

Calendar No. 569

105TH CONGRESS
2^D Session

S. 2361

[Report No. 105-326]

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

SEPTEMBER 11, 1998
Reported with amendments

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IN THE SENATE OF THE UNITED STATES

JULY 27, 1998

Mr. INHOFE (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 11, 1998

Reported by Mr. CHAFEE, with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Disaster Mitigation Act of 1998”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. State mitigation program.
Sec. 103. Disaster assistance plans.
Sec. 104. Predisaster hazard mitigation.
Sec. 105. Study regarding predisaster hazard mitigation.
Sec. 106. Interagency task force.
Sec. 107. Maximum contribution for mitigation costs.
Sec. 108. Conforming amendment.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Management costs.
Sec. 202. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 203. Federal assistance to individuals and households.
Sec. 204. Repeals.
Sec. 205. State administration of hazard mitigation ~~assistance~~ *grant* program.
Sec. 206. Streamlining of damaged facilities program.
Sec. 207. Study regarding cost reduction.
Sec. 208. Study regarding disaster insurance for public infrastructure.
Sec. 209. Study regarding declarations.
Sec. 210. *Fire suppression assistance.*

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. ~~Definition of State.~~ *Definitions.*
Sec. 303. *Public safety officer benefits for certain Federal and State employees.*

6 **TITLE I—PREDISASTER HAZARD**
7 **MITIGATION**

8 **SEC. 101. FINDINGS AND PURPOSE.**

9 (a) FINDINGS.—Congress finds that—

10 (1) greater emphasis needs to be placed on
11 identifying and assessing the risks to States and

1 local communities and implementing adequate meas-
2 ures to reduce losses from natural disasters and to
3 ensure that critical facilities and public infrastruc-
4 ture will continue to function after a disaster;

5 (2) expenditures for post-disaster assistance are
6 increasing without commensurate reduction in the
7 likelihood of future losses from natural disasters;

8 (3) a high priority in the expenditure of Federal
9 funds under the Robert T. Stafford Disaster Relief
10 and Emergency Assistance Act (42 U.S.C. 5121 et
11 seq.) should be to implement predisaster activities at
12 the local level; and

13 (4) with a unified effort of economic incentives,
14 awareness and education, technical assistance, and
15 demonstrated Federal support, States and local com-
16 munities will be able to increase their capabilities
17 to—

18 (A) form effective community-based part-
19 nerships for mitigation purposes;

20 (B) implement effective natural disaster
21 mitigation measures that reduce the risk of fu-
22 ture damage, hardship, and suffering;

23 (C) ensure continued functioning of critical
24 facilities and public infrastructure;

1 (D) leverage additional non-Federal re-
 2 sources into meeting disaster resistance goals;
 3 and

4 (E) make commitments to long-term disas-
 5 ter mitigation efforts for new and existing
 6 structures.

7 (b) PURPOSE.—The purpose of this title is to estab-
 8 lish a predisaster hazard mitigation program that—

9 (1) reduces the loss of life and property, human
 10 suffering, economic disruption, and disaster assist-
 11 ance costs resulting from natural hazards; and

12 (2) provides a source of predisaster hazard
 13 mitigation funding that will assist States and local
 14 governments in implementing effective mitigation
 15 measures that are designed to ensure the continued
 16 functioning of critical facilities and public infrastruc-
 17 ture after a natural disaster.

18 **SEC. 102. STATE MITIGATION PROGRAM.**

19 Section 201(c) of the Robert T. Stafford Disaster Re-
 20 lief and Emergency Assistance Act (42 U.S.C. 5131(c))
 21 is amended in the third sentence—

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

24 (2) in paragraph (2), by striking the period at
 25 the end and inserting “; and”; and

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

2 “(3) set forth, with the ongoing cooperation of
3 local governments and consistent with section 409, a
4 comprehensive and detailed State program for miti-
5 gating emergencies and major disasters, including
6 provisions for prioritizing mitigation measures.”.

