

115TH CONGRESS  
2D SESSION

# S. 3041

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for disaster recovery reforms, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 11, 2018

Mr. JOHNSON 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 amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for disaster recovery reforms, 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 “Disaster Recovery Reform Act of 2018”.

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. Applicability.
- Sec. 3. Definitions.
- Sec. 4. Wildfire prevention.
- Sec. 5. Additional activities.

- Sec. 6. Eligibility for code implementation and enforcement.
- Sec. 7. Program improvements.
- Sec. 8. Prioritization of facilities.
- Sec. 9. Guidance on evacuation routes.
- Sec. 10. Duplication of benefits.
- Sec. 11. State administration of assistance for direct temporary housing and permanent housing construction.
- Sec. 12. Assistance to individuals and households.
- Sec. 13. Multifamily lease and repair assistance.
- Sec. 14. Private nonprofit facility.
- Sec. 15. Management costs.
- Sec. 16. Flexibility.
- Sec. 17. Additional disaster assistance.
- Sec. 18. National veterinary emergency teams.
- Sec. 19. Right of arbitration.
- Sec. 20. Unified Federal environmental and historic preservation review.
- Sec. 21. Closeout incentives.
- Sec. 22. Performance of services.
- Sec. 23. Study to streamline and consolidate information collection.
- Sec. 24. Agency accountability.
- Sec. 25. Audit of contracts.
- Sec. 26. Inspector general audit of FEMA contracts for tarps and plastic sheeting.
- Sec. 27. Relief organizations.
- Sec. 28. Guidance on inundated and submerged roads.
- Sec. 29. Guidance and recommendations.
- Sec. 30. Guidance on hazard mitigation assistance.
- Sec. 31. Additional hazard mitigation activities.
- Sec. 32. National public infrastructure predisaster hazard mitigation.
- Sec. 33. Additional mitigation activities.
- Sec. 34. Reimbursement.
- Sec. 35. Flood insurance.
- Sec. 36. Certain recoupment prohibited.
- Sec. 37. Federal assistance to individuals and households and nonprofit facilities.
- Sec. 38. Cost of assistance estimates.
- Sec. 39. Report on insurance shortfalls.

**1 SEC. 2. APPLICABILITY.**

2       Except as otherwise expressly provided, the amend-  
 3 ments in this Act to the Robert T. Stafford Disaster Relief  
 4 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)  
 5 apply to each major disaster and emergency declared by  
 6 the President on or after August 1, 2017, under the Rob-  
 7 ert T. Stafford Disaster Relief and Emergency Assistance  
 8 Act.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Administrator of the Federal  
5 Emergency Management Agency.

6 (2) AGENCY.—The term “Agency” means the  
7 Federal Emergency Management Agency.

8 (3) STATE.—The term “State” has the mean-  
9 ing given that term in section 102 of the Robert T.  
10 Stafford Disaster Relief and Emergency Assistance  
11 Act (42 U.S.C. 5122).

12 **SEC. 4. WILDFIRE PREVENTION.**

13 (a) MITIGATION ASSISTANCE.—Section 420 of the  
14 Robert T. Stafford Disaster Relief and Emergency Assist-  
15 ance Act (42 U.S.C. 5187) is amended—

16 (1) by redesignating subsection (d) as sub-  
17 section (e); and

18 (2) by inserting after subsection (c) the fol-  
19 lowing:

20 “(d) HAZARD MITIGATION ASSISTANCE.—Whether  
21 or not a major disaster is declared, the President may pro-  
22 vide hazard mitigation assistance in accordance with sec-  
23 tion 404 in any area affected by a fire for which assistance  
24 was provided under this section.”.

1 (b) CONFORMING AMENDMENTS.—The Robert T.  
2 Stafford Disaster Relief and Emergency Assistance Act  
3 (42 U.S.C. 5121 et seq.) is amended—

4 (1) in section 322(e)(1) (42 U.S.C. 5165(e)(1)),  
5 by inserting “or event under section 420” after  
6 “major disaster” each place it appears; and

7 (2) in section 404(a) (42 U.S.C. 5170c(a)), as  
8 amended by section 32 of this Act—

9 (A) by inserting before the first period “,  
10 or any area affected by a fire for which assist-  
11 ance was provided under section 420”; and

12 (B) in the third sentence by inserting “or  
13 event under section 420” after “major disaster”  
14 each place it appears.

15 (c) REPORTING REQUIREMENT.—Not later than 1  
16 year after the date of enactment of this Act and annually  
17 thereafter, the Administrator shall submit to the Com-  
18 mittee on Homeland Security and Governmental Affairs  
19 of the Senate, the Committee on Transportation and In-  
20 frastructure of the House of Representatives, and the  
21 Committees on Appropriations of the Senate and the  
22 House of Representatives a report containing a summary  
23 of any projects carried out, and any funding provided to  
24 those projects, under subsection (d) of section 420 of the

1 Robert T. Stafford Disaster Relief and Emergency Assist-  
2 ance Act (42 U.S.C. 5187), as added by this section.

3 **SEC. 5. ADDITIONAL ACTIVITIES.**

4 Section 404 of the Robert T. Stafford Disaster Relief  
5 and Emergency Assistance Act (42 U.S.C. 5170e) is  
6 amended by adding at the end the following:

7 “(f) USE OF ASSISTANCE.—Recipients of hazard  
8 mitigation assistance provided under this section and sec-  
9 tion 203 may use the assistance to conduct activities to  
10 help reduce the risk of future damage, hardship, loss, or  
11 suffering in any area affected by a wildfire or windstorm,  
12 such as—

13 “(1) reseeded ground cover with quick-growing  
14 or native species;

15 “(2) mulching with straw or chipped wood;

16 “(3) constructing straw, rock, or log dams in  
17 small tributaries to prevent flooding;

18 “(4) placing logs and other erosion barriers to  
19 catch sediment on hill slopes;

20 “(5) installing debris traps to modify road and  
21 trail drainage mechanisms;

22 “(6) modifying or removing culverts to allow  
23 drainage to flow freely;

1           “(7) adding drainage dips and constructing  
2 emergency spillways to keep roads and bridges from  
3 washing out during floods;

4           “(8) planting grass to prevent the spread of  
5 noxious weeds;

6           “(9) installing warning signs;

7           “(10) establishing defensible space measures;

8           “(11) reducing hazardous fuels;

9           “(12) windstorm damage, including replacing or  
10 installing electrical transmission or distribution util-  
11 ity pole structures with poles that are resilient to ex-  
12 treme wind and combined ice and wind loadings for  
13 the basic wind speeds and ice conditions associated  
14 with the relevant location;

15           “(13) removing standing burned trees; and

16           “(14) replacing water systems that have been  
17 burned and have caused contamination.”.

18 **SEC. 6. ELIGIBILITY FOR CODE IMPLEMENTATION AND EN-**

19 **FORCEMENT.**

20           (a) IN GENERAL.—Section 402 of the Robert T.  
21 Stafford Disaster Relief and Emergency Assistance Act  
22 (42 U.S.C. 5170a) is amended—

23           (1) in paragraph (4), by striking “and” at the  
24 end;

1           (2) by redesignating paragraph (5) as para-  
2 graph (6); and

3           (3) by inserting after paragraph (4) the fol-  
4 lowing:

5           “(5) provide assistance to State and local gov-  
6 ernments for building code and floodplain manage-  
7 ment ordinance administration and enforcement, in-  
8 cluding inspections for substantial damage compli-  
9 ance.”.

10       (b) REPAIR, RESTORATION, AND REPLACEMENT OF  
11 DAMAGED FACILITIES.—Section 406(a)(2) of the Robert  
12 T. Stafford Disaster Relief and Emergency Assistance Act  
13 (42 U.S.C. 5172(a)(2)) is amended—

14           (1) in subparagraph (B), by striking “and” at  
15 the end;

16           (2) in subparagraph (C), by striking the period  
17 at the end and inserting “; and”; and

18           (3) by adding at the end the following:

19           “(D) base and overtime wages for extra  
20 hires to facilitate the implementation and en-  
21 forcement of adopted building codes for a pe-  
22 riod of not more than 180 days after the major  
23 disaster is declared.”.

1 **SEC. 7. PROGRAM IMPROVEMENTS.**

2 (a) HAZARD MITIGATION.—Section 406(c) of the  
3 Robert T. Stafford Disaster Relief and Emergency Assist-  
4 ance Act (42 U.S.C. 5172(c)) is amended—

5 (1) in paragraph (1)(A), by striking “90 per-  
6 cent of”; and

7 (2) in paragraph (2)(A), by striking “75 per-  
8 cent of”.

9 (b) PARTICIPATION.—Section 428(d) of the Robert  
10 T. Stafford Disaster Relief and Emergency Assistance Act  
11 (42 U.S.C. 5189f(d)) is amended—

12 (1) by striking “Participation in” and inserting  
13 the following:

14 “(1) IN GENERAL.—Participation in”; and

15 (2) by adding at the end the following:

16 “(2) NO CONDITIONS.—The President may not  
17 condition the provision of Federal assistance under  
18 this Act on the election by a State, Tribal, or local  
19 government, or owner or operator of a private non-  
20 profit facility to participate in the alternative proce-  
21 dures adopted under this section.”.

