

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1174
OFFERED BY MR. OBERSTAR OF MINNESOTA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

4 (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 Reform 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.

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.

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

22 (6) MAJOR DISASTER.—The term “major dis-
23 aster” has the meaning given that term in section

1 102 of the Robert T. Stafford Disaster Relief and
2 Emergency Assistance Act (42 U.S.C. 5122).

3 **TITLE I—ESTABLISHMENT OF**
4 **FEDERAL EMERGENCY MAN-**
5 **AGEMENT AGENCY**

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

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

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

15 **SEC. 102. ADMINISTRATOR; DEPUTY ADMINISTRATOR; AND**
16 **OTHER OFFICIALS OF THE AGENCY.**

17 (a) ADMINISTRATOR.—

18 (1) IN GENERAL.—The Agency shall be headed
19 by an Administrator, who shall be appointed by the
20 President, by and with the advice and consent of the
21 Senate, and who shall report directly to the Presi-
22 dent.

23 (2) QUALIFICATIONS.—The Administrator shall
24 be appointed from among individuals who have ex-

1 tensive experience in emergency preparedness, re-
2 sponse, recovery, and mitigating hazards.

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

5 (A) in section 5312 by adding at the end
6 the following:

7 “Administrator of the Federal Emergency Manage-
8 ment Agency.”;

9 and

10 (B) in section 5313 by striking the fol-
11 lowing:

12 “Administrator of the Federal Emergency Manage-
13 ment Agency.”.

14 (b) DEPUTY ADMINISTRATOR.—

15 (1) IN GENERAL.—The Agency shall have one
16 Deputy Administrator, who shall be appointed by
17 the President, by and with the advice and consent
18 of the Senate. The Deputy Administrator shall carry
19 out duties and powers prescribed by the Adminis-
20 trator and act for the Administrator when the Ad-
21 ministrator is absent or unable to serve or when the
22 position of the Administrator is vacant.

23 (2) QUALIFICATIONS.—The Deputy Adminis-
24 trator shall be appointed from among individuals
25 who have extensive experience in emergency pre-

1 paredness, response, recovery, and mitigating haz-
2 ards.

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

5 (A) by striking the following:

6 “Deputy Administrators, the Federal Emergency
7 Management Agency.”;

8 and

9 (B) inserting the following:

10 “Deputy Administrator, the Federal Emergency
11 Management Agency.”.

12 (c) ASSISTANT ADMINISTRATORS.—

13 (1) IN GENERAL.—The Agency shall have one
14 or more Assistant Administrators, who shall be ap-
15 pointed by the Administrator and whose duties shall
16 be determined by the Administrator.

17 (2) QUALIFICATIONS.—Each Assistant Admin-
18 istrator shall be appointed from among individuals
19 who have a demonstrated ability in and knowledge
20 of emergency management or other field relevant to
21 their position.

22 (d) REGIONAL OFFICES.—

23 (1) IN GENERAL.—There shall be in the Agency
24 10 Regional Offices, as identified by the Adminis-
25 trator.

1 (2) REGIONAL ADMINISTRATORS.—

2 (A) IN GENERAL.—Each Regional Office
3 shall be headed by a Regional Administrator
4 who shall be appointed by the Administrator.

5 (B) QUALIFICATIONS.—

6 (i) IN GENERAL.—Each Regional Ad-
7 ministrator shall be appointed from among
8 individuals who have a demonstrated abil-
9 ity in and knowledge of emergency man-
10 agement.

11 (ii) CONSIDERATIONS.—In selecting
12 an individual to serve as a Regional Ad-
13 ministrator for a Regional Office, the Ad-
14 ministrator shall consider the familiarity of
15 the individual with the geographical area
16 and demographic characteristics of the
17 population served by the Regional Office.

18 (3) REGIONAL ADVISORY COUNCILS.—

19 (A) ESTABLISHMENT.—Each Regional Ad-
20 ministrator shall establish a Regional Advisory
21 Council.

22 (B) NOMINATIONS.—A State, local, or
23 tribal government located within the geographic
24 area served by the Regional Office may nomi-
25 nate officials, including Adjutants General and

1 emergency managers, to serve as members of
2 the Regional Advisory Council for that region.

3 (C) RESPONSIBILITIES.—Each Regional
4 Advisory Council shall—

5 (i) advise the Regional Administrator
6 on emergency management issues specific
7 to that region;

8 (ii) identify any geographic, demo-
9 graphic, or other characteristics peculiar to
10 any State, local, or tribal government with-
11 in the region that might make prepared-
12 ness, response, recovery, or mitigation
13 more complicated or difficult; and

14 (iii) advise the Regional Administrator
15 of any weaknesses or deficiencies in pre-
16 paredness, response, recovery, and mitiga-
17 tion for any State, local, and tribal govern-
18 ment within the region of which the Re-
19 gional Advisory Council is aware.

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

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

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

5 (b) STAFFORD ACT.—The Administrator shall assist
6 the President in carrying out the functions under the Rob-
7 ert T. Stafford Disaster Relief and Emergency Assistance
8 Act (42 U.S.C. 5121 et seq.) and carrying out all func-
9 tions and authorities given to the Administrator under
10 that Act.

