

Calendar No. 553

113TH CONGRESS }
2d Session }

SENATE

{ REPORT
113-250 }

EMERGENCY INFORMATION IMPROVEMENT
ACT OF 2014

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2665

TO AMEND THE ROBERT T. STAFFORD DISASTER RELIEF AND
EMERGENCY ASSISTANCE ACT TO PROVIDE ELIGIBILITY FOR
BROADCASTING FACILITIES TO RECEIVE CERTAIN DISASTER AS-
SISTANCE, AND FOR OTHER PURPOSES



SEPTEMBER 8, 2014.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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EMERGENCY INFORMATION IMPROVEMENT ACT OF 2014

SEPTEMBER 8, 2014.—Ordered to be printed

Mr. CARPER, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2665]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2665), to amend the Robert T. Stafford Disaster Relief and Emergency Assistance to provide eligibility for broadcasting facilities to receive certain disaster assistance, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

The purpose of S. 2665 is to make clear that the Federal Emergency Management Agency may include private nonprofit broadcasters among the organizations to whom it gives money after disasters. Current disaster relief law authorizes assistance to nonprofits that provide critical services to their communities, but it does not specifically identify nonprofit broadcasters as eligible, creating some potential ambiguity.

II. BACKGROUND AND NEED FOR THE LEGISLATION

The Federal Emergency Management Agency (FEMA) provides disaster assistance to state, tribal, and local governments as well as to certain types of private nonprofit organizations through the Public Assistance Grant Program, which is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act).¹ The Stafford Act currently states that public assistance funding may go to nonprofits that provide critical services, such as power, water, communications, and education.² This program helps eligible governments and organizations cover the costs of debris removal; emergency protective measures, such as emergency demolition, emergency repairs, and the removal of health and safety hazards; and the repair, replacement, or restoration of publicly owned facilities³ as well as facilities owned by eligible private nonprofit organizations damaged in a disaster.⁴

S. 2665 makes clear that nonprofit broadcasters are eligible for FEMA’s public assistance funding—specifically funding for the repair, replacement, or restoration of their facilities. Broadcast facilities can suffer extensive damage during major disasters. Hurricane Katrina, for example, severely damaged broadcasting infrastructure in the Gulf Coast region, including 50 percent of area radio stations and 44 percent of area television stations.⁵ Given the role that broadcasters play in disseminating information, it is important that their facilities be repaired as quickly as possible.

While nonprofit broadcasters currently meet the statutory criteria for eligibility for this assistance, the law does not specifically identify them as such. In order to eliminate any ambiguity and the potential for delayed assistance, S. 2665 amends the Stafford Act to specifically list nonprofit broadcasters as among the entities that are eligible for this assistance.

III. LEGISLATIVE HISTORY

On July 24, 2014, Senator Begich introduced S. 2665, which was referred to the Senate Committee on Homeland Security and Governmental Affairs. The Committee considered S. 2665 at a business meeting on July 30, 2014, and it ordered the bill reported favorably by voice vote. The members present for the vote were Senators Carper, Levin, Landrieu, McCaskill, Begich, Baldwin, Coburn, Johnson, and Ayotte.

¹ Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, sections 406 and 407 (42 U.S.C. § 5172 and § 5173).

² Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, section 406 (a)(3) (42 U.S.C. § 5172).

³ 44 CFR § 206.221 defines “public facility” as “the following facilities owned by a State or local government: any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility; any non-Federal aid, street, road, or highway; and any other public building, structure, or system, including those used for educational, recreational, or cultural purposes; or any park.”

⁴ Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, sections 406 and 407 (42 U.S.C. § 5172 and § 5173).

⁵ The White House, *The Federal Response to Hurricane Katrina: Lessons Learned* (February 2006) 55.

IV. SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

This Act may be cited as the “Emergency Information Improvement Act of 2014.”

Sec. 2. Eligibility of broadcasting facilities for certain disaster assistance

This section amends the definition of Private Nonprofit Facilities under Section 102(11)(B) of the Robert T. Stafford Act (42 U.S.C. § 5122(11)(B)) to include broadcasting facilities as eligible applicants for post-disaster assistance. This section also amends the definition of critical services under Section 406(a)(3)(B) of the Robert T. Stafford Act (42 U.S.C. § 5172(a)(3)(B)) to include broadcast and telecommunications services.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rule. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

AUGUST 21, 2014.

Hon. TOM CARPER,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2665, the Emergency Information Improvement Act of 2014.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 2665—Emergency Information Improvement Act of 2014

S. 2665 would codify an existing policy allowing broadcasting facilities to be eligible for certain government assistance following a disaster. CBO estimates that implementing this legislation would have no cost. Enacting S. 2665 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under current law, private nonprofit facilities are eligible to receive grants from the Federal Emergency Management Agency (FEMA) for damages incurred during a disaster if the facility provides critical public services or is ineligible for a Small Business Administration loan. According to information from FEMA, broadcasting facilities are eligible for such assistance under current agency policy. S. 2665 would explicitly list broadcasting facilities as

an eligible provider of critical services in statute. But because there would be no change to current eligibility, CBO estimates that implementing S. 2665 would have no federal cost.

S. 2665 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Daniel Hoople. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

VII. CHANGES TO EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2445 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

TITLE 42—THE PUBLIC HEALTH AND WELFARE

CHAPTER 68—DISASTER RELIEF

SEC. 5122

As used in this Act—

- (1) * * *
- (2) * * *
- (3) * * *
- (4) * * *
- (5) * * *
- (6) * * *
- (7) * * *
- (8) * * *
- (9) * * *
- (10) * * *

(11) PRIVATE NONPROFIT FACILITY.—

(A) IN GENERAL.—The term “private nonprofit facility” means private nonprofit educational, utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled) and facilities on Indian reservations, as defined by the President.

(B) ADDITIONAL FACILITIES.—In addition to the facilities described in subparagraph (A), the term “private nonprofit facility” includes any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, *broadcasting facilities*, and facilities that provide health and safety services of a governmental nature), as defined by the President.

SEC. 5172

(a) CONTRIBUTION.—

- (1) * * *
- (2) * * *

(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

- (i) the facility provides critical services (as defined by the President) in the event of a major disaster; or
- (ii) the owner or operator of the facility—

(I) has applied for a disaster loan under section 636(b) of title 15; and

(II) (aa) has been determined to be ineligible for such a loan; or

(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term “critical services” includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, **communications,** *communications (including broadcast and telecommunications)*, education, and emergency medical care.