22 (c) CERTIFICATION.—Section 428(e)(1) of the Rob-  
23 ert T. Stafford Disaster Relief and Emergency Assistance  
24 Act (42 U.S.C. 5189f(e)(1)) is amended—

25 (1) in subparagraph (E), by striking “and” at  
26 the end;

1           (2) in subparagraph (F), by striking the period  
2           at the end and inserting “; and”; and

3           (3) by adding at the end the following:

4                   “(G) once certified by a professionally li-  
5                   censed engineer and accepted by the Adminis-  
6                   trator, the estimates on which grants made pur-  
7                   suant to this section are based shall be pre-  
8                   sumed to be reasonable and eligible costs, as  
9                   long as there is no evidence of fraud.”.

10 **SEC. 8. PRIORITIZATION OF FACILITIES.**

11           Not later than 180 days after the date of enactment  
12           of this Act, the Administrator shall provide guidance and  
13           training on an annual basis to State, Tribal, and local gov-  
14           ernments, first responders, and utility companies on—

15                   (1) the need to prioritize assistance to hospitals,  
16                   nursing homes, and other long-term care facilities to  
17                   ensure that such health care facilities remain func-  
18                   tioning or return to functioning as soon as prac-  
19                   ticable during power outages caused by natural haz-  
20                   ards, including severe weather events;

21                   (2) how hospitals, nursing homes and other  
22                   long-term care facilities should adequately prepare  
23                   for power outages during a major disaster or emer-  
24                   gency (as those terms are defined in section 102 of

1 the Robert T. Stafford Disaster Relief and Emer-  
2 gency Assistance Act (42 U.S.C. 5122)); and

3 (3) how State, Tribal, and local governments,  
4 first responders, utility companies, hospitals, nursing  
5 homes, and other long-term care facilities should de-  
6 velop a strategy to coordinate emergency response  
7 plans, including the activation of emergency re-  
8 sponse plans, in anticipation of a major disaster, in-  
9 cluding severe weather events.

10 **SEC. 9. GUIDANCE ON EVACUATION ROUTES.**

11 (a) IN GENERAL.—

12 (1) IDENTIFICATION.—The Administrator, in  
13 coordination with the Administrator of the Federal  
14 Highway Administration, shall develop and issue  
15 guidance for State, local, and Tribal governments re-  
16 garding the identification of evacuation routes.

17 (2) GUIDANCE.—The Administrator of the Fed-  
18 eral Highway Administration, in coordination with  
19 the Administrator, shall revise existing guidance or  
20 issue new guidance as appropriate for State, local,  
21 and Tribal governments regarding the design, con-  
22 struction, maintenance, and repair of evacuation  
23 routes.

24 (b) CONSIDERATIONS.—

1           (1) IDENTIFICATION.—In developing the guid-  
2           ance under subsection (a)(1), the Administrator  
3           shall consider—

4                   (A) whether evacuation routes have re-  
5                   sisted impacts and recovered quickly from dis-  
6                   asters, regardless of cause;

7                   (B) the need to evacuate special needs pop-  
8                   ulations, including—

9                           (i) individuals with a physical or men-  
10                           tal disability;

11                           (ii) individuals in schools, daycare  
12                           centers, mobile home parks, prisons, nurs-  
13                           ing homes and other long-term care facili-  
14                           ties, and detention centers;

15                           (iii) individuals with limited-English  
16                           proficiency;

17                           (iv) the elderly; and

18                           (v) individuals who are tourists, sea-  
19                           sonal workers, or homeless;

20                   (C) the sharing of information and other  
21                   public communications with evacuees during  
22                   evacuations;

23                   (D) the sheltering of evacuees, including  
24                   the care, protection, and sheltering of animals;

1 (E) the return of evacuees to their homes;  
2 and

3 (F) such other items the Administrator  
4 considers appropriate.

5 (2) DESIGN, CONSTRUCTION, MAINTENANCE,  
6 AND REPAIR.—In revising or issuing guidance under  
7 subsection (a)(2), the Administrator of the Federal  
8 Highway Administration shall consider—

9 (A) methods that assist evacuation routes  
10 to—

11 (i) withstand likely risks to viability,  
12 including flammability and hydrostatic  
13 forces;

14 (ii) improve durability, strength (in-  
15 cluding the ability to withstand tensile  
16 stresses and compressive stresses), and  
17 sustainability; and

18 (iii) provide for long-term cost sav-  
19 ings;

20 (B) the ability of evacuation routes to ef-  
21 fectively manage contraflow operations;

22 (C) for evacuation routes on public lands,  
23 the viewpoints of the applicable Federal land  
24 management agency regarding emergency oper-

1           ations, sustainability, and resource protection;  
2           and

3                   (D) such other items the Administrator of  
4           the Federal Highway Administration considers  
5           appropriate.

6 **SEC. 10. DUPLICATION OF BENEFITS.**

7           (a) IN GENERAL.—Section 312(b) of the Robert T.  
8           Stafford Disaster Relief and Emergency Assistance Act  
9           (42 U.S.C. 5155(b)) is amended by adding at the end the  
10          following:

11                   “(4) WAIVER OF GENERAL PROHIBITION.—

12                           “(A) IN GENERAL.—The President may  
13                   waive the general prohibition provided in sub-  
14                   section (a) upon request of a Governor on be-  
15                   half of the State or on behalf of a person, busi-  
16                   ness concern, or any other entity suffering  
17                   losses as a result of a major disaster or emer-  
18                   gency, if the President finds such waiver is in  
19                   the public interest and will not result in waste,  
20                   fraud, or abuse. In making this decision, the  
21                   President may consider the following:

22                                   “(i) The recommendations of the Ad-  
23                                   ministrators of the Federal Emergency  
24                                   Management Agency made in consultation

1 with the Federal agency or agencies ad-  
2 ministering the duplicative program.

3 “(ii) If a waiver is granted, the assist-  
4 ance to be funded is cost effective.

5 “(iii) Equity and good conscience.

6 “(iv) Other matters of public policy  
7 considered appropriate by the President.

8 “(B) GRANT OR DENIAL OF WAIVER.—A  
9 request under subparagraph (A) shall be grant-  
10 ed or denied not later than 45 days after sub-  
11 mission of such request.

12 “(C) PROHIBITION ON DETERMINATION  
13 THAT LOAN IS A DUPLICATION.—Notwith-  
14 standing subsection (c), in carrying out sub-  
15 paragraph (A), the President may not deter-  
16 mine that a loan is a duplication of assistance,  
17 provided that all Federal assistance is used to-  
18 ward a loss suffered as a result of the major  
19 disaster or emergency.”.

20 **SEC. 11. STATE ADMINISTRATION OF ASSISTANCE FOR DI-**  
21 **RECT TEMPORARY HOUSING AND PERMA-**  
22 **NENT HOUSING CONSTRUCTION.**

23 Section 408(f) of the Robert T. Stafford Disaster Re-  
24 lief and Emergency Assistance Act (42 U.S.C. 5174(f))  
25 is amended—

1 (1) in paragraph (1)—

2 (A) by striking the paragraph heading and  
3 inserting “STATE- OR TRIBAL-ADMINISTERED  
4 ASSISTANCE AND OTHER NEEDS ASSISTANCE.—  
5 ”;

6 (B) in subparagraph (A)—

7 (i) by striking “financial”; and

8 (ii) by striking “subsection (e)” and  
9 inserting “subsections (c)(1)(B), (c)(4),  
10 and (e) if the President and the State or  
11 Tribal government comply, as determined  
12 by the Administrator, with paragraph (3)”;  
13 and

14 (C) in subparagraph (B)—

15 (i) by striking “financial”; and

16 (ii) by striking “subsection (e)” and  
17 inserting “subsections (c)(1)(B), (c)(4),  
18 and (e)”;

19 (2) by adding at the end the following:

20 “(3) REQUIREMENTS.—

21 “(A) APPLICATION.—A State or Tribal  
22 government desiring to provide assistance under  
23 subsection (c)(1)(B), (c)(4), or (e) shall submit  
24 to the President an application for a grant to  
25 provide financial assistance under the program.

1           “(B) CRITERIA.—The President, in con-  
2           sultation and coordination with State, Tribal,  
3           and local governments, shall establish criteria  
4           for the approval of applications submitted  
5           under subparagraph (A). The criteria shall in-  
6           clude, at a minimum—

7                   “(i) a requirement that the State or  
8                   Tribal government submit a housing strat-  
9                   egy under subparagraph (C);

10                   “(ii) the demonstrated ability of the  
11                   State or Tribal government to manage the  
12                   program under this section;

13                   “(iii) there being in effect a plan ap-  
14                   proved by the President as to how the  
15                   State or Tribal government will comply  
16                   with applicable Federal laws and regula-  
17                   tions and how the State or Tribal govern-  
18                   ment will provide assistance under its plan;

19                   “(iv) a requirement that the State,  
20                   Tribal, or local government comply with  
21                   rules and regulations established pursuant  
22                   to subsection (j); and

23                   “(v) a requirement that the President,  
24                   or the designee of the President, comply  
25                   with subsection (i).

1           “(C) REQUIREMENT OF HOUSING STRAT-  
2           EGY.—

3           “(i) IN GENERAL.—A State or Tribal  
4           government submitting an application  
5           under this paragraph shall have an ap-  
6           proved housing strategy, which shall be de-  
7           veloped and submitted to the President for  
8           approval.