11 (c) MISSION.—The responsibilities of Administrator
12 shall include carrying out the mission of the Agency by
13 leading and supporting the Nation in a comprehensive
14 emergency management system of—

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

18 (2) preparedness, by planning, training, con-
19 ducting exercises, and building the emergency man-
20 agement profession to prepare effectively for miti-
21 gating, responding to, and recovering from any haz-
22 ard;

23 (3) response, by conducting emergency oper-
24 ations to save lives and property through positioning
25 emergency equipment, personnel, and supplies,
26 through evacuating potential victims, through pro-

1 viding food, water, shelter, and medical care to those
2 in need, and through restoring critical public serv-
3 ices; and

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

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

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

12 (2) coordinate and provide the Federal Govern-
13 ment’s response to hazards;

14 (3) build a comprehensive national incident
15 management system with Federal, State, and local
16 government personnel, agencies, and authorities to
17 respond to hazards;

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

21 (5) administer and ensure the implementation
22 of the National Response Plan, including coordi-
23 nating and ensuring the readiness of each emergency
24 support function under the National Response Plan;
25 and

1 (6) help ensure the acquisition of operable and
2 interoperable communications capabilities by Fed-
3 eral, State, local, and tribal governments and emer-
4 gency response providers.

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

8 (1) continuity of operations;

9 (2) continuity of Government; and

10 (3) continuity of plans.

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

12 (1) coordinate the National Advisory Council
13 authorized by this Act;

14 (2) maintain and operate within the Agency the
15 National Response Coordination Center (or its suc-
16 cessor);

17 (3) develop and maintain a national emergency
18 management system that is capable of preparing for,
19 responding to, recovering from, and mitigating haz-
20 ards of all magnitudes, including catastrophic disas-
21 ters; and

22 (4) supervise grant programs administered by
23 the Agency.

24 (g) ALL-HAZARDS APPROACH.—In carrying out the
25 responsibilities under this section, the Administrator shall

1 coordinate the implementation of an all-hazards strategy
2 that builds those common capabilities necessary to prepare
3 for, respond to, recover from, and mitigate hazards.

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

5 The Agency shall have an office of the Inspector Gen-
6 eral, headed by an Inspector General, in accordance with
7 the Inspector General Act of 1978 (Public Law 95–452;
8 5 U.S.C. App.).

9 **SEC. 105. TRANSFER OF FUNCTIONS.**

10 (a) IN GENERAL.—Except as provided by subsection
11 (c), there shall be transferred to the Administrator the fol-
12 lowing:

13 (1) All functions of the Federal Emergency
14 Management Agency, as constituted on January 1,
15 2009, including continuity of operations and con-
16 tinuity of Government plans and programs.

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

21 (A) the National Flood Insurance Act of
22 1968 (42 U.S.C. 4001 et seq.);

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

1 (C) the National Dam Safety Program Act
2 (33 U.S.C. 467 et seq.);

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

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

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

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

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

17 (b) INSPECTOR GENERAL.—There shall be trans-
18 ferred to the Inspector General of the Federal Emergency
19 Management Agency all of the functions relating to the
20 Inspector General that were transferred from the Federal
21 Emergency Management Agency to the Department of
22 Homeland Security on or after January 1, 2003.

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

1 (1) The grant programs authorized by sections
2 1406, 1513, and 1532 of the Implementing Rec-
3 ommendations of the 9/11 Commission Act (6
4 U.S.C. 1135, 1163, and 1182).

5 (2) The grant program authorized by section
6 70107 of title 46, United States Code.

7 (3) Programs authorized by sections 2003 and
8 2004 of the Homeland Security Act of 2002 (6
9 U.S.C. 604 and 605), as amended by this Act.

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

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

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

16 (d) UNITED STATES FIRE ADMINISTRATOR; FED-
17 ERAL INSURANCE ADMINISTRATOR.—Nothing in this Act
18 shall be construed to affect the appointment of the United
19 States Fire Administrator under section 5(b) of the Fire
20 Prevention and Control Act of 1974 (15 U.S.C. 2204(b))
21 or the Federal Insurance Administrator under section
22 1105(a) of the Housing and Urban Development Act of
23 1968 (42 U.S.C. 4129).

24 (e) TRANSITION PERIOD.—The transfers under this
25 section shall be carried out not later than 120 days fol-

1 lowing the date of enactment of this Act. During the tran-
2 sition period, the Secretary of Homeland Security shall
3 provide to the Administrator such assistance, including
4 the use of personnel and assets, as the Administrator may
5 request in preparing for the transfer.

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

7 (1) the services of such officers, employees, and
8 other personnel of the Department of Homeland Se-
9 curity with respect to functions transferred by this
10 section; and

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

14 (g) **LIAISON OFFICE TO ENSURE COORDINATION**
15 **WITH THE DEPARTMENT OF HOMELAND SECURITY.**—

16 The Administrator shall establish a liaison office within
17 the Agency to ensure adequate coordination with the De-
18 partment of Homeland Security.

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

20 (a) **PERSONNEL PROVISIONS.**—

21 (1) **APPOINTMENTS.**—The Administrator may
22 appoint and fix the compensation of such officers
23 and employees, including investigators, attorneys,
24 and administrative law judges, as may be necessary
25 to carry out the respective functions transferred

1 under section 105. Except as otherwise provided by
2 law, such officers and employees shall be appointed
3 in accordance with the civil service laws and their
4 compensation fixed in accordance with title 5,
5 United States Code.

6 (2) EXPERTS AND CONSULTANTS.—The Admin-
7 istrator may obtain the services of experts and con-
8 sultants in accordance with section 3109 of title 5,
9 United States Code, and compensate such experts
10 and consultants for each day (including travel time)
11 during which they are engaged in the actual per-
12 formance of such services at rates not in excess of
13 the rate of pay for level IV of the Executive Sched-
14 ule under section 5315 of such title. The Adminis-
15 trator may pay experts and consultants who are
16 serving away from their homes or regular place of
17 business, travel expenses and per diem in lieu of
18 subsistence at rates authorized by sections 5702 and
19 5703 of such title for persons in Government service
20 employed intermittently.

