

109TH CONGRESS
1ST SESSION

H. R. 3659

To reestablish the Federal Emergency Management Agency as an independent establishment in the executive branch that is responsible for the Nation's preparedness and response to disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2005

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

A BILL

To reestablish the Federal Emergency Management Agency as an independent establishment in the executive branch that is responsible for the Nation's preparedness and response to disasters, 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. FEDERAL EMERGENCY MANAGEMENT AGENCY.**

4 (a) INDEPENDENT ESTABLISHMENT.—The Federal
5 Emergency Management Agency shall be an independent

1 establishment in the executive branch that is responsible
2 for the Nation's preparedness and response to disasters.

3 (b) DIRECTOR.—

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

12 (2) BACKGROUND.—The Director shall be ap-
13 pointed from among persons who have extensive
14 background in emergency or disaster-related man-
15 agement.

16 (3) TERM OF OFFICE.—The term of office of an
17 individual appointed as the Director shall be 5 years.

18 (c) TRANSFER OF FUNCTIONS.—There shall be
19 transferred to the Director of the Federal Emergency
20 Management Agency the functions, personnel, assets, and
21 liabilities of the Department of Homeland Security relat-
22 ing to the Federal Emergency Management Agency, in-
23 cluding the functions of the Department under paragraphs
24 (3) and (8) of section 430(c) and sections 502 (other than
25 paragraph (2)) and 503(1) of the Homeland Security Act

1 of 2002 (6 U.S.C. 238(c), 312, 313), the functions relat-
2 ing to firefighter assistance grants under the Federal Fire
3 Prevention and Control Act of 1974 (15 U.S.C. 2229 et
4 seq.), and the functions relating to emergency manage-
5 ment performance grants under the National Flood Insur-
6 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert
7 T. Stafford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-
9 tions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorga-
10 nization Plan No. 3 of 1978 (5 U.S.C. App.).

11 (d) **TRANSITION PERIOD.**—The transfers under this
12 section shall be carried out as soon as practicable after
13 the date of enactment of this Act. During the transition
14 period, the Secretary of Homeland Security shall provide
15 to the Director of the Federal Emergency Management
16 Agency such assistance, including the use of personnel and
17 assets, as the Director may request in preparing for the
18 transfer.

19 **SEC. 2. CONFORMING AMENDMENT.**

20 Section 504(a) of the Homeland Security Act of 2002
21 (6 U.S.C. 314(a)) is amended by striking “, major dis-
22 aster,”.

23 **SEC. 3. REPEALS.**

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

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1 (1) Section 2(11).

2 (2) Section 503(1).

3 (3) Section 507.

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