7 **SEC. 103. DISASTER ASSISTANCE PLANS.**

8 Section 201 of the Robert T. Stafford Disaster Relief
9 and Emergency Assistance Act (42 U.S.C. 5131) is
10 amended by striking subsection (d) and inserting the fol-
11 lowing:

12 “(d) GRANTS FOR DISASTER ASSISTANCE AND HAZ-
13 ARD IDENTIFICATION.—The President may make grants
14 for—

15 “(1) not to exceed 50 percent of the cost of im-
16 proving, maintaining, and updating State disaster
17 assistance plans, including, consistent with section
18 409, evaluation of natural hazards and development
19 of the programs and actions required to mitigate
20 natural hazards; and

21 “(2) not to exceed 50 percent of the cost of
22 testing and application of emerging hazard identi-
23 fication technologies, such as improved floodplain
24 mapping technologies, that—

1 “(A) can be used by and in cooperation
2 with State and local governments; and

3 “(B) the President determines will likely
4 result in substantial cost savings as compared
5 to current hazard identification methods.”.

6 **SEC. 104. PREDISASTER HAZARD MITIGATION.**

7 (a) IN GENERAL.—Title II of the Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act (42 U.S.C.
9 5131 et seq.) is amended by adding at the end the follow-
10 ing:

11 **“SEC. 203. PREDISASTER HAZARD MITIGATION.**

12 “(a) DEFINITION OF SMALL IMPOVERISHED COMMU-
13 NITY.—In this section, the term ‘small impoverished com-
14 munity’ means a community of 10,000 or fewer individ-
15 uals who are economically disadvantaged, as determined
16 by the State in which the community is located and based
17 on criteria established by the President.

18 “(b) GENERAL AUTHORITY.—The President may es-
19 tablish a program to provide financial assistance to States,
20 local governments, and other entities for the purpose of
21 carrying out predisaster hazard mitigation activities that
22 exhibit long-term, cost-effective benefits and substantially
23 reduce the risk of future damage, hardship, or suffering
24 from a major disaster.

1 “(c) PURPOSE OF ASSISTANCE.—A State, local gov-
 2 ernment, or other entity that receives financial assistance
 3 under this section shall use the assistance for funding ac-
 4 tivities that exhibit long-term, cost-effective benefits and
 5 substantially reduce the risk of future damage, hardship,
 6 or suffering from a major disaster.

7 “(d) ALLOCATION OF FUNDS.—Financial assistance
 8 made available to a State, including financial assistance
 9 made available to local governments of the State, under
 10 this section for a fiscal year shall—

11 “(1) be in an amount that is not less than the
 12 lesser of \$500,000 or 1.0 percent of the total funds
 13 appropriated to carry out this section for the fiscal
 14 year;

15 “(2) be in an amount that does not exceed 15
 16 percent of the total funds appropriated to carry out
 17 this section for the fiscal year; and

18 “(3) be provided for projects that meet the cri-
 19 teria specified in subsection (e).

20 “(e) CRITERIA.—Subject to subsections (d) and (f),
 21 in determining whether to provide assistance to a State,
 22 local government, or other entity under this section and
 23 the amount of the assistance, the President shall consider
 24 the following criteria:

1 “(1) The likelihood of a natural disaster in-
2 creasing the risk of future damage to a community.

3 “(2) The clear identification of prioritized cost-
4 effective mitigation activities that produce meaning-
5 ful and definable outcomes.

6 “(3) If the State has submitted a mitigation
7 program in cooperation with local governments
8 under section 201(c)(3), the degree to which the ac-
9 tivities identified under paragraph (2) are consistent
10 with the State mitigation program.

11 “(4) The opportunity to fund activities that
12 maximize net benefits to society.

13 “(5) The ability of the State, local government,
14 or other entity to fund mitigation activities, with ad-
15 ditional consideration for mitigation activities in
16 small impoverished communities.

17 “(6) The level of interest by the private sector
18 to enter into a partnership to promote mitigation.

19 “(7) Such other criteria as the President estab-
20 lishes in consultation and coordination with State
21 and local governments.

22 “(f) STATE NOMINATIONS.—

23 “(1) IN GENERAL.—

24 “(A) RECOMMENDATIONS BY GOV-
25 ERNOR.—The Governor of each State may rec-

1 commend to the President not fewer than 5 local
2 governments or other entities to receive assist-
3 ance under this section.