21 (b) DELEGATION AND ASSIGNMENT.—Except where
22 otherwise expressly prohibited by law or otherwise pro-
23 vided by this title, the Administrator may delegate any
24 of the functions transferred to the Administrator by sec-
25 tion 105 and any function transferred or granted to the

1 Administrator after the date of the transfers by section
2 105 to such officers and employees of the Agency as the
3 Administrator may designate and may authorize succes-
4 sive redelegations of such functions as may be necessary
5 or appropriate. No delegation of functions by the Adminis-
6 trator under this subsection or under any other provision
7 of this title shall relieve the Administrator of responsibility
8 for the administration of such functions.

9 (c) REORGANIZATION.—The Administrator may allo-
10 cate or reallocate any function transferred under section
11 105 among the officers of the Agency, and may establish,
12 consolidate, alter, or discontinue such organizational enti-
13 ties in the Agency as may be necessary or appropriate if
14 the Administrator, on or before the 30th day preceding
15 the date of the allocation or reallocation, provides to Con-
16 gress written notice of the allocation or reallocation.

17 (d) RULES.—The Administrator may prescribe, in ac-
18 cordance with the provisions of chapters 5 and 6 of title
19 5, United States Code, such rules and regulations as the
20 Administrator determines necessary or appropriate to ad-
21 minister and manage the functions of the Agency.

22 (e) TRANSFER AND ALLOCATIONS OF APPROPRIA-
23 TIONS AND PERSONNEL.—Except as otherwise provided
24 in this title, the personnel employed in connection with,
25 and the assets, liabilities, contracts, property, records, and

1 unexpended balances of appropriations, authorizations, al-
2 locations, and other funds employed, used, held, arising
3 from, available to, or to be made available in connection
4 with the functions transferred by section 105, subject to
5 section 1531 of title 31, United States Code, shall be
6 transferred to the Agency. Unexpended funds transferred
7 pursuant to this subsection shall be used only for the pur-
8 poses for which the funds were originally authorized and
9 appropriated.

10 (f) INCIDENTAL TRANSFERS.—The Director of the
11 Office of Management and Budget, in consultation with
12 the Administrator, may make such determinations as may
13 be necessary with regard to the functions transferred by
14 section 105, and may make such additional incidental dis-
15 positions of personnel, assets, liabilities, grants, contracts,
16 property, records, and unexpended balances of appropria-
17 tions, authorizations, allocations, and other funds held,
18 used, arising from, available to, or to be made available
19 in connection with such functions, as may be necessary
20 to carry out the provisions of this title. The Director of
21 the Office of Management and Budget shall provide for
22 the termination of the affairs of all entities terminated by
23 this title and for such further measures and dispositions
24 as may be necessary to effectuate the purposes of this
25 title.

1 (g) EFFECT ON PERSONNEL.—

2 (1) IN GENERAL.—Except as otherwise pro-
3 vided by this title, the transfer pursuant to this title
4 of full-time personnel (except special Government
5 employees) and part-time personnel holding perma-
6 nent positions shall not cause any such employee to
7 be separated or reduced in grade or compensation
8 for one year after the date of transfer of such em-
9 ployee under this title.

10 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
11 as otherwise provided in this title, any person who,
12 on the day preceding the date of the transfers of
13 functions under section 105, held a position com-
14 pensated in accordance with the Executive Schedule
15 prescribed in chapter 53 of title 5, United States
16 Code, and who, without a break in service, is ap-
17 pointed in the Agency to a position having duties
18 comparable to the duties performed immediately pre-
19 ceding such appointment shall continue to be com-
20 pensated in such new position at not less than the
21 rate provided for such previous position, for the du-
22 ration of the service of such person in such new po-
23 sition.

24 **SEC. 107. SAVINGS PROVISIONS.**

25 (a) SAVINGS PROVISIONS.—

1 (1) CONTINUING EFFECT OF LEGAL DOCU-
2 MENTS.—All orders, determinations, rules, regula-
3 tions, permits, agreements, grants, contracts, certifi-
4 cates, licenses, registrations, privileges, and other
5 administrative actions—

6 (A) which have been issued, made, grant-
7 ed, or allowed to become effective by the Presi-
8 dent, any Federal agency or official thereof, or
9 by a court of competent jurisdiction, in the per-
10 formance of functions that are transferred
11 under section 105; and

12 (B) which are in effect on the date of the
13 transfers of functions under section 105, or
14 were final before such date and are to become
15 effective on or after such date, shall continue in
16 effect according to their terms until modified,
17 terminated, superseded, set aside, or revoked in
18 accordance with law by the President, the Ad-
19 ministrator, or other authorized official, a court
20 of competent jurisdiction, or by operation of
21 law.

