

The Skyhawks 3–1 victory on December 4th capped an undefeated season with Fort Lewis winning 22 matches. In the Final Four Tournament, Team Captain Bryan Eisenbraun was named most valuable defensive player. John Cunliffe was named most valuable offensive player. These two young men and two other Skyhawks—Nick Clark and Cole Sweetser—were also named All-American soccer players.

The Fort Lewis Skyhawks are the pride of the entire community. These men are positive role models for the younger generation, not only for their talent and dedication to the sport, but because of their dedication to volunteering and giving back to the community. For several years, the coaches and team have been actively involved with the Durango Youth Soccer Association, leading soccer camps, coaching clinics, and hosting club soccer tournaments. The Skyhawk men have taken the time to be mentors for Durango youth and have become like family for many people.

The Skyhawks are a shining example of the values important to all Coloradans—hard work, dedication, leadership, and working with the community. To Fort Lewis College President Brad Bartels, Coach Jeremy Gunn, Assistant Coaches Darren Morgan, Andy McDermid, James Hall and all the members of the Skyhawk's 2005 men's soccer team: Adam Beach, Jonathan Boyer, Nick Clark, Bernardo Costa, John Cunliffe, Tom Donley, John Eckhoff, Bryan Eisenbraun, Fabian Ferrada, Sean Flanagan, Kyle Fredrick, Ben Gatenbein, Kieran Hall, Ryan Kerr, Nick Kirchhof, Taylor Lavoy, Ryan Parsons, Carter Rice, Casey Roberts, Paul Sanchez, Cole Sweetser, Justin Valashinas, Cliff Wilmes, and Kenny Wood—congratulations on your victory and thank you for your service to the community.

INTRODUCING THE FEDERAL
EMERGENCY MANAGEMENT
AGENCY RESTORATION ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. OBERSTAR. Mr. Speaker, today I, together with Subcommittee Ranking Democratic Member Norton, and 30 other Democratic Members of the Transportation and Infrastructure Committee (the Committee), have introduced the "Federal Emergency Management Agency Restoration Act of 2005". This bill will reestablish the Federal Emergency Management Agency (FEMA) as an independent, cabinet-level agency. It will further strengthen the agency by ensuring that the FEMA Director is chosen from among qualified candidates who have extensive experience in the areas of emergency preparedness, response, recovery, and mitigation for all hazards. This bill will begin the process of restoring FEMA to a level of competence that the American people expect and deserve.

Moving FEMA into the Department of Homeland Security (DHS) was the wrong thing to do. It trapped the agency—an agency that needs to be nimble and be able to marshal resources quickly—in a bureaucratic morass. During its time in DHS, FEMA has been par-

tially dismantled, been bled of necessary resources, been unable to fill key management positions on a permanent basis, been unable to make timely decisions to deal with emergencies, and has been forced to focus on terrorism at the expense of natural disasters. FEMA's response to the natural disaster of Hurricane Katrina was itself a disaster.

Although I am saddened by FEMA's current troubles, I am not surprised. Three years ago, during consideration of H.R. 5005, the Homeland Security Act of 2002, I offered an amendment to keep FEMA independent from the Department of Homeland Security. I, along with many other Democrats, feared that including FEMA in the new Department would undermine its effectiveness by diverting resources away from its traditional mission of preparing for and responding to natural disasters, thereby leaving the federal government unprepared to respond to a disaster like Hurricane Katrina.

Further in testimony before the Select Committee on Homeland Security in July 2002, in response to a question by Select Committee Member Congresswoman DELAURO, I set forth what I believed to be the dangers of moving FEMA to the newly-created Department.

Congressman DeLauro: Let me ask a question with regard to FEMA. You've recommended keeping FEMA as a separate agency but would coordinate with a DHS in the event of a terrorist attack. How do you think that moving FEMA into the Department of Homeland Security would affect our ability to respond to hurricanes, other natural disasters, and how do you envision the FEMA-DHS coordination being carried out?