9           “(ii) REQUIREMENTS.—The housing  
10          strategy required under clause (i) shall—

11           “(I) outline the approach of the  
12          State in working with Federal part-  
13          ners, Tribal governments, local com-  
14          munities, nongovernmental organiza-  
15          tions, and individual disaster survivors  
16          to meet disaster-related sheltering and  
17          housing needs; and

18           “(II) include the establishment of  
19          an activation plan for a State Dis-  
20          aster Housing Task Force, as outlined  
21          in the National Disaster Housing  
22          Strategy, to bring together State,  
23          Tribal, local, Federal, nongovern-  
24          mental, and private sector expertise to  
25          evaluate housing requirements, con-

1           sider potential solutions, recognize  
2           special needs populations, and propose  
3           recommendations.

4           “(D) QUALITY ASSURANCE.—Before ap-  
5           proving an application submitted under this  
6           section, the President, or the designee of the  
7           President, shall institute adequate policies, pro-  
8           cedures, and internal controls to prevent waste,  
9           fraud, abuse, and program mismanagement for  
10          this program and for programs under sub-  
11          sections (c)(1)(B), (c)(4), and (e). The Presi-  
12          dent shall monitor and conduct quality assur-  
13          ance activities on a State or Tribal govern-  
14          ment’s implementation of programs under sub-  
15          sections (c)(1)(B), (c)(4), and (e). If, after ap-  
16          proving an application of a State or Tribal gov-  
17          ernment submitted under this paragraph, the  
18          President determines that the State or Tribal  
19          government is not administering the program  
20          established by this section in a manner satisfac-  
21          tory to the President, the President shall with-  
22          draw the approval.

23          “(E) AUDITS.—The Inspector General of  
24          the Department of Homeland Security shall  
25          provide for periodic audits of the programs ad-

1 ministered by States and Tribal governments  
2 under this subsection.

3 “(F) APPLICABLE LAWS.—All Federal laws  
4 applicable to the management, administration,  
5 or contracting of the programs by the Federal  
6 Emergency Management Agency under this sec-  
7 tion shall be applicable to the management, ad-  
8 ministration, or contracting by a non-Federal  
9 entity under this section.

10 “(G) REPORT ON EFFECTIVENESS.—Not  
11 later than 18 months after the date of enact-  
12 ment of this paragraph, the Inspector General  
13 of the Department of Homeland Security shall  
14 submit a report to the Committee on Homeland  
15 Security and Governmental Affairs of the Sen-  
16 ate and the Committee on Transportation and  
17 Infrastructure of the House of Representatives  
18 on the State or Tribal government’s role to pro-  
19 vide assistance under this section. The report  
20 shall contain an assessment of the effectiveness  
21 of the State or Tribal government’s role to pro-  
22 vide assistance under this section, including—

23 “(i) whether the State or Tribal gov-  
24 ernment’s role helped to improve the gen-  
25 eral speed of disaster recovery;

1           “(ii) whether the State or Tribal gov-  
2           ernment providing assistance under this  
3           section had the capacity to administer this  
4           section; and

5           “(iii) recommendations for changes to  
6           improve the program if the State or Tribal  
7           government’s role to administer the pro-  
8           grams should be continued.

9           “(H) REPORT ON INCENTIVES.—Not later  
10          than 12 months after the date of enactment of  
11          this paragraph, the Administrator of the Fed-  
12          eral Emergency Management Agency shall sub-  
13          mit a report to the Committee on Homeland  
14          Security and Governmental Affairs of the Sen-  
15          ate and the Committee on Transportation and  
16          Infrastructure of the House of Representatives  
17          on a proposed incentive structure for awards  
18          made under this section to encourage participa-  
19          tion by eligible States and to potentially add  
20          cost-share requirements that are reasonable to  
21          support increased State management according  
22          to this section.

23          “(I) PROHIBITION.—The President may  
24          not condition the provision of Federal assist-

1           ance under this Act by a State or Tribal gov-  
2           ernment requesting a grant under this section.

3           “(J) MISCELLANEOUS.—

4           “(i) NOTICE AND COMMENT.—The  
5           Administrator of the Federal Emergency  
6           Management Agency may waive notice and  
7           comment rulemaking, if the Administrator  
8           determines doing so is necessary to expedi-  
9           tiously implement this section, and may  
10          carry out this section as a pilot program  
11          until such regulations are promulgated.

12          “(ii) FINAL RULE.—Not later than 2  
13          years after the date of enactment of this  
14          paragraph, the Administrator of the Fed-  
15          eral Emergency Management Agency shall  
16          issue final regulations to implement this  
17          subsection as amended by the Disaster Re-  
18          covery Reform Act of 2018.

19          “(iii) WAIVER AND EXPIRATION.—The  
20          authority under clause (i) and any pilot  
21          program implemented pursuant to such  
22          clause shall expire 2 years after the date of  
23          enactment of this paragraph or upon  
24          issuance of final regulations pursuant to  
25          clause (ii), whichever occurs sooner.”.

1 **SEC. 12. ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.**

2 Section 408(h) of the Robert T. Stafford Disaster  
3 Relief and Emergency Assistance Act (42 U.S.C. 5174(h))  
4 is amended—

5 (1) in paragraph (1), by inserting “, excluding  
6 financial assistance to rent alternate housing accom-  
7 modations under subsection (e)(1)(A)(i) and finan-  
8 cial assistance to address other needs under sub-  
9 section (e)” after “disaster”;

10 (2) by redesignating paragraph (2) as para-  
11 graph (3);

12 (3) by inserting after paragraph (1) the fol-  
13 lowing:

14 “(2) **OTHER NEEDS ASSISTANCE.**—The max-  
15 imum financial assistance any individual or house-  
16 hold may receive under subsection (e) shall be equiv-  
17 alent to the amount set forth in paragraph (1) with  
18 respect to a single major disaster.”;

19 (4) in paragraph (3), as so redesignated, by  
20 striking “paragraph (1)” and inserting “paragraphs  
21 (1) and (2)”;

22 (5) by inserting after paragraph (3), as so re-  
23 designated, the following:

24 “(4) **EXCLUSION OF NECESSARY EXPENSES FOR**  
25 **INDIVIDUALS WITH DISABILITIES.**—

1           “(A) IN GENERAL.—The maximum  
2 amount of assistance established under para-  
3 graph (1) shall exclude expenses to repair or re-  
4 place damaged accessibility-related improve-  
5 ments under paragraphs (2), (3), and (4) of  
6 subsection (c) for individuals with disabilities.

7           “(B) OTHER NEEDS ASSISTANCE.—The  
8 maximum amount of assistance established  
9 under paragraph (2) shall exclude expenses to  
10 repair or replace accessibility-related personal  
11 property under subsection (e)(2) for individuals  
12 with disabilities.”.

13 **SEC. 13. MULTIFAMILY LEASE AND REPAIR ASSISTANCE.**

14       (a) LEASE AND REPAIR OF RENTAL UNITS FOR  
15 TEMPORARY HOUSING.—Section 408(c)(1)(B)(ii)(II) of  
16 the Robert T. Stafford Disaster Relief and Emergency As-  
17 sistance Act (42 U.S.C. 5174(c)(1)(B)(ii)(II)) is amended  
18 to read as follows:

19           “(II) IMPROVEMENTS OR RE-  
20 PAIRS.—Under the terms of any lease  
21 agreement for property entered into  
22 under this subsection, the value of the  
23 improvements or repairs shall be de-  
24 ducted from the value of the lease  
25 agreement.”.

1 (b) RENTAL PROPERTIES IMPACTED.—Section  
2 408(c)(1)(B)(ii)(I)(aa) of the Robert T. Stafford Disaster  
3 Relief and Emergency Assistance Act (42 U.S.C.  
4 5174(c)(1)(B)(ii)(I)(aa)) is amended to read as follows:

5 “(aa) enter into lease agree-  
6 ments with owners of multifamily  
7 rental property impacted by a  
8 major disaster or located in areas  
9 covered by a major disaster dec-  
10 laration to house individuals and  
11 households eligible for assistance  
12 under this section; and”.

13 (c) INSPECTOR GENERAL REPORT.—Not later than  
14 2 years after the date of the enactment of this Act, the  
15 Inspector General of the Department of Homeland Secu-  
16 rity shall—

17 (1) assess the use of the authority provided  
18 under section 408(c)(1)(B) of the Robert T. Staf-  
19 ford Disaster Relief and Emergency Assistance Act  
20 (42 U.S.C. 5174(c)(1)(B)), as amended by this Act,  
21 including the adequacy of any benefit-cost analysis  
22 done to justify the use of this alternative; and

23 (2) submit a report on the results of the assess-  
24 ment conducted under paragraph (1) to the appro-  
25 priate committees of Congress.

1 **SEC. 14. PRIVATE NONPROFIT FACILITY.**

2 Section 102(11)(B) of the Robert T. Stafford Dis-  
3 aster Relief and Emergency Assistance Act (42 U.S.C.  
4 5122(11)(B)) is amended by inserting “food banks,” after  
5 “shelter workshops,”.

6 **SEC. 15. MANAGEMENT COSTS.**

7 Section 324 of the Robert T. Stafford Disaster Relief  
8 and Emergency Assistance Act (42 U.S.C. 5165b) is  
9 amended—

10 (1) in subsection (a), by striking “any adminis-  
11 trative expense, and any other expense not directly  
12 chargeable to” and inserting “direct administrative  
13 cost, and any other administrative expense associ-  
14 ated with”; and

15 (2) in subsection (b)—

16 (A) by striking “Notwithstanding” and in-  
17 serting the following:

18 “(1) IN GENERAL.—Notwithstanding”;

19 (B) in paragraph (1), as so designated, by  
20 striking “establish” and inserting “implement”;  
21 and

22 (C) by adding at the end the following:

23 “(2) SPECIFIC MANAGEMENT COSTS.—The Ad-  
24 ministrator of Federal Emergency Management  
25 Agency shall provide the following percentage rates,  
26 in addition to the eligible project costs, to cover di-

1 rect and indirect costs of administering the following  
2 programs:

3 “(A) HAZARD MITIGATION.—A grantee  
4 under section 404 may be reimbursed not more  
5 than 15 percent of the total amount of the  
6 grant award under such section of which not  
7 more than 10 percent may be used by the  
8 grantee and 5 percent by the subgrantee for  
9 such costs.

