

HR 1174

FEMA Independence Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Emergency Management

Introduced: Feb 25, 2009

Current Status: Placed on the Union Calendar, Calendar No. 416.

Latest Action: Placed on the Union Calendar, Calendar No. 416. (Dec 22, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/1174>

Sponsor

Name: Rep. Oberstar, James L. [D-MN-8]

Party: Democratic • **State:** MN • **Chamber:** House

Cosponsors (29 total)

| Cosponsor | Party / State | Role | Date Joined |
|---|---------------|------|--------------|
| Del. Norton, Eleanor Holmes [D-DC-At Large] | D · DC | | Feb 25, 2009 |
| Rep. Diaz-Balart, Mario [R-FL-25] | R · FL | | Feb 25, 2009 |
| Rep. Mica, John L. [R-FL-7] | R · FL | | Feb 25, 2009 |
| Del. Bordallo, Madeleine Z. [D-GU-At Large] | D · GU | | Mar 23, 2009 |
| Rep. Boswell, Leonard L. [D-IA-3] | D · IA | | Mar 23, 2009 |
| Rep. Brown, Corrine [D-FL-3] | D · FL | | Mar 23, 2009 |
| Rep. Cao, Anh "Joseph" [R-LA-2] | R · LA | | Mar 23, 2009 |
| Rep. Carnahan, Russ [D-MO-3] | D · MO | | Mar 23, 2009 |
| Rep. Clyburn, James E. [D-SC-6] | D · SC | | Mar 23, 2009 |
| Rep. Cohen, Steve [D-TN-9] | D · TN | | Mar 23, 2009 |
| Rep. Costello, Jerry F. [D-IL-12] | D · IL | | Mar 23, 2009 |
| Rep. Dingell, John D. [D-MI-15] | D · MI | | Mar 23, 2009 |
| Rep. Filner, Bob [D-CA-51] | D · CA | | Mar 23, 2009 |
| Rep. Hastings, Alcee L. [D-FL-23] | D · FL | | Mar 23, 2009 |
| Rep. Jackson, Jesse L., Jr. [D-IL-2] | D · IL | | Mar 23, 2009 |
| Rep. Kaptur, Marcy [D-OH-9] | D · OH | | Mar 23, 2009 |
| Rep. Markey, Betsy [D-CO-4] | D · CO | | Mar 23, 2009 |
| Rep. McMahon, Michael E. [D-NY-13] | D · NY | | Mar 23, 2009 |
| Rep. Melancon, Charlie [D-LA-3] | D · LA | | Mar 23, 2009 |
| Rep. Myrick, Sue Wilkins [R-NC-9] | R · NC | | Mar 23, 2009 |
| Rep. Peterson, Collin C. [D-MN-7] | D · MN | | Mar 23, 2009 |
| Rep. Poe, Ted [R-TX-2] | R · TX | | Mar 23, 2009 |
| Rep. Rahall, Nick J., II [D-WV-3] | D · WV | | Mar 23, 2009 |
| Rep. Schauer, Mark H. [D-MI-7] | D · MI | | Mar 23, 2009 |
| Rep. Taylor, Gene [D-MS-4] | D · MS | | Mar 23, 2009 |
| Rep. Young, Don [R-AK-At Large] | R · AK | | Mar 23, 2009 |
| Rep. Capito, Shelley Moore [R-WV-2] | R · WV | | Apr 29, 2009 |
| Rep. Lipinski, Daniel [D-IL-3] | D · IL | | Apr 29, 2009 |
| Resident Commissioner Pierluisi, Pedro R. [D-PR-At Large] | D · PR | | Apr 29, 2009 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---|---------|-----------------|-------------|
| Homeland Security Committee | House | Referred to | Mar 2, 2009 |
| Homeland Security Committee | House | Referred to | Mar 2, 2009 |
| Transportation and Infrastructure Committee | House | Discharged from | Nov 5, 2009 |

Subjects & Policy Tags

Policy Area:

Emergency Management

Related Bills

| Bill | Relationship | Last Action |
|---------------------------|--------------|--|
| 111 S 412 | Related bill | Feb 11, 2009: Read twice and referred to the Committee on Homeland Security and Governmental Affairs. |

FEMA Independence Act of 2009 - **Title I: Establishment of Federal Emergency Management Agency** - (Sec. 101) Reestablishes the Federal Emergency Management Agency (FEMA) as a cabinet-level independent establishment in the executive branch. Requires FEMA to be headed by an Administrator appointed by the President, with the advice and consent of the Senate, who shall report directly to the President. Provides for a Deputy Administrator and Assistant Administrators.