4 “(B) SUBMISSIONS TO PRESIDENT.—The
5 recommendations shall be submitted to the
6 President not later than January 1 of calendar
7 year 1999 and each calendar year thereafter or
8 such later date in the calendar year as the
9 President may establish.

10 “(C) CRITERIA FOR RECOMMENDATIONS.—
11 In making the recommendations, each Governor
12 shall consider the criteria specified in sub-
13 section (e).

14 “(2) USE.—

15 “(A) IN GENERAL.—In providing assist-
16 ance to local governments and other entities
17 under this section, the President shall select
18 from among the local governments and other
19 entities recommended by the Governors under
20 this subsection.

21 “(B) SELECTION OF ADDITIONAL ENTI-
22 TIES.—On the request of a local government,
23 the President may select additional entities if
24 the President determines that special cir-
25 cumstances justify the additional selection and

1 the selection will meet the criteria specified in
2 subsection (e).

3 “(3) EFFECT OF FAILURE TO NOMINATE.—If a
4 Governor of a State fails to submit recommendations
5 under this subsection in a timely manner, the Presi-
6 dent may select, subject to the criteria specified in
7 subsection (e), any local governments *of the State* or
8 other entities ~~of the State~~ to receive assistance
9 under this section.

10 “(g) FEDERAL SHARE.—The Federal share of the
11 cost of mitigation activities approved by the President for
12 financial assistance under this section shall be—

13 “(1) except as provided in paragraph (2), up to
14 75 percent; and

15 “(2) in the case of mitigation activities in small
16 impoverished communities, up to 90 percent.

17 “(h) LOCAL GOVERNMENTS.—In carrying out this
18 section, the President and States shall—

19 “(1) consult with local governments for the pur-
20 pose of developing a list of appropriate activities for
21 predisaster hazard mitigation funding; and

22 “(2) delegate to the local governments the deci-
23 sion to select specific activities from the list devel-
24 oped under paragraph (1).

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$35,000,000 for each of fiscal years 1998 through 2002.

4 “(j) AUTHORIZATION OF SECTION 404 FUNDS.—In
5 addition to amounts appropriated under subsection (i), the
6 President, in consultation and coordination with State and
7 local governments, may use to carry out this section funds
8 that are appropriated to carry out section 404 for post-
9 disaster mitigation activities that have not been obligated
10 within 30 months after the disaster declaration on which
11 the funding availability is based.

12 “(k) TERMINATION OF EFFECTIVENESS.—The au-
13 thority provided by this section terminates effective Octo-
14 ber 1, 2003.”.

15 (b) REPORT ON FEDERAL AND STATE ADMINISTRA-
16 TION.—Not later than 18 months after the date of enact-
17 ment of this Act, the President, in consultation and co-
18 ordination with State and local governments, shall submit
19 to Congress a report evaluating efforts to implement this
20 section and recommending a process for the future admin-
21 istration of the program, including—

22 (1) the appropriateness of transferring to State
23 and local governments greater authority and respon-
24 sibility for administering the assistance program au-
25 thorized by section 203 of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act (as
2 added by subsection (a)); and

3 (2) consideration of private sector initiatives for
4 predisaster mitigation to supplement the activities of
5 the President and the Federal Emergency Manage-
6 ment Agency.

7 **SEC. 105. STUDY REGARDING PREDISASTER HAZARD MITI-**
8 **GATION.**

9 (a) STUDY.—The Comptroller General of the United
10 States shall conduct a study to—

11 (1) examine the effectiveness of the predisaster
12 hazard mitigation program authorized by section
13 203 of the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act (as added by section
15 104(a)), including a review of the goals and objec-
16 tives of the program;

17 (2) determine if the expenditures under the pro-
18 gram are warranted in terms of mitigation, disaster
19 avoidance, and dollars saved; and

20 (3) develop recommendations concerning the
21 appropriate selection of sites and activities con-
22 ducted with respect to predisaster mitigation.

23 (b) REPORT.—Not later than 3 years after the date
24 of enactment of this Act, the Comptroller General shall
25 submit to Congress a report on the results of the study.

