

119TH CONGRESS  
1ST SESSION

# S. 1246

To establish the Federal Emergency Management Agency as a cabinet-level independent agency, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 2, 2025

Mr. TILLIS (for himself and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To establish the Federal Emergency Management Agency as a cabinet-level independent agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “FEMA Independence Act of 2025”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Establishment of FEMA as cabinet-level independent agency.
- Sec. 4. Director; deputy directors; regional offices.

- Sec. 5. Authority and responsibilities.  
 Sec. 6. Transfer of functions.  
 Sec. 7. Personnel and other transfers.  
 Sec. 8. Savings provisions.  
 Sec. 9. References.  
 Sec. 10. Offices and functions of Department of Homeland Security.  
 Sec. 11. Homeland security grants.  
 Sec. 12. Conforming amendments to other laws.  
 Sec. 13. Report on recommended legislation.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) AGENCY.—The term “Agency” means the  
 4 Federal Emergency Management Agency established  
 5 under section 3.

6 (2) DIRECTOR.—The term “Director” means  
 7 the Director of the Agency.

8 (3) HAZARD.—The term “hazard”—

9 (A) has the meaning given the term in sec-  
 10 tion 602(a) of the Robert T. Stafford Disaster  
 11 Relief and Emergency Assistance Act (42  
 12 U.S.C. 5195a(a)); and

13 (B) includes any major disaster or emer-  
 14 gency declared under section 401 or 501, re-  
 15 spectively, of the Robert T. Stafford Disaster  
 16 Relief and Emergency Assistance Act (42  
 17 U.S.C. 5170, 5191).

18 **SEC. 3. ESTABLISHMENT OF FEMA AS CABINET-LEVEL**  
 19 **INDEPENDENT AGENCY.**

20 (a) IN GENERAL.—There is established the Federal  
 21 Emergency Management Agency as an executive depart-

1 ment of the United States within the meaning of title 5,  
2 United States Code.

3 (b) MISSION.—The primary mission of the Agency  
4 shall be to reduce the loss of life and property and protect  
5 the United States from all hazards, including natural dis-  
6 asters, acts of terrorism, and other man-made disasters,  
7 by leading and supporting the United States in a risk-  
8 based, comprehensive emergency management system of  
9 preparedness, protection, response, recovery, and mitiga-  
10 tion.

11 **SEC. 4. DIRECTOR; DEPUTY DIRECTORS; REGIONAL OF-**  
12 **FICES.**

13 (a) DIRECTOR.—

14 (1) IN GENERAL.—The Agency shall be headed  
15 by a Director, who—

16 (A) shall be appointed by the President, by  
17 and with the advice and consent of the Senate;  
18 and

19 (B) shall report directly to the President.

20 (2) QUALIFICATIONS.—The President shall ap-  
21 point the Director from among individuals who  
22 have—

23 (A) a demonstrated ability in and knowl-  
24 edge of emergency management and homeland  
25 security; and

1 (B) not less than 5 years of executive lead-  
2 ership and management experience in the public  
3 sector and 5 years of such experience in the pri-  
4 vate sector.

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

7 (A) in section 5312, by adding at the end  
8 the following:

9 “Director of the Federal Emergency Management  
10 Agency.”; and

11 (B) in section 5313, by striking “Adminis-  
12 trator of the Federal Emergency Management  
13 Agency.”.

14 (b) DEPUTY DIRECTORS.—

15 (1) IN GENERAL.—The President may appoint,  
16 by and with the advice and consent of the Senate,  
17 not more than 4 Deputy Directors of the Agency to  
18 assist the Director in carrying out the functions and  
19 authorities of the Director.

20 (2) EXECUTIVE SCHEDULE.—Section 5314 of  
21 title 5, United States Code, is amended by striking  
22 “Deputy Administrators, Federal Emergency Man-  
23 agement Agency” and inserting “Deputy Directors,  
24 Federal Emergency Management Agency”.

25 (c) REGIONAL OFFICES.—

1           (1) IN GENERAL.—There shall be in the Agency  
2           10 Regional Offices, as identified by the Director.

3           (2) REGIONAL DIRECTORS.—Each Regional Of-  
4           fice of the Agency shall be headed by a Regional Di-  
5           rector, who shall be appointed by the Director.