10 “(B) PUBLIC ASSISTANCE.—A grantee  
11 under sections 403, 406, 407, and 502 may be  
12 reimbursed not more than 12 percent of the  
13 total award amount under such sections, of  
14 which not more than 7 percent may be used by  
15 the grantee and 5 percent by the subgrantee for  
16 such costs.”.

17 **SEC. 16. FLEXIBILITY.**

18 (a) WAIVER AUTHORITY.—

19 (1) DEFINITION.—In this subsection, the term  
20 “covered assistance” means assistance provided—

21 (A) under section 408 of the Robert T.  
22 Stafford Disaster Relief and Emergency Assist-  
23 ance Act (42 U.S.C. 5174); and

24 (B) in relation to a major disaster or  
25 emergency declared by the President under sec-

1           tion 401 or 501 of the Robert T. Stafford Dis-  
2           aster Relief and Emergency Assistance Act (42  
3           U.S.C. 5170, 5191) on or after October 28,  
4           2012.

5           (2)    AUTHORITY.—Notwithstanding    section  
6           3716(e) of title 31, United States Code, the Admin-  
7           istrator—

8                   (A) subject to subparagraph (B), may  
9                   waive a debt owed to the United States related  
10                  to covered assistance provided to an individual  
11                  or household if—

12                           (i) the covered assistance was distrib-  
13                           uted based on an error by the Agency;

14                           (ii) there was no fault on behalf of the  
15                           debtor; and

16                           (iii) the collection of the debt would be  
17                           against equity and good conscience; and

18                   (B) may not waive a debt under subpara-  
19                   graph (A) if the debt involves fraud, the presen-  
20                   tation of a false claim, or misrepresentation by  
21                   the debtor or any party having an interest in  
22                   the claim.

23           (3) MONITORING OF COVERED ASSISTANCE DIS-  
24           TRIBUTED BASED ON ERROR.—

1 (A) IN GENERAL.—The Inspector General  
2 of the Department of Homeland Security shall  
3 monitor the distribution of covered assistance to  
4 individuals and households to determine the  
5 percentage of such assistance distributed based  
6 on an error.

7 (B) REMOVAL OF WAIVER AUTHORITY  
8 BASED ON EXCESSIVE ERROR RATE.—If the In-  
9 spector General of the Department of Home-  
10 land Security determines, with respect to any  
11 12-month period, that the amount of covered  
12 assistance distributed based on an error by the  
13 Agency exceeds 4 percent of the total amount  
14 of covered assistance distributed—

15 (i) the Inspector General shall notify  
16 the Administrator and publish the deter-  
17 mination in the Federal Register; and

18 (ii) with respect to any major disaster  
19 or emergency declared by the President  
20 under section 401 or section 501, respec-  
21 tively, of the Robert T. Stafford Disaster  
22 Relief and Emergency Assistance Act (42  
23 U.S.C. 5170; 42 U.S.C. 5191) after the  
24 date on which the determination is pub-  
25 lished under subparagraph (A), the author-

1           ity of the Administrator to waive debt  
2           under paragraph (2) shall no longer be ef-  
3           fective.

4           (b) RECOUPMENT OF CERTAIN ASSISTANCE PROHIB-  
5 ITED.—

6           (1) IN GENERAL.—Notwithstanding section  
7           3716(e) of title 31, United States Code, and unless  
8           there is evidence of civil or criminal fraud, the Agen-  
9           cy may not take any action to recoup covered assist-  
10          ance from the recipient of such assistance if the re-  
11          ceipt of such assistance occurred on a date that is  
12          more than 3 years before the date on which the  
13          Agency first provides to the recipient written notifi-  
14          cation of an intent to recoup.

15          (2) COVERED ASSISTANCE DEFINED.—In this  
16          subsection, the term “covered assistance” means as-  
17          sistance provided—

18                (A) under section 408 of the Robert T.  
19                Stafford Disaster Relief and Emergency Assist-  
20                ance Act (42 U.S.C. 5174); and

21                (B) in relation to a major disaster or  
22                emergency declared by the President under sec-  
23                tion 401 or 501 of such Act (42 U.S.C. 5170;  
24                42 U.S.C. 5191) on or after January 1, 2012.

25          (c) STATUTE OF LIMITATIONS.—

1           (1) IN GENERAL.—Section 705 of the Robert T.  
2           Stafford Disaster Relief and Emergency Assistance  
3           Act (42 U.S.C. 5205) is amended—

4           (A) in subsection (a)(1)—

5           (i) by striking “Except” and inserting  
6           “Notwithstanding section 3716(e) of title  
7           31, United States Code, and except”; and

8           (ii) by striking “report for the dis-  
9           aster or emergency” and inserting “report  
10           for project completion as certified by the  
11           grantee”; and

12          (B) in subsection (b)—

13          (i) in paragraph (1) by striking “re-  
14          port for the disaster or emergency” and in-  
15          serting “report for project completion as  
16          certified by the grantee”; and

17          (ii) in paragraph (3) by inserting “for  
18          project completion as certified by the  
19          grantee” after “final expenditure report”.

20          (2) APPLICABILITY.—

21          (A) IN GENERAL.—With respect to dis-  
22          aster or emergency assistance provided to a  
23          State or local government on or after January  
24          1, 2004—

1 (i) no administrative action may be  
2 taken to recover a payment of such assist-  
3 ance after the date of enactment of this  
4 Act if the action is prohibited under sec-  
5 tion 705(a)(1) of the Robert T. Stafford  
6 Disaster Relief and Emergency Assistance  
7 Act (42 U.S.C. 5205(a)(1)), as amended  
8 by paragraph (1); and

9 (ii) any administrative action to re-  
10 cover a payment of such assistance that is  
11 pending on such date of enactment shall be  
12 terminated if the action is prohibited under  
13 section 705(a)(1) of that Act, as amended  
14 by paragraph (1).

15 (B) LIMITATION.—This section, including  
16 the amendments made by this section, may not  
17 be construed to invalidate or otherwise affect  
18 any administration action completed before the  
19 date of enactment of this Act.

20 **SEC. 17. ADDITIONAL DISASTER ASSISTANCE.**

21 (a) DISASTER MITIGATION.—Section 209 of the Pub-  
22 lic Works and Economic Development Act of 1965 (42  
23 U.S.C. 3149) is amended by adding at the end the fol-  
24 lowing:

1       “(e) DISASTER MITIGATION.—In providing assist-  
 2       ance pursuant to subsection (c)(2), if appropriate and as  
 3       applicable, the Secretary may encourage hazard mitigation  
 4       in assistance provided pursuant to such subsection.”.

5       (b) EMERGENCY MANAGEMENT ASSISTANCE COM-  
 6       PACT GRANTS.—Section 661(d) of the Post-Katrina  
 7       Emergency Management Reform Act of 2006 (6 U.S.C.  
 8       761(d)) is amended by striking “for fiscal year 2008” and  
 9       inserting “for each of fiscal years 2018 through 2022”.

10       (c) EMERGENCY MANAGEMENT PERFORMANCE  
 11       GRANTS PROGRAM.—Section 662(f) of the Post-Katrina  
 12       Emergency Management Reform Act of 2006 (6 U.S.C.  
 13       762(f)) is amended by striking “the program” and all that  
 14       follows through “2012” and inserting “the program, for  
 15       each of fiscal years 2018 through 2022”.

16       (d) TECHNICAL AMENDMENT.—Section 403(a)(3) of  
 17       the Robert T. Stafford Disaster Relief and Emergency As-  
 18       sistance Act (42 U.S.C. 5170b(a)(3)) is amended by strik-  
 19       ing the second subparagraph (J).

20       **SEC. 18. NATIONAL VETERINARY EMERGENCY TEAMS.**

21       (a) IN GENERAL.—The Administrator may establish  
 22       one or more national veterinary emergency teams at ac-  
 23       credited colleges of veterinary medicine.

24       (b) RESPONSIBILITIES.—A national veterinary emer-  
 25       gency team shall—

1           (1) deploy with a team of the National Urban  
2           Search and Rescue Response System to assist  
3           with—

4                   (A) veterinary care of canine search teams;

5                   (B) locating and treating companion ani-  
6           mals, service animals, livestock, and other ani-  
7           mals; and

8                   (C) surveillance and treatment of zoonotic  
9           diseases;

10          (2) recruit, train, and certify veterinary profes-  
11          sionals, including veterinary students, in accordance  
12          with an established set of plans and standard oper-  
13          ating guidelines to carry out the duties associated  
14          with planning for and responding to emergencies as  
15          described in paragraph (1);

16          (3) assist State, Tribal, and local governments  
17          and nonprofit organizations in developing emergency  
18          management and evacuation plans that account for  
19          the care and rescue of animals and in improving  
20          local readiness for providing veterinary medical re-  
21          sponse during a disaster; and

22          (4) coordinate with the Department of Home-  
23          land Security, the Department of Health and  
24          Human Services, the Department of Agriculture,  
25          State, Tribal, and local governments (including de-

1       partments of animal and human health), veterinary  
2       and health care professionals, and volunteers.