22 (2) PROCEEDINGS NOT AFFECTED.—The provi-
23 sions of this title shall not affect any proceedings,
24 including notices of proposed rulemaking, or any ap-
25 plication for any license, permit, certificate, or finan-

1 cial assistance pending before the Agency on the
2 date of the transfers of functions under section 105,
3 with respect to functions transferred by section 105
4 but such proceedings and applications shall continue.
5 Orders shall be issued in such proceedings, appeals
6 shall be taken therefrom, and payments shall be
7 made pursuant to such orders, as if this title had
8 not been enacted, and orders issued in any such pro-
9 ceedings shall continue in effect until modified, ter-
10 minated, superseded, or revoked by a duly author-
11 ized official, by a court of competent jurisdiction, or
12 by operation of law. Nothing in this paragraph shall
13 be deemed to prohibit the discontinuance or modi-
14 fication of any such proceeding under the same
15 terms and conditions and to the same extent that
16 such proceeding could have been discontinued or
17 modified if this title had not been enacted.

18 (3) SUITS NOT AFFECTED.—The provisions of
19 this title shall not affect suits commenced before the
20 date of the transfers of functions under section 105,
21 and in all such suits, proceedings shall be had, ap-
22 peals taken, and judgments rendered in the same
23 manner and with the same effect as if this title had
24 not been enacted.

1 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
2 tion, or other proceeding commenced by or against
3 the Agency, or by or against any individual in the
4 official capacity of such individual as an officer of
5 the Agency, shall abate by reason of the enactment
6 of this title.

7 (5) ADMINISTRATIVE ACTIONS RELATING TO
8 PROMULGATION OF REGULATIONS.—Any administra-
9 tive action relating to the preparation or promulga-
10 tion of a regulation by the Agency relating to a
11 function transferred under section 105 may be con-
12 tinued by the Agency with the same effect as if this
13 title had not been enacted.

14 (b) REFERENCES.—Any reference in any other Fed-
15 eral law, Executive order, rule, regulation, or delegation
16 of authority, or any document of or pertaining to a depart-
17 ment, agency, or office from which a function is trans-
18 ferred by section 105—

19 (1) to the head of such department, agency, or
20 office is deemed to refer to the head of the depart-
21 ment, agency, or office to which such function is
22 transferred; or

23 (2) to such department, agency, or office is
24 deemed to refer to the department, agency, or office
25 to which such function is transferred.

1 **SEC. 108. OFFICES AND FUNCTIONS OF DEPARTMENT OF**
2 **HOMELAND SECURITY.**

3 (a) EVACUATION PLANS AND EXERCISES.—Section
4 512(c) of the Homeland Security Act of 2002 (6 U.S.C.
5 321a(c)) is amended by striking “Administrator” each
6 place it appears and inserting “Secretary”.

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

11 **“SEC. 514. ASSISTANT SECRETARY FOR CYBERSECURITY**
12 **AND COMMUNICATIONS.**

13 “There is in the Department an Assistant Secretary
14 for Cybersecurity and Communications.

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

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

21 “(b) ESTABLISHMENT.—The National Operations
22 Center is the principal operations center for the Depart-
23 ment and shall—

24 “(1) provide situational awareness and a com-
25 mon operating picture for the entire Federal Govern-

1 ment, and for State, local, and tribal governments as
2 appropriate, for homeland security purposes; and

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

5 “(c) FEMA AUTHORITY.—Nothing in this section
6 shall be construed to provide to the National Operations
7 Center any authority that overlaps with the authority of
8 the Administrator of the Federal Emergency Management
9 Agency, except to the extent necessary to coordinate the
10 activities or information of the National Operations Cen-
11 ter with the Federal Emergency Management Agency.”.

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

14 (1) in subsection (c)—

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

19 (B) in paragraph (4) by inserting “the
20 Federal Emergency Management Agency,”
21 after “the Department of Veterans Affairs,”;
22 and

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

24 “(d) FEMA AUTHORITY.—Nothing in this section
25 shall be construed to provide to the Chief Medical Officer

1 any authority that overlaps with the authority of the Ad-
2 ministrator of the Federal Emergency Management Agen-
3 cy, except to the extent necessary to coordinate activities
4 or information with the Federal Emergency Management
5 Agency.”.

6 (d) REPEALS.—

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

9 (A) Section 501.

10 (B) Section 503.

11 (C) Section 504.

12 (D) Section 505.

13 (E) Section 506.

14 (F) Section 507.

15 (G) Section 508.

16 (H) Section 509.

17 (I) Section 510.

18 (J) Section 513.

19 (K) Section 517.

20 (L) Section 519.

21 (e) REDESIGNATIONS.—Sections 502, 511, 512, 514,
22 515, 516, 518, 520, 521, 522, 523, and 524 of such Act
23 of 2002 (6 U.S.C. 312, 321, 321a, 321c, 321d, 321e,
24 321f, 321g, 321i, 321j, 321k, 321l, and 321m) are reded-
25 igned as sections 501 through 512, respectively.

1 (f) TABLE OF CONTENTS.—The table of contents
2 contained in section 1(b) of such Act is amended by strik-
3 ing the items relating to title V and inserting the fol-
4 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. 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 stockpile.
- “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.”.

5 **SEC. 109. HOMELAND SECURITY GRANTS.**

6 (a) URBAN AREA SECURITY INITIATIVE.—Section
7 2003(a) of the Homeland Security Act of 2002 (6 U.S.C.
8 604(a)) is amended striking “preventing, preparing for,
9 protecting against, and responding to” and inserting “pre-
10 venting and protecting against”.

11 (b) STATE HOMELAND SECURITY GRANT PRO-
12 GRAM.—Section 2004 of such Act (6 U.S.C. 605) is
13 amended—

14 (1) in subsection (a) by striking “preventing,
15 preparing for, protecting against, and responding
16 to” and inserting “preventing and protecting
17 against”;

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

4 (3) in subsection (d)(1) by striking “to prevent,
5 prepare for, protect against, and respond to” and in-
6 serting “to prevent and protect against”.