Congressman Oberstar: FEMA started out as the civil defense agency. . . . And then moved into, as the Cold War wound down, assuming broader responsibilities as our nation's premier disasters assistance and response agency. *To move it into this new Department of Homeland Security without a clearly defined homeland security role is, in my judgment, a mistake. We have not seen a delineation of what is homeland security compared to response to floods, hurricanes, blizzards, earthquakes, tornadoes. You know, when your home is underwater up to the eaves are you going to wonder, where is FEMA? Are they on some mission looking for terrorists or are they going to be on a mission looking for your lost children and rescuing you from the rooftop of your home?* [emphasis added].

The bill I introduce today will help FEMA get back on track. By establishing FEMA as a cabinet-level independent agency in the executive branch, the bill ensures that FEMA is not trapped in a massive department in which the Director of FEMA must work through levels of bureaucracy before taking appropriate action.

In Committee hearings held in October 2005, emergency management officials from across the Nation testified that they believed FEMA needs to be moved out of DHS in order for it to function effectively. The Transportation and Infrastructure Committee plans additional hearings early next year to discuss the direction of FEMA and how to improve our preparedness and response to major disasters. I hope that Secretary Chertoff, the Secretary of the Department of Homeland Security, will respond favorably to the Committee's request to testify at one of these hearings.

Mr. Speaker, I believe that this bill will begin the process of restoring FEMA as a first-class agency able to prepare for, respond to, and recover from both natural and man-made dis-

asters. On September 6, 2005, when Congress returned from the August recess, Congresswoman NORTON, the Ranking Democratic Member of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, and I introduced H.R. 3659, a bill to move FEMA out of the Department of Homeland Security and reestablish its independence. This bill builds upon H.R. 3659 by strengthening the qualifications for the FEMA Director and establishing the position of Deputy Director, who is to serve as a liaison to the Department of Homeland Security in the event of an act of terrorism, and act for the Director when the Director is absent, unable to serve, or when the position of the Director is vacant. The bill also includes those provisions to provide for the transfer of personnel and appropriations which are necessary to establish a separate, independent agency. A section by section explanation of the bill is set forth below.

I urge Congress to consider this legislation early in the coming year.

SECTION-BY-SECTION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY RESTORATION ACT

Section 1. Short Title. This section establishes the short title for the Federal Emergency Management Agency Restoration Act.

Section 2. Federal Emergency Management Agency. This section establishes the Federal Emergency Management Agency (FEMA) as a cabinet-level independent agency in the executive branch. The section sets forth that FEMA is responsible for emergency preparedness, response, recovery, and mitigation for all hazards, including major disasters, acts of terrorism, and other emergencies. For purposes of the Act, "emergency preparedness" does not include law enforcement efforts to prevent or deter terrorism, protect critical infrastructure, and conduct intelligence activities.

The section establishes qualifications for the FEMA Director. It states that the Director of FEMA shall be appointed by the President, with the advice and consent of the Senate, from among persons who have extensive experience in emergency preparedness, response, recovery and mitigation for all hazards, including major disasters, acts of terrorism, and other emergencies. The section also prescribes a five-year term of office for the Director.

The section establishes a Deputy Director, appointed from the competitive service, and sets for the criteria for the Deputy Director. The section also sets forth the duties of the Deputy Director and authorizes the Deputy Director to serve as a liaison to the Department of Homeland Security in the event of an act of terrorism, and to act for the Director when the Director is absent, unable to serve, or when the position of the Director is vacant.

Section 3. Transfer of Functions. This section sets forth the functions and personnel to be transferred to an independent FEMA. The section also provides for the transfer of FEMA within 120 days of the date of enactment.

Section 4. Savings Provisions. This section sets forth various technical provisions to establish an independent FEMA with the authorities necessary to function as an independent agency and provides for the transfer of personnel and appropriations.