3       **SEC. 19. RIGHT OF ARBITRATION.**

4       Section 423 of the Robert T. Stafford Disaster Relief  
5       and Emergency Assistance Act (42 U.S.C. 5189a) is  
6       amended by adding at the end the following:

7       “(d) RIGHT OF ARBITRATION.—

8               “(1) IN GENERAL.—Notwithstanding this sec-  
9       tion, an applicant for assistance under this title may  
10      request arbitration to dispute the eligibility for as-  
11      sistance or repayment of assistance provided for a  
12      dispute of more than \$500,000. Such arbitration  
13      shall be conducted de novo by the Civilian Board of  
14      Contract Appeals and the decision of such Board  
15      shall be binding.

16              “(2) ELIGIBILITY.—To participate in arbitra-  
17      tion under this subsection, an applicant—

18                      “(A) shall submit the dispute to the arbi-  
19                      tration process established under the authority  
20                      granted under section 601 of division A of Pub-  
21                      lic Law 111–5 (123 Stat. 115); and

22                      “(B) may submit a request for arbitration  
23                      after the completion of the first appeal under  
24                      subsection (a) at any time before the Adminis-



1 or emergency declared by the President under sec-  
2 tion 401 or 501, respectively, of the Robert T. Staf-  
3 ford Disaster Relief and Emergency Assistance Act  
4 (42 U.S.C. 5170, 5191).

5 (3) Recommendations on any further actions,  
6 including any legislative proposals, needed to expe-  
7 dite and streamline the review process.

8 (b) REGULATIONS.—After completing the review,  
9 survey, and analyses under subsection (a), but not later  
10 than 2 years after the date of enactment of this Act, and  
11 after providing notice and opportunity for public comment,  
12 the Administrator shall issue regulations to implement any  
13 regulatory recommendations, including any categorical ex-  
14 clusions identified under subsection (a), to the extent that  
15 the categorical exclusions meet the criteria for a categor-  
16 ical exclusion under section 1508.4 of title 40, Code of  
17 Federal Regulations, and section II of DHS Instruction  
18 Manual 023–01–001–01.

19 **SEC. 21. CLOSEOUT INCENTIVES.**

20 (a) FACILITATING CLOSEOUT.—Section 705 of the  
21 Robert T. Stafford Disaster Relief and Emergency Assist-  
22 ance Act (42 U.S.C. 5205) is amended by adding at the  
23 end the following:

24 “(d) FACILITATING CLOSEOUT.—

1           “(1) INCENTIVES.—The Administrator of the  
2           Federal Emergency Management Agency may de-  
3           velop incentives and penalties that encourage State,  
4           Tribal, or local governments to close out expendi-  
5           tures and activities on a timely basis related to dis-  
6           aster or emergency assistance.

7           “(2) AGENCY REQUIREMENTS.—The Federal  
8           Emergency Management Agency shall, consistent  
9           with applicable regulations and required procedures,  
10          meet its responsibilities to improve closeout practices  
11          and reduce the time to close disaster program  
12          awards.”.

13          (b) REGULATIONS.—The Administrator shall issue  
14          regulations to implement the amendments made by this  
15          section.

16          **SEC. 22. PERFORMANCE OF SERVICES.**

17          Section 306 of the Robert T. Stafford Disaster Relief  
18          and Emergency Assistance Act (42 U.S.C. 5149) is  
19          amended by adding at the end the following:

20          “(c) The Administrator of the Federal Emergency  
21          Management Agency is authorized to appoint temporary  
22          personnel, after serving continuously for 3 years, to posi-  
23          tions in the Federal Emergency Management Agency in  
24          the same manner that competitive service employees with  
25          competitive status are considered for transfer, reassign-

1 ment, or promotion to such positions. An individual ap-  
2 pointed under this subsection shall become a career-condi-  
3 tional employee, unless the employee has already com-  
4 pleted the service requirements for career tenure.”.

5 **SEC. 23. STUDY TO STREAMLINE AND CONSOLIDATE INFOR-**  
6 **MATION COLLECTION.**

7 Not later than 1 year after the date of enactment  
8 of this Act, the Administrator shall—

9 (1) in coordination with the Small Business Ad-  
10 ministration, the Department of Housing and Urban  
11 Development, the Disaster Assistance Working  
12 Group of the Council of the Inspectors General on  
13 Integrity and Efficiency, and other appropriate  
14 agencies, conduct a study and develop a plan, con-  
15 sistent with law, under which the collection of infor-  
16 mation from disaster assistance applicants and  
17 grantees will be modified, streamlined, expedited, ef-  
18 ficient, flexible, consolidated, and simplified to be  
19 less burdensome, duplicative, and time consuming  
20 for applicants and grantees;

21 (2) in coordination with the Small Business Ad-  
22 ministration, the Department of Housing and Urban  
23 Development, the Disaster Assistance Working  
24 Group of the Council of the Inspectors General on  
25 Integrity and Efficiency, and other appropriate

1 agencies, develop a plan for the regular collection  
2 and reporting of information on Federal disaster as-  
3 sistance awarded, including the establishment and  
4 maintenance of a website for presenting the informa-  
5 tion to the public; and

6 (3) submit the plans developed under para-  
7 graphs (1) and (2) to the Committee on Transpor-  
8 tation and Infrastructure of the House of Represent-  
9 atives and the Committee on Homeland Security and  
10 Governmental Affairs of the Senate.

11 **SEC. 24. AGENCY ACCOUNTABILITY.**

12 Title IV of the Robert T. Stafford Disaster Relief and  
13 Emergency Assistance Act (42 U.S.C. 5170 et seq.) is  
14 amended by adding at the end the following:

15 **“SEC. 430. AGENCY ACCOUNTABILITY.**

16 “(a) PUBLIC ASSISTANCE.—Not later than 5 days  
17 after an award of a public assistance grant is made under  
18 section 406 that is in excess of \$1,000,000, the Adminis-  
19 trator of the Federal Emergency Management Agency  
20 shall publish on the website of the Federal Emergency  
21 Management Agency the specifics of each such grant  
22 award, including—

23 “(1) identifying the Federal Emergency Man-  
24 agement Agency Region;

1           “(2) the disaster or emergency declaration  
2 number;

3           “(3) the State, county, and applicant name;

4           “(4) if the applicant is a private nonprofit orga-  
5 nization;

6           “(5) the damage category code;

7           “(6) the amount of the Federal share obligated;  
8 and

9           “(7) the date of the award.

10          “(b) MISSION ASSIGNMENTS.—

11           “(1) IN GENERAL.—Not later than 5 days after  
12 the issuance of a mission assignment or mission as-  
13 signment task order, the Administrator of the Fed-  
14 eral Emergency Management Agency shall publish  
15 on the website of the Federal Emergency Manage-  
16 ment Agency any mission assignment or mission as-  
17 signment task order to another Federal department  
18 or agency regarding a major disaster in excess of  
19 \$1,000,000, including—

20           “(A) the name of the impacted State or  
21 Indian Tribe;

22           “(B) the disaster declaration for such  
23 State or Indian Tribe;

24           “(C) the assigned agency;

25           “(D) the assistance requested;

1 “(E) a description of the disaster;

2 “(F) the total cost estimate;

3 “(G) the amount obligated;

4 “(H) the State or Tribal cost share, if ap-  
5 plicable;

6 “(I) the authority under which the mission  
7 assignment or mission assignment task order  
8 was directed; and

9 “(J) if applicable, the date a State or In-  
10 dian Tribe requested the mission assignment.

11 “(2) RECORDING CHANGES.—Not later than 10  
12 days after the last day of each month until a mission  
13 assignment or mission assignment task order de-  
14 scribed in paragraph (1) is completed and closed  
15 out, the Administrator of the Federal Emergency  
16 Management Agency shall update any changes to  
17 the total cost estimate and the amount obligated.

18 “(c) DISASTER RELIEF MONTHLY REPORT.—Not  
19 later than 10 days after the first day of each month, the  
20 Administrator of the Federal Emergency Management  
21 Agency shall publish on the website of the Federal Emer-  
22 gency Management Agency reports, including a specific  
23 description of the methodology and the source data used  
24 in developing such reports, including—

1           “(1) an estimate of the amounts for the fiscal  
2 year covered by the President’s most recent budget  
3 pursuant to section 1105(a) of title 31, United  
4 States Code, including—

5           “(A) the unobligated balance of funds to  
6 be carried over from the prior fiscal year to the  
7 budget year;

8           “(B) the unobligated balance of funds to  
9 be carried over from the budget year to the  
10 budget year plus 1;

11           “(C) the amount of obligations for non-  
12 catastrophic events for the budget year;

13           “(D) the amount of obligations for the  
14 budget year for catastrophic events delineated  
15 by event and by State;

16           “(E) the total amount that has been pre-  
17 viously obligated or will be required for cata-  
18 strophic events delineated by event and by State  
19 for all prior years, the current fiscal year, the  
20 budget year, and each fiscal year thereafter;

21           “(F) the amount of previously obligated  
22 funds that will be recovered for the budget  
23 year;

24           “(G) the amount that will be required for  
25 obligations for emergencies, as described in sec-

1           tion 102(1), major disasters, as described in  
2           section 102(2), fire management assistance  
3           grants, as described in section 420, surge ac-  
4           tivities, and disaster readiness and support ac-  
5           tivities; and

6                   “(H) the amount required for activities not  
7           covered under section 251(b)(2)(D)(iii) of the  
8           Balanced Budget and Emergency Deficit Con-  
9           trol Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii));  
10          and

11                   “(2) an estimate or actual amounts, if available,  
12          of the following for the current fiscal year, which  
13          shall be submitted not later than the fifth day of  
14          each month, published by the Administrator of the  
15          Federal Emergency Management Agency on the  
16          website of the Federal Emergency Management  
17          Agency not later than the fifth day of each month:

18                   “(A) A summary of the amount of appro-  
19          priations made available by source, the trans-  
20          fers executed, the previously allocated funds re-  
21          covered, and the commitments, allocations, and  
22          obligations made.

