

H.R. 1174, THE “FEMA INDEPENDENCE ACT OF 2009”

The “FEMA Independence Act of 2009” re-establishes the Federal Emergency Management Agency (“FEMA”) as an independent, cabinet-level agency reporting directly to the President.

Prior to the creation of the Department of Homeland Security (“DHS”) in 2003, FEMA was an independent agency responsible for administering the Federal Government’s assistance to States and local governments whose citizens and communities are affected by disasters. Since 2003, the nation has witnessed a stark deterioration in FEMA’s response and provision of disaster assistance. By removing FEMA from the deep and layered bureaucracy within DHS, the bill restores FEMA’s ability to be a nimble and effective response agency.

FEMA’s core emergency management mission has been distorted within DHS by a focus on terrorism. H.R. 1174 re-instates FEMA’s mission to save lives, reduce damage to property, and protect citizens and communities nationwide from a variety of hazards, both natural and man-made. While leading a comprehensive emergency management system at the Federal level, FEMA will work to foster and harness State and local capability to successfully respond to a disaster.

As prescribed by the bill, the newly-independent FEMA will be led by an Administrator and a Deputy Administrator with extensive experience in how to prepare for, respond to, recover from, and mitigate hazards. The bill maintains and strengthens FEMA’s regional structure, and authorizes ten regional offices and three area offices.

An independent FEMA will have responsibility for core emergency management programs and functions currently administered by the agency. The programs and functions transferred to the new agency include:

- FEMA’s disaster assistance and other programs under 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 and programs authorized by the Fire Prevention and Control Act of 1974;
- 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 or functions, which are currently administered by FEMA, specific to terrorism, such as the Urban Area Security Initiative and the State Homeland Security Grant Program. The Department of Homeland Security will continue to lead our Nation’s efforts to prevent and protect against terrorist incidents and attacks, and its responsibilities over homeland security are not affected by this bill.

The bill requires the FEMA Administrator to maintain the National Advisory Council and retain a Disability Coordinator, continues the authorization of the National Integration Center, and ensures that FEMA will proceed on the development of standards for disaster deployment capabilities in collaboration with several entities. Each of these activities is currently authorized and being implemented by FEMA.