7 (c) GRANTS TO DIRECTLY ELIGIBLE TRIBES.—Sec-
8 tion 2005(h) of such Act (6 U.S.C. 606(h)) is amended
9 by striking “preventing, preparing for, protecting against,
10 and responding to” and inserting “preventing and pro-
11 tecting against”.

12 (d) TERRORISM PREVENTION.—Section
13 2006(b)(4)(A) of such Act (6 U.S.C. 607(b)(4)(A)) is
14 amended by striking “preventing, preparing for, pro-
15 tecting against, and responding to natural disasters, acts
16 of terrorism, and other man-made disasters within the
17 United States” and inserting “preventing and protecting
18 against acts of terrorism within the United States”.

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

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

23 (2) in paragraphs (1)(J)(i) and (2) by striking
24 “to prevent, prepare for, protect against, and re-

1 spond to” and inserting “to prevent and protect
2 against”.

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

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph (1)
7 by striking “preventing, preparing for, pro-
8 tecting against, and responding to” and insert-
9 ing “preventing and protecting against”; and

10 (B) in paragraph (12) by inserting before
11 the semicolon at the end the following: “, except
12 to the extent that such activities are incon-
13 sistent with the FEMA Independence Act of
14 2009 (including the amendments made by that
15 Act)”; and

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

20 (g) ADMINISTRATION AND COORDINATION.—Section
21 2021 of such Act (6 U.S.C. 611) is amended—

22 (1) by striking subsection (a) and inserting the
23 following:

24 “(a) REGIONAL COORDINATION.—The Secretary
25 shall ensure that—

1 “(1) all recipients of grants administered by the
2 Department to prevent and protect against acts of
3 terrorism coordinate, as appropriate, their preven-
4 tion and protection efforts with neighboring State,
5 local, and tribal governments; and

6 “(2) all high-risk urban areas and other recipi-
7 ents of grants administered by the Department to
8 prevent and protect against acts of terrorism that
9 include or substantially affect parts or all of more
10 than 1 State coordinate, as appropriate, across State
11 boundaries, including, where appropriate, through
12 the use of regional working groups and requirements
13 for regional plans.”; and

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

16 (h) ACCOUNTABILITY.—

17 (1) AUDITS OF GRANT PROGRAMS.—Section
18 2022(a) of such Act (6 U.S.C. 612(a)) is amended—

19 (A) in paragraph (2)—

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

22 “(A) IN GENERAL.—Not less than once
23 every 2 years, the Secretary shall conduct, for
24 each State and high-risk urban area receiving a
25 grant administered by the Department, a pro-

1 grammatic and financial review of all grants
2 awarded by the Department to prevent or pro-
3 tect against acts of terrorism.”; and

4 (ii) in subparagraph (B) by striking
5 “to prevent, prepare for, protect against,
6 and respond to natural disasters, acts of
7 terrorism, and other man-made disasters”
8 and inserting “to prevent and protect
9 against acts of terrorism”; and

10 (2) in paragraph (3)—

11 (A) by striking subparagraph (A) and in-
12 serting the following:

13 “(A) IN GENERAL.—In order to ensure the
14 effective and appropriate use of grants adminis-
15 tered by the Department, the Inspector General
16 of the Department each year shall conduct au-
17 dits of a sample of States and high-risk urban
18 areas that receive grants administered by the
19 Department to prevent or protect against acts
20 of terrorism.”; and

21 (B) in subparagraph (D)(ii)(IV) by strik-
22 ing “to prevent, prepare for, protect against,
23 and respond to natural disasters, acts of ter-
24 rorism and other man-made disasters” and in-

1 serting “to prevent and protect against acts of
2 terrorism”.

3 (3) ADMINISTRATION OF GRANTS.—Section
4 2022 of such Act (6 U.S.C. 612) is amended by add-
5 ing at the end the following:

6 “(e) ADMINISTRATION OF GRANTS.—The Secretary
7 may request the Administrator to continue to support the
8 administration of any grant authorized by this title.”.

9 (i) REFERENCES TO ADMINISTRATOR.—Title XX of
10 the Homeland Security Act (6 U.S.C. 601 et seq.) is
11 amended—

12 (1) in section 2002(a) by striking “, through
13 the Administrator,”;

14 (2) in section 2021(c)(1) by striking “(acting
15 through the Administrator)”;

16 (3) in the subparagraph heading for section
17 2022(a)(3)(F) by striking “ADMINISTRATOR” and
18 inserting “SECRETARY”;

19 (4) in the subsection heading for section
20 2022(e) by striking “BY THE ADMINISTRATOR” ; and

21 (5) by striking “Administrator” each place it
22 appears and inserting “Secretary”, except in—

23 (A) section 2001(1);

24 (B) section 2006(b)(4)(F);

25 (C) section 2006(b)(5);

1 (D) section 2022(b)(2); and

2 (E) section 2022(c)(1).

3 **SEC. 110. ADDITIONAL CONFORMING AMENDMENTS TO**
4 **HOMELAND SECURITY ACT OF 2002.**

5 (a) MISSION.—Section 101(b)(1) of the Homeland
6 Security Act of 2002 (6 U.S.C. 111(b)(1)) is amended—

7 (1) by striking subparagraph (C);

8 (2) by redesignating subparagraphs (D)
9 through (H) as subparagraphs (C) through (G), re-
10 spectively; and

11 (3) in subparagraph (C) (as so redesignated) by
12 striking “, including” and all that follows before the
13 semicolon at the end.

