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**Sen. Inhofe's FEMA Legislation**  
***Section-by-Section (S.412)***  
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**S.412 FEDERAL EMERGENCY MANAGEMENT ADVANCEMENT ACT**

**TITLE I—FEDERAL EMERGENCY MANAGEMENT AGENCY**

**SEC. 101. DEFINITIONS.**

This section defines the following terms: catastrophic incident, Director, Federal coordinating officer, interoperable, National Advisory Council, National Incident Management System, National Response Plan, and Nuclear Incident Response Team.

**SEC. 102. ESTABLISHMENT OF AGENCY AND DIRECTOR AND DEPUTY DIRECTOR**

This section establishes FEMA as an independent agency. It also establishes and defines the duties and role of the director of the agency.

**SEC. 103. MISSION.**

This section defines the mission of FEMA and details its specific activities which are to reduce loss of life and property and protect the Nation from all hazards, including natural disasters and acts of terrorism. To support the mission, the Director is responsible for the following: lead efforts to prepare for, protect against, respond to, recover from, and mitigate against natural disasters, acts of terrorism and other man-made disasters; partner with the State, local, and tribal governments and emergency response providers; develop a Federal response capability that can effectively and rapidly deliver assistance; integrate FEMA's responsibilities; develop and maintain Regional Offices to work with State, local, and tribal governments; coordinate with all other necessary agencies; provide funding and training assistance; develop and coordinate implementation of a risk-based, all-hazards strategy for preparedness.

## **SEC. 104. AUTHORITY AND RESPONSIBILITIES.**

This section lays out the authority and responsibilities of the Director of FEMA which include: help ensure the effectiveness of emergency response providers; establish standards, funds, and joint exercises in regard to the Nuclear Incident Response Team; manage, direct an coordinate the Federal Government's response to terrorist attacks and major disasters; aid in recovery from terrorist attacks; build a comprehensive national incident management system; establish a single, coordinated national response plan; acquisition of operable and interoperable communications; assist the President in carrying out Stafford Act functions; carry out mission of FEMA through mitigation, preparedness, response, recovery, and efficiency; supervise grant programs; administer the implementation of the National Response Plan; coordinate with the National Advisory Council; prepare and implement plans for continuing Federal Government functions; minimize overlapping planning between Federal Government and the States; maintain and operate the National Response Coordination Center; develop a national emergency management system; assist President in carrying out functions of national preparedness; carry out all FEMA authorities; carry out FEMA mission.

Additionally, the Director has the authority to coordinate the implementation of a risk-based, all hazards strategy for the types of incidents that pose the greatest risk to the Nation. Also, if there is a conflict between any authority of the Director and the authority of another Federal officer, the Director shall request the President to make determinations in that case.

## **SEC. 105. REGIONAL OFFICES.**

There are 10 Regional FEMA offices identified by the Director. Each office is headed by a Regional Administrator appointed by the Director in consultation with the State, local, and tribal governments in the region. Each Regional Administrator shall have knowledge of emergency management and should be familiar with the geographic area. Regional Administrators shall work in partnership with the State and all relevant managers, providers and organizations. Each Regional Administrators responsibilities include: ensure effective, coordinated, and integrated regional preparedness; assist in incorporating the region in a national catastrophic response system; coordinate establishment of regional communication capabilities; staff and oversee regional strike teams; designate an individual responsible for development of plans in support of National Response Plan; foster mutual aid and cooperative agreements; identify gaps in regional capabilities; maintain and operate a Regional Response Coordination Center; performing any duties required by Director.

Each Regional Administrator is required to undergo specific training and exercises periodically regarding the National Incident Management System, the National Response Plan, and any subject determined by the Director.

Area Offices shall be established by the Director as components of the Regional Offices.

Each Regional Administrator shall establish a Regional Advisory Council. State, local and tribal governments may nominate officials to serve on the Council. The Council's responsibilities include: advise Regional Administrator on emergency management issues; identify any unique regional characteristics that might make preparedness difficult; advise the Regional Administrator on weaknesses and deficiencies in preparedness.

Each Regional Administrator shall oversee multi-agency strike teams according to the Stafford Act. The strike team will consist of a Federal coordinating officer, incident management personnel, public affairs, response and recovery and communications support personnel, a defense coordinating officer, liaisons to other Federal agencies, and individuals from the agencies with primary responsibility for emergency support functions in the National Response Plan. These individuals will still be responsible for their duties with the agency that employs them and they should be located within the appropriate region. Each Regional strike team shall coordinate training and exercises and shall be trained as a unit on a regular basis. If additional authority is needed for preparedness and deployment of the strike teams, the Director shall report to Congress.