6 **SEC. 5. AUTHORITY AND RESPONSIBILITIES.**

7           (a) IN GENERAL.—The Director shall provide the  
8           Federal leadership necessary to prepare for, respond to,  
9           recover from, and mitigate hazards.

10          (b) STAFFORD ACT.—The Director shall—

11           (1) assist the President in carrying out the  
12           functions under the Robert T. Stafford Disaster Re-  
13           lief and Emergency Assistance Act (42 U.S.C. 5121  
14           et seq.); and

15           (2) carry out all functions and authorities given  
16           to the Administrator of the Federal Emergency  
17           Management Agency under that Act.

18          (c) MISSION.—The Director shall carry out the mis-  
19           sion of the Agency by leading and supporting the United  
20           States in a comprehensive emergency management system  
21           of—

22           (1) mitigation by taking sustained actions to re-  
23           duce or eliminate long-term risks to people and  
24           property from hazards and the effects of hazards;

1           (2) preparedness by planning, training, con-  
2           ducting exercises, and building the emergency man-  
3           agement profession to prepare effectively for miti-  
4           gating, responding to, and recovering from any haz-  
5           ard;

6           (3) response by conducting emergency oper-  
7           ations to save lives and property through—

8                   (A) positioning emergency equipment, per-  
9                   sonnel, and supplies;

10                   (B) evacuating potential victims;

11                   (C) providing food, water, shelter, and  
12                   medical care to individuals in need; and

13                   (D) restoring critical public services; and

14           (4) recovery by rebuilding communities so that  
15           individuals, businesses, and governments can—

16                   (A) function independently;

17                   (B) return to normal life; and

18                   (C) protect against future hazards.

19           (d) RESPONSE DUTIES.—In carrying out subsection  
20           (c)(3), the Director, at a minimum, shall—

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

23                   (2) coordinate and provide the Federal Govern-  
24                   ment's response to hazards;

1           (3) build a comprehensive national incident  
2 management system with Federal, State, and local  
3 government personnel, agencies, and authorities to  
4 respond to hazards;

5           (4) consolidate Federal Government emergency  
6 response plans existing as of the date of enactment  
7 of this Act into a single, coordinated plan to be  
8 known as the “National Response Plan”;

9           (5) administer and ensure the implementation  
10 of the National Response Plan described in para-  
11 graph (4), including by coordinating and ensuring  
12 the readiness of each emergency support function  
13 under the National Response Plan; and

14           (6) help ensure the acquisition of operable and  
15 interoperable communications capabilities by Fed-  
16 eral, State, local, and Tribal governments and emer-  
17 gency response providers.

18           (e) CONTINUITY OF GOVERNMENT.—The Director  
19 shall prepare and implement the plans and programs of  
20 the Federal Government for—

21           (1) continuity of operations;

22           (2) continuity of Government; and

23           (3) continuity of plans.

24           (f) OTHER DUTIES.—The Director shall—

1           (1) coordinate the National Advisory Council  
2 established under section 502 of the Homeland Se-  
3 curity Act of 2002, as redesignated by section 11;

4           (2) maintain and operate within the Agency the  
5 National Response Coordination Center (or any suc-  
6 cessor center);

7           (3) develop and maintain a national emergency  
8 management system that is capable of preparing for,  
9 responding to, recovering from, and mitigating haz-  
10 ards of all magnitudes, including catastrophic disas-  
11 ters; and

12           (4) supervise grant programs administered by  
13 the Agency.

14           (g) ALL-HAZARDS APPROACH.—In carrying out the  
15 responsibilities under this section, the Director shall co-  
16 ordinate the implementation of an all-hazards strategy  
17 that builds the common capabilities that are necessary to  
18 prepare for, respond to, recover from, and mitigate haz-  
19 ards.

20 **SEC. 6. TRANSFER OF FUNCTIONS.**

21           (a) IN GENERAL.—There shall be transferred to the  
22 Director all functions of the Federal Emergency Manage-  
23 ment Agency, as such Agency was constituted on the day  
24 before the date of enactment of this Act.

1 (b) INSPECTOR GENERAL.—There shall be trans-  
2 ferred to the Inspector General of the Federal Emergency  
3 Management Agency all functions relating to the Inspector  
4 General that were transferred from the Federal Emer-  
5 gency Management Agency to the Department of Home-  
6 land Security on or after January 1, 2003.