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

16 (1) by adding at the end of subsection (c) the
17 following:

18 “Nothing in this subsection may be construed to interfere
19 with the role of the Administrator of the Federal Emer-
20 gency Management Agency.”; and

21 (2) in subsection (f)—

22 (A) in paragraph (4)—

23 (i) by inserting “and” at the end of
24 subparagraph (A);

1 (ii) by striking “and” at the end of
2 subparagraph (B); and
3 (iii) by striking subparagraph (C);
4 (B) by striking paragraph (8); and
5 (C) by redesignating paragraphs (9), (10),
6 and (11) as paragraphs (8), (9), and (10), re-
7 spectively.

8 (c) OTHER OFFICERS.—Section 103(a) of such Act
9 (6 U.S.C. 113(a)) is amended—

10 (1) by striking paragraph (4); and

11 (2) by redesignating paragraphs (5) through
12 (10) as paragraphs (4) through (9), respectively.

13 (d) AUTHORITY TO ISSUE WARNINGS.—Section
14 214(g) of such Act (6 U.S.C. 133) is amended by adding
15 at the end the following:

16 “Nothing in this subsection may be construed to limit or
17 otherwise affect the authority of the President or the Ad-
18 ministrator of the Federal Emergency Management Agen-
19 cy under section 202 of the Robert T. Stafford Disaster
20 Relief and Emergency Assistance Act (42 U.S.C.
21 5132(g)).”.

22 (e) ENHANCEMENT OF NON-FEDERAL CYBERSECURITY.—Section 223 of such Act (6 U.S.C. 143) is amend-
23 ed by striking “Under Secretary for Emergency Prepared-
24 ness and Response” each place it appears and inserting
25

1 “Administrator of the Federal Emergency Management
2 Agency”.

3 (f) COORDINATION WITH FEDERAL EMERGENCY
4 MANAGEMENT AGENCY.—Title II of such Act (6 U.S.C.
5 121 et seq.) is amended by adding at the end the fol-
6 lowing:

7 **“Subtitle E—Consultation With**
8 **Federal Emergency Manage-**
9 **ment Agency**

10 **“SEC. 241. DUTY TO CONSULT.**

11 “In carrying out this title, the Secretary shall consult,
12 as appropriate, with the Administrator of the Federal
13 Emergency Management Agency.

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

15 “Nothing in this title may be construed to limit or
16 otherwise affect the authority of the Administrator of the
17 Federal Emergency Management Agency.”.

18 (g) OFFICE FOR DOMESTIC PREPAREDNESS.—Sec-
19 tion 430 of such Act (6 U.S.C. 238), and the item relating
20 to that section in the table of contents contained in section
21 1(b) of such Act, are repealed.

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

1 (1) in subsection (a)(3)(A) by inserting “the
2 Administrator of the Federal Emergency Manage-
3 ment Agency,” after “the Secretary of Agriculture,”;

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

6 (3) in subsection (c)(2)(G) by striking “and
7 preparing for emergency response to threats to na-
8 tional homeland security”.

9 (i) COORDINATION WITH DEPARTMENT OF HEALTH
10 AND HUMAN SERVICES UNDER PUBLIC HEALTH SERVICE
11 ACT.—Section 887 of such Act (6 U.S.C. 467) is amend-
12 ed—

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

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

19 (j) MEMBERSHIP OF NATIONAL HOMELAND SECUR-
20 ITY COUNCIL.—Section 903(a) of such Act (6 U.S.C.
21 493(a)) is amended—

22 (1) by redesignating paragraph (6) as para-
23 graph (7); and

24 (2) by inserting after paragraph (5) the fol-
25 lowing:

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

3 **SEC. 111. CONFORMING AMENDMENTS TO POST-KATRINA**
4 **EMERGENCY MANAGEMENT REFORM ACT OF**
5 **2006.**

6 (a) SURGE CAPACITY FORCE.—Section 624 of the
7 Post-Katrina Emergency Management Reform Act of
8 2006 (6 U.S.C. 711) is amended—

9 (1) in subsection (b)—

10 (A) by striking “Secretary” and inserting
11 “Administrator”; and

12 (B) by striking “of the Department”; and

13 (2) in subsections (c)(1) and (c)(2) by striking
14 “section 510 of the Homeland Security Act of 2002,
15 as amended by this Act,” and inserting “section 203
16 of the FEMA Independence Act of 2009”.

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

21 (c) DEFINITIONS.—Section 641 of such Act (6
22 U.S.C. 741) is amended in paragraphs (2) and (14) by
23 striking “section 501 of the Homeland Security Act of
24 2002 (6 U.S.C. 311)” and inserting “section 203 of the
25 FEMA Independence Act of 2009”.

1 (d) FEDERAL RESPONSE CAPABILITY INVENTORY.—
2 Section 651 of such Act (6 U.S.C. 751) is amended in
3 paragraphs (2) and (3) of subsection (b) by striking “sec-
4 tion 510 of the Homeland Security Act of 2002 (6 U.S.C.
5 320)” and inserting “section 203 of the FEMA Independ-
6 ence Act of 2009”.

7 (e) FEDERAL PREPAREDNESS.—Section 653(a)(2) of
8 such Act (6 U.S.C. 753(a)(2)) is amended by striking
9 “section 510 of the Homeland Security Act of 2002 (6
10 U.S.C. 320)” and inserting “section 203 of the FEMA
11 Independence Act of 2009”.