#### **SEC. 106. NATIONAL RESPONSE PLAN.**

The Director shall ensure the ongoing management and maintenance of the National Incident Management System and the National Response Plan in consultation with other Federal agencies and periodically report to Congress to ensure effectiveness. The Director shall coordinate with the Secretary of Homeland Security to ensure that the National Response Plan has a clear chain of command which will entail providing a role for the Director and the Federal Coordinating Officer. The Principal Federal Official shall not direct or replace incident command structure or have directive authority over the Senior Federal Law Enforcement, Federal Coordinating Officer, or other Federal and State officials.

#### **SEC. 107. CREDENTIALING AND TYPING.**

The Director shall enter into a memorandum of understanding with administrators from the States for collaboration on development standards and credentialing of personnel.

#### **SEC. 108. FEDERAL AND STATE COOPERATION FOR DISASTER INCIDENT PERIODS.**

The Director shall defer to the State's weather reports and documentation when determining an incident period for a major disaster.

#### **SEC. 109. NATIONAL OPERATIONS CENTER.**

The National Operations Center is the principal operations center for FEMA and shall provide situation awareness and information in the event of a disaster to government decision makers. Situation awareness is defined as information gathered and communicated to the appropriate decision makers.

#### **SEC. 110. GRANT PROGRAMS.**

This section provides for technical corrections to Title XX of the Homeland Security Act of 2002 to reflect the fact that this legislation makes FEMA an independent agency no longer under the Department of Homeland Security by inserting the term Director in place of Secretary and Administrator and by striking the word Department and inserting Federal Emergency Management Agency in all the appropriate places. There is one place where the Director of the Federal Emergency Management Agency replaces Director for Emergency Communications.

**SEC. 111. MODEL STANDARDS AND GUIDELINES; GUIDANCE AND RECOMMENDATIONS; VOLUNTARY PRIVATE SECTOR PREPAREDNESS.**

This section provides for technical corrections to Title V of the Homeland Security Act of 2002 by inserting the term Director of the Federal Emergency Management Agency in place of Secretary and Administrator.

**SEC. 112. TECHNICAL AND CONFORMING AMENDMENTS.**

This section provides for necessary technical corrections to Title V of the Homeland Security Act of 2002 by defining tribal government and inserting the term Director in place of Administrator and striking Department and inserting Federal Emergency Management Agency. It also inserts “in consultation with the Secretary” to one subsection, strikes the term Administrator and inserts Secretary and strikes Agency and inserts Department to reflect the movement of FEMA from under Homeland Security to an independent agency. The table of contents is also amended to reflect changes made by the fact that FEMA becomes an independent agency.

**SEC. 113. RULE OF CONSTRUCTION.**

This section states that nothing in this Act will detract from the primary mission of the Department of Homeland Security.

**TITLE II—TRANSER AND SAVINGS PROVISIONS**

**SEC. 201. DEFINITIONS.**

This section simply defines Federal Agency, function, and office.

**SEC. 202. TRANSFER OF FUNCTIONS.**

This section provides for the transfer of functions to FEMA as an independent agency.

**SEC.203. PERSONNEL PROVISIONS.**

This section provides the Director with the ability to appoint officers and employees and determine salary and obtain experts and consultants when necessary.

**SEC. 204. DELEGATION AND ASSIGNMENT.**

This section allows the Director to delegate any functions as deemed necessary but does not relieve the Director of responsibility.

**SEC. 205. REORGANIZATION.**

This section authorizes the Director to allocate, reallocate, establish, consolidate, alter, or discontinue organizational entities as may be necessary.

**SEC. 206. RULES.**

The Director is authorized to prescribe rules and regulations as determined necessary.

**SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.**

This section allows for the transfers of funds and personnel currently used by FEMA to establish the Federal Emergency Management Agency as an independent agency.

**SEC. 208. INCIDENTAL TRANSFERS.**

The Director of OMB is authorized to make determinations with regard to the functions transferred.

**SEC. 209. EFFECT ON PERSONNEL.**

The establishment of FEMA as an independent agency will not change anyone's pay grade or cause anyone to lose their job.

**SEC. 210. SAVINGS PROVISIONS.**

All legal documents shall continue according their terms through the change over to an independent agency.

**SEC. 211. SEPARABILITY.**

If a provision of this title is held invalid to any person or circumstance, nothing else shall be affected.

**SEC. 212. TRANSITION.**

The Director is authorized to use the services of the personnel for the functions of this title.

**SEC. 213. REFERENCES.**

Any other reference in Federal law, Executive order, rule, regulation, or delegation of authority is transferred by this title.

**SEC. 214. ADDITIONAL CONFORMING AMENDMENTS.**

The Directors of OMB and FEMA shall submit to Congress recommended legislation for any additional technical or conforming amendments.

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