Directs that there be 10 Regional Offices within FEMA, each headed by a Regional Administrator. Requires each Regional Administrator to establish a Regional Advisory Council. Provides for the establishment of Area Offices for the Pacific, the Caribbean, and Alaska.

(Sec. 103) Directs the Administrator to provide the federal leadership necessary to prepare for, respond to, recover from, and mitigate hazards and to assist the President in carrying out functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). Tasks the Administrator with carrying out FEMA's mission by leading and supporting the nation in a comprehensive emergency management system of mitigation, preparedness, response, and recovery. Requires the Administrator to: (1) prepare and implement federal plans and programs for continuity of operations, continuity of government, and continuity of plans; and (2) coordinate the implementation of an all-hazards strategy.

(Sec. 104) Requires FEMA to have an Office of Inspector General.

(Sec. 105) Transfers to the Administrator: (1) all functions of FEMA as constituted on January 1, 2009; (2) functions relating to the Stafford Act and other laws; and (3) any function to be transferred to FEMA under the Post-Katrina Emergency Management Reform Act of 2006. Sets forth other provisions regarding transfer of authorities and a transition period. Directs the Administrator to establish a liaison office within FEMA to ensure adequate coordination with the Department of Homeland Security (DHS).

(Sec. 106) Sets forth provisions regarding personnel compensation, and experts and consultants, delegation of functions, reorganization, and transfers and allocation of appropriations and personnel.

(Sec. 108) Amends the Homeland Security Act of 2002 (HSA) to maintain the existing Assistant Secretary of Homeland Security for Cybersecurity and Communications in DHS. Removes emergency management functions from the National Operations Center in DHS. Specifies that the DHS operations center shall not be provided any authority that overlaps with FEMA, except to the extent necessary to coordinate activities or information with FEMA. Specifies the homeland security role of the Chief Medical Officer of DHS. Repeals HSA provisions relating to FEMA.

(Sec. 109) Makes changes to the Urban Area Security Initiative and State Homeland Security Grant Program by removing the preparedness and response elements transferred into FEMA.

(Sec. 110) Amends HSA to: (1) provide that the role of the DHS Secretary may not be construed to interfere with the role of the Administrator of FEMA; (2) replace references to the Under Secretary for Emergency Preparedness and Response with references to the Administrator of FEMA ; (3) repeal provisions regarding the Office of Domestic Preparedness; (4) require the DHS Secretary and the Secretary of Health and Human Services (HHS) to coordinate with the FEMA Administrator on matters related to public health emergencies; and (5) add the FEMA Administrator to the membership of the National Homeland Security Advisory Council.

(Sec. 111) Amends the Post-Katrina Emergency Management Reform Act of 2006 to remove references to DHS and replace references to the DHS Secretary with references to the FEMA Administrator.

(Sec. 112) Amends the Chief Financial Officers Act to reflect the addition of a Chief Financial Officer at FEMA.

(Sec. 113) Directs the President to amend Homeland Security Presidential Directive-5, Homeland Security Presidential Directive-8, and any other similar administrative document to reflect the changes made by this Act.

(Sec. 114) Directs the Administrator to: (1) prepare recommended legislation containing additional technical and conforming amendments to reflect the changes made by this title; and (2) submit to Congress a report containing the recommended legislation.

Title II: Related Matters - (Sec. 201) Directs the FEMA Administrator to maintain a National Advisory Council to ensure effective and ongoing coordination of federal preparedness, response, recovery, and mitigation for hazards and to advise the Administrator on all aspects of emergency management.

(Sec. 202) Establishes within FEMA a National Integration Center, through which the Administrator shall ensure ongoing management and maintenance of the National Incident Management System and the National Response Plan. Directs the Administrator to ensure that the National Response Plan provides for a clear chain of command to lead and coordinate the federal response to any hazard. Abolishes the position of Principal Federal Official.