12 (f) NATIONAL DISASTER RECOVERY STRATEGY.—
13 Section 682(a) of such Act (6 U.S.C. 771(a)) is amended
14 by inserting “the Secretary,” after “the Department of
15 the Interior,”.

16 (g) INDIVIDUALS WITH DISABILITIES.—Section
17 689(a) of such Act (6 U.S.C. 773(a)) is amended by strik-
18 ing “section 513 of the Homeland Security Act of 2002,
19 as added by this Act” and inserting “section 204 of the
20 FEMA Independence Act of 2009”.

21 (h) LIMITATIONS ON TIERING OF SUBCONTRAC-
22 TORS.—Section 692 of such Act (6 U.S.C. 792)—

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

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

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

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

8 (2) in subsection (c) by striking “Department”
9 and inserting “Agency”.

10 **SEC. 112. CONFORMING AND TECHNICAL AMENDMENTS TO**
11 **OTHER LAWS.**

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. 113. CHANGES TO ADMINISTRATIVE DOCUMENTS.**

12 Not later than 120 days after the date of enactment
13 of this Act, the President shall amend Homeland Security
14 Presidential Directive–5, Homeland Security Presidential
15 Directive–8, and any other similar administrative docu-
16 ment to reflect the changes made by this Act (including
17 the amendments made by this Act).

18 **SEC. 114. RECOMMENDED LEGISLATION.**

19 (a) IN GENERAL.—After consultation with Congress,
20 the Administrator shall prepare recommended legislation
21 containing additional technical and conforming amend-
22 ments to reflect the changes made by this title.

23 (b) SUBMISSION TO CONGRESS.—Not later than 90
24 days after the last day of the transition period referred

1 to in section 105(e), the Administrator shall submit to
2 Congress a report containing the recommended legislation.

3 **TITLE II—RELATED MATTERS**

4 **SEC. 201. NATIONAL ADVISORY COUNCIL.**

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

10 (b) RESPONSIBILITIES.—The National Advisory
11 Council shall advise the Administrator on all aspects of
12 emergency management.

13 (c) MEMBERSHIP.—

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

23 (A) members selected from the emergency
24 management field and emergency response pro-
25 viders, including fire service, law enforcement,

1 hazardous materials response, emergency med-
2 ical services, and emergency management per-
3 sonnel, or organizations representing such indi-
4 viduals;

5 (B) health scientists, emergency and inpa-
6 tient medical providers, and public health pro-
7 fessionals;

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

16 (D) State, local, and tribal government of-
17 ficials with expertise in preparedness, response,
18 recovery, and mitigation, including Adjutants
19 General;

20 (E) elected State, local, and tribal govern-
21 ment executives;

22 (F) experts in public and private sector in-
23 frastructure protection, cybersecurity, and com-
24 munications;

1 (G) representatives of individuals with dis-
2 abilities and other populations with special
3 needs; and

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

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

13 (3) EX OFFICIO MEMBERS.—The Administrator
14 shall designate 1 or more officers of the Federal
15 Government to serve as ex officio members of the
16 National Advisory Council.

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

20 (d) APPLICABILITY OF FEDERAL ADVISORY COM-
21 MITTEE ACT.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 the Federal Advisory Committee Act (5 U.S.C.
24 App.), including subsections (a), (b), and (d) of sec-
25 tion 10 of such Act, and section 552b(c) of title 5,

1 United States Code, shall apply to the National Ad-
2 visory Council.

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

6 **SEC. 202. NATIONAL INTEGRATION CENTER.**

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

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

17 (c) INCIDENT MANAGEMENT.—

18 (1) NATIONAL RESPONSE PLAN.—The Adminis-
19 trator shall ensure that the National Response Plan
20 provides for a clear chain of command to lead and
21 coordinate the Federal response to any hazard.

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

1 **SEC. 203. CREDENTIALING AND TYPING.**

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

12 (b) DISTRIBUTION.—

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

16 (A) each Federal agency that has respon-
17 sibilities under the National Response Plan to
18 aid that agency with credentialing and typing
19 incident management personnel, emergency re-
20 sponse providers, and other personnel (includ-
21 ing temporary personnel) and resources likely
22 needed to respond to a hazard; and

23 (B) State, local, and tribal governments, to
24 aid such governments with credentialing and
25 typing of State, local, and tribal incident man-
26 agement personnel, emergency response pro-

1 viders, and other personnel (including tem-
2 porary personnel) and resources likely needed to
3 respond to a hazard.

4 (2) ASSISTANCE.—The Administrator shall pro-
5 vide expertise and technical assistance to aid Fed-
6 eral, State, local, and tribal government agencies
7 with credentialing and typing incident management
8 personnel, emergency response providers, and other
9 personnel (including temporary personnel) and re-
10 sources likely needed to respond to a hazard.

11 (c) CREDENTIALING AND TYPING OF PERSONNEL.—
12 Each Federal agency with responsibilities under the Na-
13 tional Response Plan shall ensure that incident manage-
14 ment personnel, emergency response providers, and other
15 personnel (including temporary personnel) and resources
16 likely needed to respond to a hazard.

17 (d) CONSULTATION ON HEALTH CARE STAND-
18 ARDS.—In developing standards for credentialing health
19 care professionals under this section, the Administrator
20 shall consult with the Secretary of Health and Human
21 Services.

22 (e) DEFINITION.—For purposes of this section, the
23 term “credentialing” means to provide documentation that
24 identifies personnel and authenticates and verifies the
25 qualifications of such personnel by ensuring that such per-

1 sonnel possess a minimum common level of training, expe-
2 rience, physical and medical fitness, and capability appro-
3 priate for a particular position in accordance with stand-
4 ards created under this section.

