
James L. Oberstar

H.R. 1174,

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OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

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Madam Speaker, I am proud today to introduce H.R. 1174, the “FEMA Independence Act of 2009”, a bill to re-establish the Federal Emergency Management Agency (“FEMA”) as an independent, cabinet-level agency reporting directly to the President.

This bill restores FEMA’s ability to be a nimble and effective response agency, re-instates FEMA’s role in building basic emergency management capability around the country, and removes FEMA from the large bureaucracy within the Department of Homeland Security (“DHS”) that has hindered the agency’s disaster response and recovery efforts for six years.

On March 1, 2003, President Bush delegated to the Secretary of the Department of Homeland Security the responsibility for administering the Federal Government’s assistance to States and local governments whose citizens and communities are affected by disasters, and subsumed the Federal Emergency Management Agency into the newly-created Department of Homeland Security.

Since 2003, FEMA has failed the American people. Hurricane Katrina remains foremost in our minds. It is shameful that, to this day, many citizens and communities in Louisiana have still not

recovered from the disaster. Beyond Hurricane Katrina, FEMA's performance has continued to be deficient, such as in the agency's inadequate response to the discovery of formaldehyde in FEMA trailers, a serious threat to public health. More recently, residents in Texas experienced significant shortcomings in the delivery of recovery assistance, including debris removal and housing, in the aftermath of Hurricane Ike. Today, the Subcommittee on Economic Development, Emergency Management, and Public Buildings is holding yet another hearing on the status of recovery efforts in Louisiana, Mississippi, and Texas from these hurricanes. The fact that there are still individuals and communities in need demonstrates that dramatic improvements that can and must be made to the Federal government's provision of disaster assistance and leadership in emergency management.

Oversight hearings since 2003 held by the Committee on Transportation and Infrastructure have shown a clear correlation between the absorption of FEMA into DHS and the deterioration of FEMA's effectiveness. One reason for this trend is that since becoming a part of DHS, FEMA's emergency management mission has been distorted by a focus on terrorism. Key Federal grant programs that previously helped build basic emergency management and fire fighting capability in communities around the country are now made available only if applicants can show a nexus to terrorism. In the last six years, the Federal Government has spent ten times more on terrorism preparedness (nearly \$15 billion) than on core emergency management preparedness (\$1.5 billion). Yet since 2000, the President has declared only two disasters because of terrorist attacks, but nearly 500 disasters due to natural hazards.

Further, quick decision-making and the flexibility to shift course as events change are two fundamental hallmarks of successful emergency management. Within DHS, FEMA officials have had to run all decisions through the Secretary of Homeland Security. FEMA has also had to work

through the Secretary to access non-FEMA Federal resources in a response effort. These additional layers, which did not exist when FEMA was an independent agency, cause delays, impact the speed and flexibility of services that are provided to citizens and communities, and add unnecessary obstacles following a disaster. Being subsumed in a DHS bureaucracy has impaired FEMA's ability to carry out its mission quickly and effectively.

Since 2003, DHS has centralized disaster response and recovery capabilities at the Federal level, which has shut out FEMA's partnerships with State and local governments, and undermined the emergency management system. DHS has also created separate functions under the direct control of the Secretary to perform functions that by law are the sole responsibility of FEMA, such as pre-designation of individuals to serve as Principal Federal Officials ("PFOs") for disasters during the 2008 Hurricane season. Since its incorporation into DHS, FEMA has also had to rely increasingly on support from contractors, due to a loss of experienced FEMA personnel and a reduction of emergency management capacity at the State and local level as the focus of emergency management grant funding has shifted to terrorism-preparedness programs.

For these reasons, I have long opposed the incorporation of FEMA into DHS. During House consideration of the Homeland Security Act of 2002, I said:

This is July 2002. Let us fast forward to July 2003. The majority has prevailed. FEMA is a box in the mammoth bureaucracy of the Department of Homeland Security. Flood waters are swirling around your city. You call for help. You get the Department of Homeland Security. The switchboard sends your call to the Under Secretary's office which looks up "disaster" on their organizational chart and sends you to the Congressional Liaison Office, which then promises to get a message back to you in 24 hours. Eventually, they find FEMA, by which time you are stranded on the roof of your house waving a white handkerchief and screaming for help. FEMA, the word comes back, sorry, is looking for suspected terrorists some place and will get back to you as soon as we can.

Unfortunately, we have seen these predictions come true. Unless FEMA is re-established as an independent, cabinet-level agency, I expect this history to repeat itself.

After Hurricanes Katrina and Rita, Congress enacted changes to try to fix the problems plaguing FEMA by enhancing the agency's authority within the Department of Homeland Security. Unfortunately, these changes have done little to restore the type of robust emergency management agency that is needed at the Federal level. Tinkering around the edges will not work; fixing this flawed system requires fundamental change. This bill takes the most important and necessary first step to fix the problem - re-instating FEMA as an independent agency.

Specifically, H.R. 1174 affirms FEMA's mission to reduce the loss of life and property and protect the United States from all hazards, by leading and supporting a comprehensive emergency management system of preparedness, response, recovery, and mitigation.

As prescribed by the bill, an independent FEMA will be led by an Administrator and a Deputy Administrator with extensive experience in emergency preparedness, response, recovery, and mitigation from hazards. The bill maintains and strengthens FEMA's regional structure of ten regional offices and three area offices. Each regional office will be lead by a Regional Administrator with a demonstrated ability in and knowledge of emergency management.

The bill provides for the transfer of core emergency management programs and functions to the newly independent FEMA, including: FEMA's disaster assistance programs authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act; the National Flood Insurance Program; the Earthquake Hazards Reduction Program; the National Dam Safety Program; the U.S.

Fire Administration; the Emergency Food and Shelter Program; and FEMA's programs for Continuity of Operations and Continuity of Government.

The bill does not transfer any grant programs, currently administered by FEMA, that are specific to terrorism, such as the Urban Area Security Initiative and the State Homeland Security Grant Program. This will ensure that the Department of Homeland Security will continue to lead our Nation's efforts to prevent and protect against terrorist incidents and attacks.

The bill further requires the FEMA Administrator to maintain the National Advisory Council and to retain a Disability Coordinator within the newly-established entity; continues the authorization of the National Integration Center within FEMA; and ensures that FEMA will proceed on the development of standards for credentialing and typing in collaboration with the administrators of the Emergency Management Assistance Compact and other State, local, and tribal entities. Each of these activities is currently authorized and being implemented by FEMA.

The transfer of all functions relegated to FEMA by the bill must be completed within 120 days of enactment of the bill.

This matter is far too important, and impacts directly the lives of too many of our nation's citizens, to delay any further. We must act quickly to restore FEMA's autonomy and effectiveness.

I urge my colleagues to join me in supporting H.R. 1174, the "FEMA Independence Act of 2009".