1 **SEC. 106. INTERAGENCY TASK FORCE.**

2 (a) IN GENERAL.—The President shall establish an
3 interagency task force for the purpose of coordinating the
4 implementation of predisaster hazard mitigation programs
5 administered by the Federal Government.

6 (b) CHAIRPERSON.—The Director of the Federal
7 Emergency Management Agency shall serve as the chair-
8 person of the task force.

9 (c) MEMBERSHIP.—The membership of the task
10 force shall include representatives of State and local gov-
11 ernment organizations.

12 **SEC. 107. MAXIMUM CONTRIBUTION FOR MITIGATION**
13 **COSTS.**

14 (a) IN GENERAL.—Section 404(a) of the Robert T.
15 Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5170c(a)) is amended in the last sentence by
17 striking “15 percent” and inserting “20 percent”.

18 (b) APPLICABILITY.—The amendment made by sub-
19 section (a) shall apply to each major disaster declared
20 under the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5121 et seq.) after March
22 1, 1997.

23 **SEC. 108. CONFORMING AMENDMENT.**

24 Title II of the Robert T. Stafford Disaster Relief and
25 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is

1 amended by striking the title heading and inserting the
2 following:

3 **“TITLE II—DISASTER PREPARED-**
4 **NESS AND MITIGATION AS-**
5 **SISTANCE”.**

6 **TITLE II—STREAMLINING AND**
7 **COST REDUCTION**

8 **SEC. 201. MANAGEMENT COSTS.**

9 (a) IN GENERAL.—Title III of the Robert T. Stafford
10 Disaster Relief and Emergency Assistance Act (42 U.S.C.
11 5141 et seq.) is amended by adding at the end the follow-
12 ing:

13 **“SEC. 322. MANAGEMENT COSTS.**

14 “(a) DEFINITION OF MANAGEMENT COST.—In this
15 section, the term ‘management cost’ includes any indirect
16 cost, administrative expense, and any other expense not
17 directly chargeable to a specific project under a major dis-
18 aster, emergency, or emergency preparedness activity or
19 measure.

20 “(b) MANAGEMENT COST RATES.—Notwithstanding
21 any other provision of law (including any administrative
22 rule or guidance), the President shall establish manage-
23 ment cost rates for grantees and subgrantees that shall
24 be used to determine contributions under this Act for
25 management costs.

1 “(c) REVIEW.—The President shall review the man-
 2 agement cost rates established under subsection ~~(a)~~ (b)
 3 not later than 3 years after the date of establishment of
 4 the rates and periodically thereafter.

5 “(d) REGULATIONS.—The President shall promul-
 6 gate a regulation to define appropriate costs to be included
 7 in management costs under this section.”.

8 (b) APPLICABILITY.—Section 322 of the Robert T.
 9 Stafford Disaster Relief and Emergency Assistance Act
 10 (as added by subsection (a)) shall apply as follows:

11 (1) IN GENERAL.—Subsections (a), (b), and (d)
 12 of section 322 of that Act shall apply to each major
 13 disaster declared under that Act on or after the date
 14 of enactment of this Act. Until the date on which
 15 the President establishes the management cost rates
 16 under that subsection, section 406(f) of the Robert
 17 T. Stafford Disaster Relief and Emergency Assist-
 18 ance Act (42 U.S.C. 5172(f)) shall be used for es-
 19 tablishing the rates.

20 (2) REVIEW; OTHER EXPENSES.—Section
 21 322(c) of that Act shall apply to each major disaster
 22 declared under that Act on or after the date on
 23 which the President establishes the management
 24 cost rates under that section.