23                   “(B) A table of disaster relief activity de-  
24          lineated by month, including—

1           “(i) the beginning and ending bal-  
2           ances;

3           “(ii) the total obligations to include  
4           amounts obligated for fire assistance,  
5           emergencies, surge, and disaster support  
6           activities;

7           “(iii) the obligations for catastrophic  
8           events delineated by event and by State;  
9           and

10           “(iv) the amount of previously obli-  
11           gated funds that are recovered.

12           “(C) A summary of allocations, obligations,  
13           and expenditures for catastrophic events delin-  
14           eated by event.

15           “(D) The cost of the following categories  
16           of spending:

17           “(i) Public assistance.

18           “(ii) Individual assistance.

19           “(iii) Mitigation.

20           “(iv) Administrative.

21           “(v) Operations.

22           “(vi) Any other relevant category (in-  
23           cluding emergency measures and disaster  
24           resources) delineated by disaster.

1           “(E) The date on which funds appro-  
2           priated will be exhausted.

3           “(d) CONTRACTS.—

4           “(1) INFORMATION.—Not later than 10 days  
5           after the first day of each month, the Administrator  
6           of the Federal Emergency Management Agency shall  
7           publish on the website of the Federal Emergency  
8           Management Agency the specifics of each contract in  
9           excess of \$1,000,000 that the Federal Emergency  
10          Management Agency enters into, including—

11                   “(A) the name of the party;

12                   “(B) the date the contract was awarded;

13                   “(C) the amount and scope of the contract;

14                   “(D) if the contract was awarded through  
15           competitive bidding process;

16                   “(E) if no competitive bidding process was  
17           used, the reason why competitive bidding was  
18           not used; and

19                   “(F) the authority used to bypass the com-  
20           petitive bidding process.

21          The information shall be delineated by disaster, if  
22          applicable, and specify the damage category code, if  
23          applicable.

24           “(2) REPORT.—Not later than 10 days after  
25          the last day of the fiscal year, the Administrator of

1 the Federal Emergency Management Agency shall  
2 provide a report to the appropriate committees of  
3 Congress summarizing the following information for  
4 the preceding fiscal year:

5 “(A) The number of contracts awarded  
6 without competitive bidding.

7 “(B) The reasons why a competitive bid-  
8 ding process was not used.

9 “(C) The total amount of contracts award-  
10 ed with no competitive bidding.

11 “(D) The damage category codes, if appli-  
12 cable, for contracts awarded without competi-  
13 tive bidding.

14 “(e) REPORT ON THE COLLECTION OF PUBLIC AS-  
15 SISTANCE RECIPIENT AND SUBRECIPIENT CONTRACTS.—  
16 Not later than 180 days after the date of enactment of  
17 this subsection, the Administrator of the Federal Emer-  
18 gency Management Agency shall submit a report to the  
19 Committee on Homeland Security and Governmental Af-  
20 fairs of the Senate and the Committee on Transportation  
21 and Infrastructure of the House of Representatives on the  
22 efforts of the Federal Emergency Management Agency to  
23 collect information on any contract prior to the project  
24 closeout phase for more than \$500,000 that a public as-  
25 sistance recipient or subrecipient enters into using grant

1 monies under section 324, 403, 406, 407, 428, or 502,  
2 to improve oversight efforts by the Inspector General of  
3 the Department and others, including—

4 “(1) the name of each party;

5 “(2) the date the contract was awarded;

6 “(3) the amount of the contract;

7 “(4) the scope of the contract;

8 “(5) the period of performance for the contract;

9 and

10 “(6) whether the contract was awarded through  
11 a competitive bidding process.”.

12 **SEC. 25. AUDIT OF CONTRACTS.**

13 Notwithstanding any other provision of law, the Ad-  
14 ministrator shall not reimburse a State, Tribe, or local  
15 government or the owner or operator of a private nonprofit  
16 facility for any activities made pursuant to a contract that  
17 prohibits the Administrator or the Comptroller General of  
18 the United States from auditing or otherwise reviewing all  
19 aspects relating to the contract.

20 **SEC. 26. INSPECTOR GENERAL AUDIT OF FEMA CONTRACTS**  
21 **FOR TARPS AND PLASTIC SHEETING.**

22 (a) IN GENERAL.—Not later than 30 days after the  
23 date of enactment of this Act, the Inspector General of  
24 the Department of Homeland Security shall initiate an  
25 audit of the contracts awarded by the Agency for tarps

1 and plastic sheeting for the Commonwealth of Puerto Rico  
2 and the United States Virgin Islands in response to Hurri-  
3 cane Irma and Hurricane Maria.

4 (b) CONSIDERATIONS.—In carrying out the audit  
5 under subsection (a), the Inspector General shall review—

6 (1) the contracting process used by the Agency  
7 to evaluate offerors and award the relevant contracts  
8 to contractors;

9 (2) the assessment conducted by the Agency of  
10 the past performance of the contractors, including  
11 any historical information showing that the contrac-  
12 tors had supported large-scale delivery quantities in  
13 the past;

14 (3) the assessment conducted by the Agency of  
15 the capacity of the contractors to carry out the rel-  
16 evant contracts, including with respect to inventory,  
17 production, and financial capabilities;

18 (4) how the Agency ensured that the contrac-  
19 tors met the terms of the relevant contracts; and

20 (5) whether the failure of the contractors to  
21 meet the terms of the relevant contracts and the  
22 subsequent cancellation by the Agency of the rel-  
23 evant contracts affected the provision of tarps and  
24 plastic sheeting to the Commonwealth of Puerto  
25 Rico and the United States Virgin Islands.

1 (c) REPORT.—Not later than 270 days after the date  
2 of initiation of the audit under subsection (a), the Inspec-  
3 tor General shall submit to the Committee on Transpor-  
4 tation and Infrastructure of the House of Representatives  
5 and the Committee on Homeland Security and Govern-  
6 mental Affairs of the Senate a report on the results of  
7 the audit, including findings and recommendations.

8 **SEC. 27. RELIEF ORGANIZATIONS.**

9 Section 309 of the Robert T. Stafford Disaster Relief  
10 and Emergency Assistance Act (42 U.S.C. 5152) is  
11 amended—

12 (1) in subsection (a), by striking “and other re-  
13 lief or” and inserting “long-term recovery groups,  
14 domestic hunger relief, and other relief, or”; and

15 (2) in subsection (b), by striking “and other re-  
16 lief or” and inserting “long-term recovery groups,  
17 domestic hunger relief, and other relief, or”.

18 **SEC. 28. GUIDANCE ON INUNDATED AND SUBMERGED**  
19 **ROADS.**

20 The Administrator, in coordination with the Adminis-  
21 trator of the Federal Highway Administration, shall de-  
22 velop and issue guidance for State, local, and Tribal gov-  
23 ernments regarding repair, restoration, and replacement  
24 of inundated and submerged roads damaged or destroyed  
25 by a major disaster declared by the President under sec-

1 tion 401 of the Robert T. Stafford Disaster Relief and  
2 Emergency Assistance Act (42 U.S.C. 5170), and for as-  
3 sociated expenses incurred by the Government, with re-  
4 spect to roads eligible for assistance under section 406 of  
5 the Robert T. Stafford Disaster Relief and Emergency As-  
6 sistance Act (42 U.S.C. 5172), as amended by this Act.

7 **SEC. 29. GUIDANCE AND RECOMMENDATIONS.**

8 (a) **GUIDANCE.**—The Administrator shall provide  
9 guidance to a common interest community that provides  
10 essential services of a governmental nature on actions that  
11 a common interest community may take in order to be  
12 eligible to receive reimbursement from a grantee that re-  
13 ceives funds from the Agency for certain activities per-  
14 formed after an event that results in a major disaster de-  
15 clared by the President under section 401 of the Robert  
16 T. Stafford Disaster Relief and Emergency Assistance Act  
17 (42 U.S.C. 5170).

18 (b) **RECOMMENDATIONS.**—Not later than 90 days  
19 after the date of enactment of this Act, the Administrator  
20 shall provide to the Committee on Transportation and In-  
21 frastructure of the House of Representatives and the Com-  
22 mittee on Homeland Security and Governmental Affairs  
23 of the Senate a legislative proposal on how to provide eligi-  
24 bility for disaster assistance with respect to common areas  
25 of condominiums and housing cooperatives.