7 (c) TRANSITION PERIOD.—The transfers under this  
8 section shall be carried out not later than 1 year after  
9 the date of enactment of this Act. During the transition  
10 period, the Secretary of Homeland Security shall provide  
11 to the Director such assistance, including the use of per-  
12 sonnel and assets, as the Director may request in pre-  
13 paring for the transfer.

14 **SEC. 7. PERSONNEL AND OTHER TRANSFERS.**

15 (a) PERSONNEL APPOINTMENTS.—The Director may  
16 appoint and fix the compensation of such officers and em-  
17 ployees as may be necessary to carry out the respective  
18 functions transferred under section 6.

19 (b) TRANSFER AND ALLOCATIONS OF APPROPRIA-  
20 TIONS AND PERSONNEL.—Except as otherwise provided  
21 in this Act, the personnel employed in connection with,  
22 and the assets, liabilities, contracts, property, records, and  
23 unexpended balances of appropriations, authorizations, al-  
24 locations, and other funds employed, used, held, arising  
25 from, available to, or to be made available in connection

1 with the functions transferred under section 6, subject to  
2 section 1531 of title 31, United States Code, shall be  
3 transferred to the Agency. Unexpended funds transferred  
4 pursuant to this subsection shall be used only for the pur-  
5 poses for which the funds were originally authorized and  
6 appropriated.

7 (c) INCIDENTAL TRANSFERS.—The Director of the  
8 Office of Management and Budget, in consultation with  
9 the Director, may make such determinations as may be  
10 necessary with regard to the functions transferred under  
11 section 6, and may make such additional incidental dis-  
12 positions of personnel, assets, liabilities, grants, contracts,  
13 property, records, and unexpended balances of appropria-  
14 tions, authorizations, allocations, and other funds held,  
15 used, arising from, available to, or to be made available  
16 in connection with such functions, as may be necessary  
17 to carry out the provisions of this Act. The Director of  
18 the Office of Management and Budget shall provide for  
19 the termination of the affairs of all entities terminated by  
20 this Act and for such further measures and dispositions  
21 as may be necessary to effectuate the purposes of this Act.

22 (d) EFFECT ON PERSONNEL.—

23 (1) IN GENERAL.—Except as otherwise pro-  
24 vided by this Act, the transfer pursuant to this Act  
25 of full-time personnel (except special Government

1 employees) and part-time personnel holding perma-  
2 nent positions shall not cause any such employee to  
3 be separated or reduced in grade or compensation  
4 for 1 year after the date of transfer of such em-  
5 ployee under this Act.

6 (2) EXECUTIVE SCHEDULE POSITIONS.—Except  
7 as otherwise provided in this Act, any person who,  
8 on the day preceding the date of the transfers of  
9 functions under section 6, held a position com-  
10 pensated in accordance with the Executive Schedule  
11 prescribed in chapter 53 of title 5, United States  
12 Code, and who, without a break in service, is ap-  
13 pointed in the Agency to a position having duties  
14 comparable to the duties performed immediately pre-  
15 ceding such appointment shall continue to be com-  
16 pensated in such new position at not less than the  
17 rate provided for such previous position, for the du-  
18 ration of the service of such person in such new po-  
19 sition.

20 **SEC. 8. SAVINGS PROVISIONS.**

21 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS  
22 AND ACTIONS.—

23 (1) IN GENERAL.—The legal documents and ac-  
24 tions described in paragraph (2) shall continue in ef-  
25 fect according to their terms until modified, termi-

1 nated, superseded, set aside, or revoked in accord-  
2 ance with law by the President, the Director, other  
3 authorized official, a court of competent jurisdiction,  
4 or by operation of law.

5 (2) LEGAL DOCUMENTS AND ACTIONS DE-  
6 SCRIBED.—The legal documents and actions de-  
7 scribed in this paragraph are all orders, determina-  
8 tions, rules, regulations, permits, agreements,  
9 grants, contracts, certificates, licenses, registrations,  
10 privileges, and other administrative actions that—

11 (A) have been issued, made, granted, or al-  
12 lowed to become effective by the President, any  
13 Federal agency or official thereof, or by a court  
14 of competent jurisdiction, in the performance of  
15 functions that are transferred under section 6;  
16 and

17 (B)(i) are in effect on the date of the  
18 transfers of functions under section 6; and

19 (ii) or were final before the date of the  
20 transfers of functions under section 6 and are  
21 to become effective on or after such date.