1 **SEC. 202. ASSISTANCE TO REPAIR, RESTORE, RECON-**
 2 **STRUCT, OR REPLACE DAMAGED FACILITIES.**

3 (a) CONTRIBUTIONS AND FEDERAL SHARE.—Section
 4 406 of the Robert T. Stafford Disaster Relief and Emer-
 5 gency Assistance Act (42 U.S.C. 5172) is amended by
 6 striking subsections (a) through (c) and inserting the fol-
 7 lowing:

8 ~~“(a) CONTRIBUTIONS.—~~

9 ~~“(1) IN GENERAL.—The President may make~~
 10 ~~contributions—~~

11 ~~“(a) CONTRIBUTIONS.—The President may make con-~~
 12 ~~tributions—~~

13 ~~“(A) (1) to a State or local government for the~~
 14 ~~repair, restoration, reconstruction, or replacement of~~
 15 ~~a public facility that is damaged or destroyed by a~~
 16 ~~major disaster and for management costs incurred~~
 17 ~~by the government; and~~

18 ~~“(B) (2) to a person that owns or operates a~~
 19 ~~private nonprofit facility damaged or destroyed by a~~
 20 ~~major disaster for the repair, restoration, recon-~~
 21 ~~struction, or replacement of the facility and for man-~~
 22 ~~agement costs incurred by the person.~~

23 ~~“(b) MINIMUM FEDERAL SHARE.—The Federal~~

24 ~~“(b) FEDERAL SHARE.—~~

25 ~~“(1) MINIMUM FEDERAL SHARE.—Except as pro-~~
 26 ~~vided in paragraph (2), the Federal share of assist-~~

1 ance under this section shall be not less than 75 per-
 2 cent of the eligible cost of repair, restoration, recon-
 3 struction, or replacement carried out under this sec-
 4 tion.

5 “(2) *DECREASED FEDERAL SHARE.*—*In the case*
 6 *of a State or local government that is unable or un-*
 7 *willing to take appropriate steps promptly and effi-*
 8 *ciently to complete the processing of claims for assist-*
 9 *ance under this section, the President, after the end*
 10 *of the 3-year period beginning on the date of declara-*
 11 *tion of the major disaster, may reduce the Federal*
 12 *share of assistance under this section to a share of less*
 13 *than 75 percent, but greater than or equal to 50 per-*
 14 *cent, of the eligible cost of repair, restoration, recon-*
 15 *struction, or replacement carried out under this sec-*
 16 *tion with respect to the major disaster.*

17 “(c) *LARGE IN-LIEU CONTRIBUTIONS.*—

18 “(1) *FOR PUBLIC FACILITIES.*—

19 “(A) *IN GENERAL.*—In any case in which
 20 a State or local government determines that the
 21 public welfare would not be best served by re-
 22 pairing, restoring, reconstructing, or replacing
 23 any public facility owned or controlled by the
 24 State or local government, the State or local
 25 government may elect to receive, in lieu of a

1 contribution under subsection ~~(a)(1)(A)~~ *(a)(1)*,
 2 a contribution in an amount equal to 75 per-
 3 cent of the Federal share of the cost of repair-
 4 ing, restoring, reconstructing, or replacing the
 5 facility and of management costs, as estimated
 6 by the President.

7 “(B) USE OF FUNDS.—Funds made avail-
 8 able to a State or local government under this
 9 paragraph may be used to repair, restore, or ex-
 10 pand other eligible public facilities, to construct
 11 new facilities, or to fund hazard mitigation
 12 measures, that the State or local government
 13 determines to be necessary to meet a need for
 14 governmental services and functions in the area
 15 affected by the major disaster.

16 “(2) FOR PRIVATE NONPROFIT FACILITIES.—

17 “(A) IN GENERAL.—In any case in which
 18 a person that owns or operates a private non-
 19 profit facility determines that the public welfare
 20 would not be best served by repairing, restor-
 21 ing, reconstructing, or replacing the facility, the
 22 person may elect to receive, in lieu of a con-
 23 tribution under subsection ~~(a)(1)(B)~~ *(a)(2)*, a
 24 contribution in an amount equal to 75 percent
 25 of the Federal share of the cost of repairing, re-

1 storing, reconstructing, or replacing the facility
2 and of management costs, as estimated by the
3 President.

4 “(B) USE OF FUNDS.—Funds made avail-
5 able to a person under this paragraph may be
6 used to repair, restore, or expand other eligible
7 private nonprofit facilities owned or operated by
8 the person, to construct new private nonprofit
9 facilities to be owned or operated by the person,
10 or to fund hazard mitigation measures, that the
11 person determines to be necessary to meet a
12 need for its services and functions in the area
13 affected by the major disaster.