1 **SEC. 30. GUIDANCE ON HAZARD MITIGATION ASSISTANCE.**

2 (a) IN GENERAL.—Not later than 180 days after the  
3 date of enactment of this Act, the Administrator shall  
4 issue guidance regarding the acquisition of property for  
5 open space as a mitigation measure under section 404 of  
6 the Robert T. Stafford Disaster Relief and Emergency As-  
7 sistance Act (42 U.S.C. 5170c) that includes—

8 (1) a process by which the State hazard mitiga-  
9 tion officer appointed for such an acquisition shall,  
10 not later than 60 days after the applicant for assist-  
11 ance enters into an agreement with the Adminis-  
12 trator regarding the acquisition, provide written no-  
13 tification to each affected unit of local government  
14 for such acquisition that includes—

15 (A) the location of the acquisition;

16 (B) the State-local assistance agreement  
17 for the hazard mitigation grant program;

18 (C) a description of the acquisition; and

19 (D) a copy of the deed restriction; and

20 (2) recommendations for entering into and im-  
21 plementing a memorandum of understanding be-  
22 tween units of local government and covered entities  
23 that includes provisions to allow an affected unit of  
24 local government notified under paragraph (1) to—

25 (A) use and maintain the open space cre-  
26 ated by such a project, consistent with section

1           404 (including related regulations, standards,  
2           and guidance) and consistent with all adjoining  
3           property, subject to the notification of the ad-  
4           joining property, so long as the cost of the  
5           maintenance is borne by the local government;  
6           and

7                   (B) maintain the open space pursuant to  
8           standards exceeding any local government  
9           standards defined in the agreement with the  
10          Administrator described under paragraph (1).

11       (b) DEFINITIONS.—In this section:

12                   (1) AFFECTED UNIT OF LOCAL GOVERN-  
13          MENT.—The term “affected unit of local govern-  
14          ment” means any entity covered by the definition of  
15          local government in section 102 of the Robert T.  
16          Stafford Disaster Relief and Emergency Assistance  
17          Act (42 U.S.C. 5122), that has jurisdiction over the  
18          property subject to the acquisition described in sub-  
19          section (a).

20                   (2) COVERED ENTITY.—The term “covered en-  
21          tity” means—

22                           (A) the grantee or subgrantee receiving as-  
23                           sistance for an open space project described in  
24                           subsection (a);

1 (B) the State in which such project is lo-  
2 cated; and

3 (C) the applicable Regional Administrator  
4 of the Agency.

5 **SEC. 31. ADDITIONAL HAZARD MITIGATION ACTIVITIES.**

6 Section 404 of the Robert T. Stafford Disaster Relief  
7 and Emergency Assistance Act (42 U.S.C. 5170c), as  
8 amended by section 5, is amended by adding at the end  
9 the following:

10 “(g) USE OF ASSISTANCE.—Recipients of hazard  
11 mitigation assistance provided under this section and sec-  
12 tion 203 may use the assistance to conduct activities to  
13 help reduce the risk of future damage, hardship, loss, or  
14 suffering in any area affected by earthquake hazards, in-  
15 cluding—

16 “(1) improvements to regional seismic networks  
17 in support of building a capability for earthquake  
18 early warning;

19 “(2) improvements to geodetic networks in sup-  
20 port of building a capability for earthquake early  
21 warning; and

22 “(3) improvements to seismometers, Global Po-  
23 sitioning System receivers, and associated infrastruc-  
24 ture in support of building a capability for earth-  
25 quake early warning.”.

1 **SEC. 32. NATIONAL PUBLIC INFRASTRUCTURE**  
2 **PREDISASTER HAZARD MITIGATION.**

3 (a) PREDISASTER HAZARD MITIGATION.—Section  
4 203 of the Robert T. Stafford Disaster Relief and Emer-  
5 gency Assistance Act (42 U.S.C. 5133) is amended—

6 (1) in subsection (c) by inserting “Public Infra-  
7 structure” after “the National”;

8 (2) in subsection (e)(1)(B)—

9 (A) in clause (ii), by striking “or” at the  
10 end;

11 (B) in clause (iii), by striking the period at  
12 the end and inserting “; or”; and

13 (C) by adding at the end the following:

14 “(iv) to establish, adopt, and carry  
15 out enforcement activities to implement the  
16 latest published editions of relevant con-  
17 sensus-based codes, specifications, and  
18 standards that incorporate the latest haz-  
19 ard-resistant designs and establish min-  
20 imum acceptable criteria for the design,  
21 construction, and maintenance of residen-  
22 tial structures and facilities that may be  
23 eligible for assistance under this Act for  
24 the purpose of protecting the health, safe-  
25 ty, and general welfare of the buildings’  
26 users against disasters.”;

1 (3) in subsection (f)—

2 (A) in paragraph (1), by inserting “for  
3 mitigation activities that are cost effective”  
4 after “competitive basis”; and

5 (B) by adding at the end the following:

6 “(3) REDISTRIBUTION OF UNOBLIGATED  
7 AMOUNTS.—The President may—

8 “(A) withdraw amounts of financial assist-  
9 ance made available to a State (including  
10 amounts made available to local governments of  
11 a State) under this subsection that remain un-  
12 obligated by the end of the third fiscal year  
13 after the fiscal year for which the amounts were  
14 allocated; and

15 “(B) in the fiscal year following a fiscal  
16 year in which amounts were withdrawn under  
17 subparagraph (A), add the amounts to any  
18 other amounts available to be awarded on a  
19 competitive basis pursuant to paragraph (1).”;

20 (4) in subsection (g)—

21 (A) in paragraph (9), by striking “and” at  
22 the end;

23 (B) by redesignating paragraph (10) as  
24 paragraph (12); and

1 (C) by inserting after paragraph (9) the  
2 following:

3 “(10) the extent to which the State or local  
4 government has facilitated the adoption and enforce-  
5 ment of the latest published editions of relevant con-  
6 sensus-based codes, specifications, and standards  
7 that incorporate the latest hazard-resistant designs  
8 and establish criteria for the design, construction,  
9 and maintenance of residential structures and facili-  
10 ties that may be eligible for assistance under this  
11 Act for the purpose of protecting the health, safety,  
12 and general welfare of the buildings’ users against  
13 disasters;

14 “(11) the extent to which the assistance will  
15 fund activities that increase the level of resiliency;  
16 and”;

17 (5) by striking subsection (i) and inserting the  
18 following:

19 “(i) NATIONAL PUBLIC INFRASTRUCTURE  
20 PREDISASTER MITIGATION ASSISTANCE.—

21 “(1) IN GENERAL.—The President may set  
22 aside from the Disaster Relief Fund, with respect to  
23 each major disaster, an amount equal to 6 percent  
24 of the estimated aggregate amount of the grants to  
25 be made pursuant to sections 403, 406, 407, 408,

1 410, 416, and 428 for the major disaster in order  
2 to provide technical and financial assistance under  
3 this section.

4 “(2) ESTIMATED AGGREGATE AMOUNT.—Not  
5 later than 180 days after each major disaster dec-  
6 laration pursuant to this Act, the estimated aggre-  
7 gate amount of grants for purposes of paragraph (1)  
8 shall be determined by the President and such esti-  
9 mated amount need not be reduced, increased, or  
10 changed due to variations in estimates.

11 “(3) NO REDUCTION IN AMOUNTS.—The  
12 amount set aside pursuant to paragraph (1) shall  
13 not reduce the amounts otherwise made available for  
14 sections 403, 404, 406, 407, 408, 410, 416, and 428  
15 under this Act.”;

16 (6) by striking subsections (j) and (m); and

17 (7) by redesignating subsections (k), (l), and  
18 (n) as subsections (j), (k), and (l), respectively.

19 (b) APPLICABILITY.—The amendments made to sec-  
20 tion 203 of the Robert T. Stafford Disaster Relief and  
21 Emergency Assistance Act (42 U.S.C. 5133) by para-  
22 graphs (3) and (5) of subsection (a) shall apply to funds  
23 appropriated after the date of enactment of this Act.

1 **SEC. 33. ADDITIONAL MITIGATION ACTIVITIES.**

2 (a) HAZARD MITIGATION CLARIFICATION.—Section  
3 404(a) of the Robert T. Stafford Disaster Relief and  
4 Emergency Assistance Act (42 U.S.C. 5170c(a)) is  
5 amended by striking the first sentence and inserting the  
6 following: “The President may contribute up to 75 percent  
7 of the cost of hazard mitigation measures which the Presi-  
8 dent has determined are cost effective and which substan-  
9 tially reduce the risk of, or increase resilience to, future  
10 damage, hardship, loss, or suffering in any area affected  
11 by a major disaster.”.

12 (b) ELIGIBLE COST.—Section 406(e)(1)(A) of the  
13 Robert T. Stafford Disaster Relief and Emergency Assist-  
14 ance Act (42 U.S.C. 5172(e)(1)(A)) is amended—

15 (1) in the matter preceding clause (i), by insert-  
16 ing after “section,” the following: “for disasters de-  
17 clared on or after August 1, 2017, or a disaster in  
18 which a cost estimate has not yet been finalized for  
19 a project,”;

20 (2) in clause (i), by striking “and” at the end;

21 (3) in clause (ii)—

22 (A) by striking “codes, specifications, and  
23 standards” and inserting “the latest published  
24 editions of relevant consensus-based codes,  
25 specifications, and standards that incorporate  
26 the latest hazard-resistant designs and establish

1 minimum acceptable criteria for the design,  
2 construction, and maintenance of residential  
3 structures and facilities that may be eligible for  
4 assistance under this Act for the purposes of  
5 protecting the health, safety, and general wel-  
6 fare of a facility’s users against disasters”;

7 (B) by striking “applicable at the time at  
8 which the disaster occurred”; and

9 (C) by striking the period at the end and  
10 inserting “; and”; and

11 (4) by adding at the end the following:

12 “(iii) in a manner that allows the fa-  
13 cility to meet the definition of resilient de-  
14 veloped pursuant to this subsection.”.