22 (b) PROCEEDINGS NOT AFFECTED.—The provisions  
23 of this Act shall not affect any proceedings, including no-  
24 tices of proposed rulemaking, or any application for any  
25 license, permit, certificate, or financial assistance pending

1 before the Agency on the date of the transfers of functions  
2 under section 6, with respect to functions transferred  
3 under section 6, but such proceedings and applications  
4 shall continue. Orders shall be issued in such proceedings,  
5 appeals shall be taken therefrom, and payments shall be  
6 made pursuant to such orders, as if this Act had not been  
7 enacted, and orders issued in any such proceedings shall  
8 continue in effect until modified, terminated, superseded,  
9 or revoked by a duly authorized official, by a court of com-  
10 petent jurisdiction, or by operation of law. Nothing in this  
11 subsection shall be construed to prohibit the discontinu-  
12 ance or modification of any such proceeding under the  
13 same terms and conditions and to the same extent that  
14 such proceeding could have been discontinued or modified  
15 if this Act had not been enacted.

16 (c) CAUSES OF ACTION NOT AFFECTED.—The provi-  
17 sions of this Act shall not affect any cause of action com-  
18 menced before the date of the transfers of functions under  
19 section 6, and in all such causes of action, proceedings  
20 shall be had, appeals taken, and judgments rendered in  
21 the same manner and with the same effect as if this Act  
22 had not been enacted.

23 (d) NONABATEMENT OF CAUSES OF ACTION.—No  
24 cause of action commenced by or against the Agency, or  
25 by or against any individual in the official capacity of such

1 individual as an officer of the Agency, shall abate by rea-  
2 son of the enactment of this Act.

3 (e) ADMINISTRATIVE ACTIONS RELATING TO PRO-  
4 MULGATION OF REGULATIONS.—Any administrative ac-  
5 tion relating to the preparation or promulgation of a regu-  
6 lation by the Agency relating to a function transferred  
7 under section 6 may be continued by the Agency with the  
8 same effect as if this Act had not been enacted.

9 **SEC. 9. REFERENCES.**

10 (a) REFERENCES TO FEMA.—Any reference to the  
11 Federal Emergency Management Agency in any law, Ex-  
12 ecutive order, rule, regulation, certificate, directive, in-  
13 struction, delegation of authority, or other official paper  
14 shall be considered to refer and apply to the Agency.

15 (b) REFERENCES TO DIRECTOR OR ADMINISTRATOR  
16 OF FEMA.—Any reference to the Director or the Admin-  
17 istrator of the Federal Emergency Management Agency  
18 in any law, Executive order, rule, regulation, certificate,  
19 directive, instruction, delegation of authority, or other offi-  
20 cial paper shall be construed to refer and apply to the Di-  
21 rector.

22 (c) REFERENCES TO INSPECTOR GENERAL.—Any  
23 reference to the Inspector General of the Federal Emer-  
24 gency Management Agency or to the functions relating to  
25 such office that were transferred from the Federal Emer-

1 gency Management Agency to the Department of Home-  
2 land Security on or after January 1, 2003, in any law,  
3 Executive order, rule, regulation, certificate, directive, in-  
4 struction, delegation of authority, or other official paper  
5 shall be construed to refer and apply to the Inspector Gen-  
6 eral of the Agency or to the functions related to such of-  
7 fice.

8 **SEC. 10. OFFICES AND FUNCTIONS OF DEPARTMENT OF**  
9 **HOMELAND SECURITY.**

10 (a) REPEALS.—The following provisions of the  
11 Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)  
12 are repealed:

13 (1) Section 501 (6 U.S.C. 311).

14 (2) Section 503 (6 U.S.C. 313).

15 (3) Section 504 (6 U.S.C. 314).

16 (4) Section 505 (6 U.S.C. 315).

17 (5) Section 506 (6 U.S.C. 316).

18 (6) Section 507 (6 U.S.C. 317).

19 (7) Section 509 (6 U.S.C. 319).

20 (8) Section 510 (6 U.S.C. 320).

21 (9) Section 513 (6 U.S.C. 321b).

22 (10) Section 514 (6 U.S.C. 321c).

23 (11) Section 519 (6 U.S.C. 321h).