5 **SEC. 204. DISABILITY COORDINATOR.**

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

12 (b) CONSULTATION.—The Disability Coordinator
13 shall be appointed after consultation with organizations
14 representing individuals with disabilities, the National
15 Council on Disabilities, and the Interagency Coordinating
16 Council on Preparedness and Individuals with Disabilities
17 established under Executive Order No. 13347 (6 U.S.C.
18 312 note).

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

23 **SEC. 205. NUCLEAR INCIDENT RESPONSE.**

24 (a) IN GENERAL.—At the direction of the Adminis-
25 trator (in connection with an actual or threatened terrorist

1 attack, major disaster, or other emergency in the United
2 States), the Nuclear Incident Response Team shall oper-
3 ate as an organizational unit of the Agency. While so oper-
4 ating, the Nuclear Incident Response Team shall be sub-
5 ject to the direction, authority, and control of the Adminis-
6 trator.

7 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall be construed to limit the ordinary responsibility
9 of the Secretary of Energy or the Administrator of the
10 Environmental Protection Agency for organizing, training,
11 equipping, or utilizing their respective entities in the Nu-
12 clear Incident Response Team, or (subject to the provi-
13 sions of this section) from exercising direction, authority,
14 or control over them when they are not operating as a
15 unit of the Agency.

16 **SEC. 206. URBAN AREA ALL HAZARDS PREPAREDNESS**
17 **GRANT PROGRAM.**

18 Subtitle A of title VI of the Robert T. Stafford Dis-
19 aster Relief and Emergency Assistance Act (42 U.S.C.
20 5196 et seq.) is amended by adding at the end the fol-
21 lowing:

1 **“SEC. 617. URBAN AREA ALL HAZARDS PREPAREDNESS**
2 **GRANT PROGRAM.**

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

6 “(b) ELIGIBILITY.—The 100 most populous metro-
7 politan statistical areas, as defined by the Office of Man-
8 agement and Budget, shall be eligible to receive a grant
9 award under this section. The Administrator may consider
10 additional urban areas for a grant award based on criteria
11 established by the Administrator.

12 “(c) NOTIFICATION AND INFORMATION.—Not later
13 than 30 days before the Administrator accepts applica-
14 tions for the urban area all hazards preparedness grant
15 program, the Administrator shall notify the chief elected
16 official of each urban area and the Governor of the State
17 in which such urban area is located if the urban area is
18 eligible for a grant under this section and provide informa-
19 tion regarding the application procedures and grant award
20 criteria. Such notification and information shall also be
21 published in the Federal Register not later than 15 days
22 before the Administrator accepts applications for the
23 grant program.

24 “(d) APPLICATION.—An urban area eligible under
25 subsection (b) may apply to the Administrator for a grant

1 award under this section. Such application shall dem-
2 onstrate, to the satisfaction of the Administrator, that—

3 “(1) the urban area will use funds awarded
4 under this section to develop or implement activities
5 that support the emergency management goals of
6 the State in which an urban area is located; and

7 “(2) the State has reviewed the application.

8 “(e) ALLOCATION OF FUNDS.—

9 “(1) IN GENERAL.—The Administrator shall al-
10 locate funds to each State in which an urban area
11 selected to receive a grant award under this section
12 is located based on—

13 “(A) the population of each eligible urban
14 area;

15 “(B) the relative level of risk of any haz-
16 ard faced by each eligible urban area; and

17 “(C) other factors as determined appro-
18 priate by the Administrator.

19 “(2) MINIMUM ALLOCATION.—In determining
20 the allocation amount under paragraph (1), the Ad-
21 ministrator may provide each eligible urban area
22 with a minimum allocation.

23 “(3) STATE DISTRIBUTION OF FUNDS.—

24 “(A) IN GENERAL.—Not later than 45
25 days after the date on which a State receives a

1 grant award under this section, the State shall
2 provide each urban area awarded a grant not
3 less than 80 percent of the award amount for
4 such area. Any funds retained by a State shall
5 be expended on items, services, or activities re-
6 lated to emergency preparedness that benefit
7 such urban area for activities described in sub-
8 section (e).

9 “(B) FUNDS RETAINED.—A State shall
10 provide each urban area awarded such a grant
11 with an accounting of the items, services, or ac-
12 tivities on which any funds retained by the
13 State under subparagraph (A) were expended.

14 “(4) INTERSTATE URBAN AREAS.— If an urban
15 area selected to receive a grant award under this
16 section is located in 2 or more States, the Adminis-
17 trator shall distribute to each such State a portion
18 of the grant funds that the Administrator deter-
19 mines to be appropriate.

20 “(f) USES OF FUNDS.—An urban area that receives
21 a grant award under this section may use funds only for
22 activities determined by the Administrator to enhance the
23 preparedness of an urban area for a hazard, and shall in-
24 clude—

25 “(1) planning;

1 “(2) purchase and maintenance of equipment;

2 “(3) training;

3 “(4) exercises; and

4 “(5) management and administration.

5 “(g) REGULATIONS.—Not later than 180 days after
6 the date of enactment of this Act, the Administrator shall
7 issue regulations to implement the urban area all hazards
8 preparedness grant program under this section.

9 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section—

11 “(1) \$525,000,000 for fiscal year 2010;

12 “(2) \$575,000,000 for fiscal year 2011; and

13 “(3) \$650,000,000 for fiscal year 2012.”.

