise in the emergency preparedness and re-
20 sponse field;

21 (D) State, local, and tribal government of-
22 ficials with expertise in preparedness, response,
23 recovery, and mitigation, including Adjutants
24 General;

1 (E) elected State, local, and tribal govern-
2 ment executives;

3 (F) experts in public and private sector in-
4 frastructure protection, cybersecurity, and com-
5 munications;

6 (G) representatives of individuals with dis-
7 abilities and other populations with special
8 needs; and

9 (H) such other individuals as the Adminis-
10 trator determines to be appropriate.

11 (2) COORDINATION WITH THE DEPARTMENTS
12 OF HEALTH AND HUMAN SERVICES AND TRANSPOR-
13 TATION.—In the selection of members of the Na-
14 tional Advisory Council who are health or emergency
15 medical services professionals, the Administrator
16 shall work with the Secretary of Health and Human
17 Services and the Secretary of Transportation.

18 (3) EX OFFICIO MEMBERS.—The Administrator
19 shall designate 1 or more officers of the Federal
20 Government to serve as ex officio members of the
21 National Advisory Council.

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

1 (d) APPLICABILITY OF FEDERAL ADVISORY COM-
2 MITTEE ACT.—

3 (1) IN GENERAL.—Subject to paragraph (2),
4 the Federal Advisory Committee Act (5 U.S.C.
5 App.), including subsections (a), (b), and (d) of sec-
6 tion 10 of such Act, and section 552b(c) of title 5,
7 United States Code, shall apply to the National Ad-
8 visory Council.

9 (2) TERMINATION.—Section 14(a)(2) of the
10 Federal Advisory Committee Act (5 U.S.C. App.)
11 shall not apply to the National Advisory Council.

12 **SEC. 202. NATIONAL INTEGRATION CENTER.**

13 (a) IN GENERAL.—There is established in the Agency
14 a National Integration Center.

15 (b) RESPONSIBILITIES.—The Administrator, through
16 the National Integration Center, and in consultation with
17 other Federal departments and agencies and the National
18 Advisory Council, shall ensure ongoing management and
19 maintenance, including revisions as appropriate, of the
20 National Incident Management System, the National Re-
21 sponse Plan (including the Catastrophic Incident Annex),
22 and any successor to such system or plan.

23 (c) INCIDENT MANAGEMENT.—

24 (1) NATIONAL RESPONSE PLAN.—The Adminis-
25 trator shall ensure that the National Response Plan

1 provides for a clear chain of command to lead and
2 coordinate the Federal response to any hazard.

3 (2) PRINCIPAL FEDERAL OFFICIAL.—The posi-
4 tion of Principal Federal Official is abolished.

5 **SEC. 203. CREDENTIALING AND TYPING.**

6 (a) IN GENERAL.—The Administrator shall continue
7 to implement a memorandum of understanding with the
8 administrators of the Emergency Management Assistance
9 Compact, State, local, and tribal governments, and organi-
10 zations that represent emergency response providers to
11 collaborate on developing standards for deployment capa-
12 bilities, including for credentialing and typing of incident
13 management personnel, emergency response providers,
14 and other personnel (including temporary personnel) and
15 resources likely needed to respond to a hazard.

16 (b) DISTRIBUTION.—

17 (1) IN GENERAL.—The Administrator shall pro-
18 vide the standards developed under subsection (a),
19 including detailed written guidance, to—

20 (A) each Federal agency that has respon-
21 sibilities under the National Response Plan to
22 aid that agency with credentialing and typing
23 incident management personnel, emergency re-
24 sponse providers, and other personnel (includ-

1 ing temporary personnel) and resources likely
2 needed to respond to a hazard; and

3 (B) State, local, and tribal governments, to
4 aid such governments with credentialing and
5 typing of State, local, and tribal incident man-
6 agement personnel, emergency response pro-
7 viders, and other personnel (including tem-
8 porary personnel) and resources likely needed to
9 respond to a hazard.

10 (2) ASSISTANCE.—The Administrator shall pro-
11 vide expertise and technical assistance to aid Fed-
12 eral, State, local, and tribal government agencies
13 with credentialing and typing incident management
14 personnel, emergency response providers, and other
15 personnel (including temporary personnel) and re-
16 sources likely needed to respond to a hazard.

17 (c) CREDENTIALING AND TYPING OF PERSONNEL.—
18 Each Federal agency with responsibilities under the Na-
19 tional Response Plan shall ensure that incident manage-
20 ment personnel, emergency response providers, and other
21 personnel (including temporary personnel) and resources
22 likely needed to respond to a hazard.

23 (d) CONSULTATION ON HEALTH CARE STAND-
24 ARDS.—In developing standards for credentialing health
25 care professionals under this section, the Administrator

1 shall consult with the Secretary of Health and Human
2 Services.

3 **SEC. 204. DISABILITY COORDINATOR.**

4 (a) **IN GENERAL.**—The Administrator shall appoint
5 in the Agency a Disability Coordinator in order to ensure
6 that the needs of individuals with disabilities are being
7 properly addressed in emergency preparedness and dis-
8 aster relief. The Disability Coordinator shall report di-
9 rectly to the Administrator.

10 (b) **CONSULTATION.**—The Disability Coordinator
11 shall be appointed after consultation with organizations
12 representing individuals with disabilities, the National
13 Council on Disabilities, and the Interagency Coordinating
14 Council on Preparedness and Individuals with Disabilities
15 established under Executive Order No. 13347 (6 U.S.C.
16 312 note).

17 (c) **TRANSITIONAL PROVISION.**—The individual serv-
18 ing in the Agency as Disability Coordinator on the date
19 of enactment of this Act may continue to serve in that
20 position at the discretion of the Administrator.