24 (b) REDESIGNATIONS.—Sections 502, 508, 511, 512,  
25 515, 517, 518, 520, 521, 522, 523, 524, 525, 526, 527,

1 528, and 529 of the Homeland Security Act of 2002 (6  
 2 U.S.C. 312, 321, 321a, 321d, 321f, 321g, 321i, 321j,  
 3 321k, 321l, 321m, 321n, 321o, 321p, 321q, and 321r) are  
 4 redesignated as sections 501 through 517, respectively.

5 (c) TITLE HEADING.—The heading for title V of the  
 6 Homeland Security Act of 2002 is amended by striking  
 7 “**NATIONAL EMERGENCY MANAGEMENT**”  
 8 and inserting “**OTHER OFFICES AND FUNC-**  
 9 **TIONS**”.

10 (d) TABLE OF CONTENTS.—The table of contents in  
 11 section 1(b) of the Homeland Security Act of 2002 (Public  
 12 Law 107–296; 116 Stat. 2135) is amended by striking  
 13 the items relating to title V and inserting the following:

“TITLE V—OTHER OFFICES AND FUNCTIONS

- “Sec. 501. Definition.
- “Sec. 502. National Advisory Council
- “Sec. 503. The National Infrastructure Simulation and Analysis Center.
- “Sec. 504. Evacuation plans and exercises.
- “Sec. 505. National Operations Center.
- “Sec. 506. Nuclear incident response.
- “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.
- “Sec. 513. Acceptance of gifts.
- “Sec. 514. Integrated public alert and warning system modernization.
- “Sec. 515. National planning and education.
- “Sec. 516. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.
- “Sec. 517. Transfer of equipment during a public health emergency.”.

1 (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the date on which the  
3 transfers of functions under section 6 are carried out.

4 **SEC. 11. HOMELAND SECURITY GRANTS.**

5 (a) REFERENCES TO ADMINISTRATOR.—Title XX of  
6 the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.)  
7 is amended—

8 (1) in section 2002(a) (6 U.S.C. 603(a)), by  
9 striking “, through the Administrator,”;

10 (2) in section 2009(a) (6 U.S.C. 609a(a)), by  
11 striking “, acting through the Administrator,”;

12 (3) in the subsection heading for section  
13 2022(e) (6 U.S.C. 612(e)), by striking “BY THE AD-  
14 MINISTRATOR”; and

15 (4) by striking “Administrator” each place it  
16 appears and inserting “Secretary”.

17 (b) EXCEPTIONS.—Title XX of the Homeland Secu-  
18 rity Act of 2002 (6 U.S.C. 601 et seq.), as amended by  
19 subsection (a), is further amended—

20 (1) in section 2001(1) (6 U.S.C. 601(1)), by  
21 striking “Secretary” each place it appears and in-  
22 serting “Director”;

23 (2) in section 2006(b)(4)(F) (6 U.S.C.  
24 607(b)(4)(F)), by striking “Secretary” and inserting  
25 “Director”; and

1           (3) in section 2006(b)(5) (6 U.S.C. 607(b)(5)),  
2           by striking “Secretary” and inserting “Director”.

3           (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect on the date on which the  
5 transfers of functions under section 6 are carried out.

6 **SEC. 12. CONFORMING AMENDMENTS TO OTHER LAWS.**

7           (a) IMPROVEMENTS TO INFORMATION TECH-  
8 NOLOGY.—Section 640(a) of the Post-Katrina Emergency  
9 Management Reform Act of 2006 (6 U.S.C. 727(a)) is  
10 amended, in the matter preceding paragraph (1), by strik-  
11 ing “, in coordination with the Chief Information Officer  
12 of the Department,”.

13           (b) CHIEF FINANCIAL OFFICER.—Section 901(b)(2)  
14 of title 31, United States Code, is amended by adding at  
15 the end the following:

16           “(H) The Federal Emergency Management  
17 Agency.”.

18           (c) REFERENCES.—Subsection (c) of section 612 of  
19 the Post-Katrina Emergency Management Reform Act of  
20 2006 (6 U.S.C. 313 note) is repealed.

21           (d) EFFECTIVE DATE.—The amendments made by  
22 this section shall take effect on the date on which the  
23 transfers of functions under section 6 are carried out.

1 **SEC. 13. REPORT ON RECOMMENDED LEGISLATION.**

2       Not later than 90 days after the last day of the tran-  
3 sition period described in section 6(c), the Director, in  
4 consultation with Congress, shall submit to Congress a re-  
5 port describing recommended legislation for additional  
6 technical and conforming amendments to reflect the  
7 changes made by this Act.

○