(Sec. 203) Directs the Administrator to continue to implement a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, state, local, and tribal governments, and organizations that represent emergency response providers to collaborate on developing standards for deployment capabilities, including for credentialing and typing of incident management personnel, emergency response providers, and other personnel and resources likely needed to respond to a hazard.

Directs the Administrator to provide the standards developed, including detailed written guidance, to: (1) each federal agency that has responsibilities under the National Response Plan to aid such agencies with credentialing and typing incident management personnel, emergency response providers, and other personnel and resources likely needed to respond to a hazard; and (2) state, local, and tribal governments to aid such governments with credentialing and typing of state, local, and tribal incident management personnel, emergency response providers and other personnel and resources likely needed to respond to a hazard. Directs the Administrator to provide expertise and technical assistance.

Requires each federal agency with responsibilities under the National Response Plan to ensure that incident management personnel, emergency response providers, and other personnel and resources likely needed to respond to a hazard are credentialed or typed in accordance with this section.

(Sec. 204) Directs the Administrator to appoint in FEMA a Disability Coordinator to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

(Sec. 205) Requires the Nuclear Incident Response Team, at the Administrator's discretion and in connection with an actual or threatened terrorist attack, major disaster, or other emergency in the United States, to operate as an organizational unit of FEMA.

(Sec. 206) Amends the Stafford Act to direct the Administrator to establish an urban area all hazards preparedness grant program. Makes the 100 most populous metropolitan statistical areas eligible to receive a grant. Allows the Administrator to consider additional urban areas for grants. Sets forth notification, information, and application requirements.

Directs the Administrator to allocate funds to each state in which an urban area selected to receive a grant award is located based on the population of, and the relative risk of any hazard faced by, each eligible urban area. Authorizes the Administrator to provide each area with a minimum allocation.

Requires the state, within 45 days of a state receiving a grant, to provide each urban area awarded a grant not less than 80% of the award amount for such area. Requires any funds retained by a state to be expended on items, services, or activities related to emergency preparedness that benefit such urban area for activities deemed to enhance the preparedness of an urban area for a hazard, including: (1) planning; (2) purchase and maintenance of equipment; (3) training; (4) exercises; and (5) management and administration.

Requires the Administrator to issue regulations to implement the urban area all hazards preparedness grant program. Authorizes appropriations for FY2010-FY2012.

Actions Timeline

- **Dec 22, 2010:** Committee on Homeland Security discharged.
- **Dec 22, 2010:** Placed on the Union Calendar, Calendar No. 416.
- **Dec 21, 2010:** House Committee on Homeland Security Granted an extension for further consideration ending not later than Dec. 22, 2010.
- **Dec 17, 2010:** House Committee on Homeland Security Granted an extension for further consideration ending not later than Dec. 21, 2010.
- **Dec 3, 2010:** House Committee on Homeland Security Granted an extension for further consideration ending not later than Dec. 17, 2010.
- **Sep 30, 2010:** House Committee on Homeland Security Granted an extension for further consideration ending not later than Dec. 3, 2010.
- **Apr 13, 2010:** Reported (Amended) by the Committee on Transportation. H. Rept. 111-459, Part I.
- **Apr 13, 2010:** House Committee on Homeland Security Granted an extension for further consideration ending not later than Sept. 30, 2010.
- **Nov 5, 2009:** Subcommittee on Economic Development, Public Buildings and Emergency Management Discharged.
- **Nov 5, 2009:** Committee Consideration and Mark-up Session Held.
- **Nov 5, 2009:** Ordered to be Reported (Amended) by Voice Vote.
- **Mar 2, 2009:** Referred to the Subcommittee on Management, Investigations, and Oversight.
- **Mar 2, 2009:** Referred to the Subcommittee on Emergency Communications, Preparedness, and Response.
- **Feb 26, 2009:** Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
- **Feb 25, 2009:** Introduced in House
- **Feb 25, 2009:** Sponsor introductory remarks on measure. (CR E412-413)
- **Feb 25, 2009:** Referred to House Transportation and Infrastructure
- **Feb 25, 2009:** 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.
- **Feb 25, 2009:** Referred to House Homeland Security