15 (c) OTHER ELIGIBLE COST.—Section 406(e)(1) of  
16 the Robert T. Stafford Disaster Relief and Emergency As-  
17 sistance Act (42 U.S.C. 5172(e)(1)) is amended by adding  
18 at the end the following:

19 “(C) CONTRIBUTIONS.—Contributions for  
20 the eligible cost made under this section may be  
21 provided on an actual cost basis or on cost-esti-  
22 mation procedures.”.

23 (d) NEW RULES.—Section 406(e) of the Robert T.  
24 Stafford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. 5172(e)) is further amended by adding at the  
2 end the following:

3 “(5) NEW RULES.—

4 “(A) IN GENERAL.—Not later than 18  
5 months after the date of enactment of this  
6 paragraph, the President, acting through the  
7 Administrator of the Federal Emergency Man-  
8 agement Agency, and in consultation with the  
9 heads of relevant Federal departments and  
10 agencies, shall issue a final rulemaking that de-  
11 fines the terms ‘resilient’ and ‘resiliency’ for  
12 purposes of this subsection.

13 “(B) INTERIM GUIDANCE.—Not later than  
14 60 days after the date of enactment of this  
15 paragraph, the Administrator shall issue in-  
16 terim guidance to implement this subsection.  
17 Such interim guidance shall expire 18 months  
18 after the date of enactment of this paragraph  
19 or upon issuance of final regulations pursuant  
20 to subparagraph (A), whichever occurs first.

21 “(C) GUIDANCE.—Not later than 90 days  
22 after the date on which the Administrator  
23 issues the final rulemaking under this para-  
24 graph, the Administrator shall issue any nec-  
25 essary guidance related to the rulemaking.

1           “(D) REPORT.—Not later than 2 years  
2           after the date of enactment of this paragraph,  
3           the Administrator shall submit to Congress a  
4           report summarizing the regulations and guid-  
5           ance issued pursuant to this paragraph.”.

6           (e) CONFORMING AMENDMENT.—Section 205(d)(2)  
7 of the Disaster Mitigation Act of 2000 (42 U.S.C. 5172  
8 note) is amended by inserting “(B)” after “except that  
9 paragraph (1)”.

10 **SEC. 34. REIMBURSEMENT.**

11           The Agency shall retroactively reimburse State and  
12 units of local government (for a period of 3 years after  
13 the declaration of a major disaster under section 401 of  
14 the Robert T. Stafford Disaster Relief and Emergency As-  
15 sistance Act (42 U.S.C. 5170)) upon determination that  
16 a locally implemented housing solution, implemented by  
17 State or units of local government, costs 50 percent of  
18 the comparable Agency solution or whatever the locally im-  
19 plemented solution costs, whichever is lower.

20 **SEC. 35. FLOOD INSURANCE.**

21           Section 406(d)(1) of the Robert T. Stafford Disaster  
22 Relief and Emergency Assistance Act (42 U.S.C.  
23 5172(d)(1)) is amended by adding at the end the fol-  
24 lowing: “This section shall not apply to more than 1 build-  
25 ing of a multi-structure educational, law enforcement, cor-

1 rectional, fire, or medical campus, effective January 1,  
2 2016.”.

3 **SEC. 36. CERTAIN RECOUPMENT PROHIBITED.**

4 (a) IN GENERAL.—Notwithstanding any other provi-  
5 sion of law, the Agency shall deem any covered disaster  
6 assistance to have been properly procured, provided, and  
7 utilized, and shall restore any funding of covered disaster  
8 assistance previously provided but subsequently withdrawn  
9 or deobligated.

10 (b) COVERED DISASTER ASSISTANCE DEFINED.—In  
11 this section, the term “covered disaster assistance” means  
12 assistance—

13 (1) provided to a local government pursuant to  
14 section 403, 406, or 407 of the Robert T. Stafford  
15 Disaster Relief and Emergency Assistance Act (42  
16 U.S.C. 5170b, 5172, or 5173); and

17 (2) with respect to which, the Inspector General  
18 of the Department of Homeland Security has deter-  
19 mined, after an audit, that—

20 (A) the Agency deployed to the local gov-  
21 ernment a Technical Assistance Contractor to  
22 review field operations, provide eligibility advice,  
23 and assist with day-to-day decisions;

1           (B) the Technical Assistance Contractor  
2 provided inaccurate information to the local  
3 government; and

4           (C) the local government relied on the in-  
5 accurate information to determine that relevant  
6 contracts were eligible, reasonable, and reim-  
7 bursable.

8 **SEC. 37. FEDERAL ASSISTANCE TO INDIVIDUALS AND**  
9 **HOUSEHOLDS AND NONPROFIT FACILITIES.**

10       (a) **CRITICAL DOCUMENT FEE WAIVER.**—Section  
11 408(e) of the Robert T. Stafford Disaster Relief and  
12 Emergency Assistance Act (42 U.S.C. 5174(e)) is amend-  
13 ed by adding at the end the following:

14           “(3) **CRITICAL DOCUMENT FEE WAIVER.**—

15           “(A) **IN GENERAL.**—Notwithstanding sec-  
16 tion 1 of the Passport Act of June 4, 1920 (22  
17 U.S.C. 214) or any other provision of law, the  
18 President, in consultation with the Governor of  
19 a State, may provide a waiver under this sec-  
20 tion to an individual or household described in  
21 paragraph (1) of the following document re-  
22 placement fees:

23           “(i) The passport application fee for  
24 individuals who lost their United States  
25 passport.

1           “(ii) The file search fee for a United  
2 States passport.

3           “(iii) The Application for Waiver of  
4 Passport and/or Visa form (Form I-193)  
5 fee.

6           “(iv) The Permanent Resident Card  
7 replacement form (Form I-90) filing fee.

8           “(v) The Declaration of Intention  
9 form (Form N-300) filing fee.

10          “(vi) The Naturalization/Citizenship  
11 Document replacement form (Form N-  
12 565) filing fee.

13          “(vii) The Employment Authorization  
14 form (Form I-765) filing fee.

15          “(viii) The biometric service fee.

16          “(B) EXEMPTION FROM FORM REQUIRE-  
17 MENT.—The authority of the President to waive  
18 fees under clauses (iii) through (viii) of sub-  
19 paragraph (A) applies regardless of whether the  
20 individual or household qualifies for a Form I-  
21 912 Request for Fee Waiver, or any successor  
22 thereto.

23          “(C) EXEMPTION FROM ASSISTANCE MAX-  
24 IMUM.—The assistance limit in subsection (h)

1           shall not apply to any fee waived under this  
2           paragraph.”.

3           (b) **FEDERAL ASSISTANCE TO PRIVATE NONPROFIT**  
4 **CHILDCARE FACILITIES.**—Section 406(a)(3)(B) of the  
5 Robert T. Stafford Disaster Relief and Emergency Assist-  
6 ance Act (42 U.S.C. 5172(a)(3)(B)) is amended by insert-  
7 ing “(including private nonprofit center-based childcare)”  
8 after “education”.

9 **SEC. 38. COST OF ASSISTANCE ESTIMATES.**

10          (a) **IN GENERAL.**—Not later than 180 days after the  
11 date of enactment of this Act, the Administrator shall re-  
12 view the factors considered when evaluating a request for  
13 a major disaster declaration under the Robert T. Stafford  
14 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
15 5121 et seq.), specifically the estimated cost of the assist-  
16 ance.

17          (b) **RULEMAKING.**—Not later than 180 days after the  
18 date of enactment of this Act, the Administrator shall re-  
19 view and initiate a rulemaking to update how the Agency  
20 estimates the cost of major disaster assistance, including  
21 adjusting the per capita impact indicator for annual infla-  
22 tion for all years since 1986, and consider other impacts  
23 on the capacity of a jurisdiction to respond to disasters.

24          (c) **IMPLEMENTATION.**—The Administrator—

1           (1) shall ensure that any new methodology de-  
2           veloped under this section shall be phased in over a  
3           period of not less than 5 years; and

4           (2) may subject adjustments to an increase of  
5           not more than 10 percent annually for jurisdictions,  
6           if the Administrator determines the increase is nec-  
7           essary to allow additional time to appropriately  
8           budget for future disasters.

9           (d) REPORT.—Not later than 365 days after the date  
10          of enactment of this Act, the Administrator shall—

11           (1) submit a report to the committees of jurisdic-  
12           tion of Congress on the initiative to modernize  
13           the per capita impact indicator; and

14           (2) present recommendations for new measures  
15           to assess the capacities of States to respond to and  
16           recover from disasters.

17 **SEC. 39. REPORT ON INSURANCE SHORTFALLS.**

18          Section 311 of the Robert T. Stafford Disaster Relief  
19          and Emergency Assistance Act (42 U.S.C. 5154) is  
20          amended by adding at the end the following:

21          “(d) REPORT ON INSURANCE SHORTFALLS.—Not  
22          later than 2 years after the date of enactment of this sub-  
23          section, and each year thereafter, the Administrator of the  
24          Federal Emergency Management Agency shall submit a  
25          report to Congress on the number of instances and the

- 1 estimated amounts involved, by State, for cases in which
- 2 self-insurance amounts have been insufficient to address
- 3 flood damages.”.

○