

109TH CONGRESS  
1ST SESSION

# H. R. 3685

To reestablish the Federal Emergency Management Agency as an independent establishment in the executive branch.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2005

Mr. FOLEY (for himself, Mr. SHAW, Mr. CLYBURN, Mr. FLAKE, Mr. MILLER of Florida, Mr. PAUL, Mr. MANZULLO, Mrs. MALONEY, Mrs. MYRICK, and Mr. BROWN of South Carolina) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reestablish the Federal Emergency Management Agency as an independent establishment in the executive branch.

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.**

4       This Act may be cited as the “Federal Disaster Re-  
5       sponse Improvement Act of 2005”.

1 **SEC. 2. FEDERAL EMERGENCY MANAGEMENT AGENCY.**

2 (a) INDEPENDENT ESTABLISHMENT.—The Federal  
3 Emergency Management Agency shall be an independent  
4 establishment in the executive branch.

5 (b) TRANSFER OF FUNCTIONS.—There shall be  
6 transferred to the Director of the Federal Emergency  
7 Management Agency the functions, personnel, assets, and  
8 liabilities of the Department of Homeland Security relat-  
9 ing to the Federal Emergency Management Agency.

10 (c) TRANSITION PERIOD.—The transfers under this  
11 section shall be carried out as soon as practicable after  
12 the date of enactment of this Act. During the transition  
13 period, the Secretary of Homeland Security shall provide  
14 to the Director of the Federal Emergency Management  
15 Agency such assistance, including the use of personnel and  
16 assets, as the Director may request in preparing for the  
17 transfer.

18 **SEC. 3. CONFORMING AMENDMENTS.**

19 (a) RESPONSIBILITIES OF UNDER SECRETARY FOR  
20 EMERGENCY PREPAREDNESS AND RESPONSE.—Section  
21 502 of the Homeland Security Act of 2002 (6 U.S.C. 312)  
22 is amended—

23 (1) in paragraph (1) by striking “, major disas-  
24 ters, and other emergencies”;

25 (2) in paragraph (3)(D) by striking “or major  
26 disaster”;

1           (3) in paragraphs (3) and (4) by striking “and  
2           major disasters”;

3           (4) in paragraph (5) by striking “and disas-  
4           ters”;

5           (5) in paragraph (6) by inserting “to terrorist  
6           attacks” after “emergency response plans”; and

7           (6) in paragraph (7) by inserting “to terrorist  
8           attacks” after “emergency response providers”.

9           (b) NUCLEAR INCIDENT RESPONSE.—Section 504(a)  
10          of the Homeland Security Act of 2002 (6 U.S.C. 314(a))  
11          is amended is amended by striking “, major disaster,”.

12          (c) USE OF PRIVATE SECTOR NETWORKS.—Section  
13          508 of the Homeland Security Act of 2002 (6 U.S.C. 318)  
14          is amended by striking “disasters, and other major disas-  
15          ters” and inserting “terrorist attacks, or other terrorist  
16          attacks”.

17          (d) REPEALS.—The following provisions of the  
18          Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)  
19          are repealed:

20                 (1) Section 2(11).

21                 (2) Section 430(c)(8).

22                 (3) Section 503(1).

23                 (4) Section 507.

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