14 “(3) MODIFICATION OF FEDERAL SHARE TO
15 ENCOURAGE USE OF FUNDS FOR MITIGATION AC-
16 TIVITIES.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), the President shall modify the Fed-
19 eral share of the cost estimate provided in para-
20 graphs (1) and (2) with respect to a large in-
21 lieu contribution if the President determines
22 that the large in-lieu contribution will be used
23 for mitigation activities consistent with the
24 State plan under section 201(c).

1 “(B) LIMITATION.—Under subparagraph
 2 (A), the Federal share for the purposes of para-
 3 graphs (1) and (2) shall not exceed 90 percent
 4 of the amount described in paragraph (1)(A) or
 5 (2)(A).”.

6 (b) ELIGIBLE COST.—

7 (1) IN GENERAL.—Section 406 of the Robert T.
 8 Stafford Disaster Relief and Emergency Assistance
 9 Act (42 U.S.C. 5172) is amended by striking sub-
 10 section (e) and inserting the following:

11 “(e) ELIGIBLE COST.—

12 “(1) DETERMINATION.—

13 “(A) IN GENERAL.—For the purposes of
 14 this section, the President shall estimate the eli-
 15 gible cost of repairing, restoring, reconstruct-
 16 ing, or replacing a public facility or private non-
 17 profit facility—

18 “(i) on the basis of the design of the
 19 facility as the facility existed immediately
 20 before the major disaster; and

21 “(ii) in conformity with current appli-
 22 cable codes, specifications, and standards
 23 (including floodplain management and haz-
 24 ard mitigation criteria required by the

1 President or under the Coastal Barrier Re-
2 sources Act (16 U.S.C. 3501 et seq.)).

3 “(B) COST ESTIMATION PROCEDURES.—

4 Subject to paragraph (2), the President shall
5 use the cost estimation procedures developed
6 under paragraph (3) to make the estimate
7 under subparagraph (A).

8 “(2) MODIFICATION OF ELIGIBLE COST.—If the
9 actual cost of repairing, restoring, reconstructing, or
10 replacing a facility under this section is more than
11 120 percent or less than 80 percent of the cost esti-
12 mated under paragraph (1), the President may de-
13 termine that the eligible cost shall be the actual cost
14 of the repair, restoration, reconstruction, or replace-
15 ment.

16 “(3) EXPERT PANEL.—Not later than 18
17 months after the date of enactment of this para-
18 graph, the President, acting through the Director of
19 the Federal Emergency Management Agency, shall
20 establish an expert panel, which shall include rep-
21 resentatives from the construction industry, to de-
22 velop procedures for estimating the cost of repairing,
23 restoring, reconstructing, or replacing a facility con-
24 sistent with industry practices.

1 “(4) SPECIAL RULE.—In any case in which the
2 facility being repaired, restored, reconstructed, or re-
3 placed under this section was under construction on
4 the date of the major disaster, the cost of repairing,
5 restoring, reconstructing, or replacing the facility
6 shall include, for the purposes of this section, only
7 those costs that, under the contract for the construc-
8 tion, are the owner’s responsibility and not the con-
9 tractor’s responsibility.”.

10 (2) EFFECTIVE DATE.—The amendment made
11 by paragraph (1) shall take effect on the date of en-
12 actment of this Act, except that paragraph (1) of
13 section 406(e) of the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (as amended
15 by paragraph (1)) shall take effect on the date on
16 which the procedures developed under paragraph (3)
17 of that section take effect.

18 (c) ASSOCIATED EXPENSES.—

19 (1) IN GENERAL.—Section 406 of the Robert T.
20 Stafford Disaster Relief and Emergency Assistance
21 Act (42 U.S.C. 5172) is amended by striking sub-
22 section (f).

23 (2) OTHER ELIGIBLE COSTS.—Section 406(e)
24 of the Robert T. Stafford Disaster Relief and Emer-
25 gency Assistance Act (42 U.S.C. 5172(e)) (as

1 amended by subsection (b)) is amended by adding
2 at the end the following:

3 “(5) OTHER ELIGIBLE COSTS.—For purposes of
4 this section, the eligible cost of repairing, restoring,
5 reconstructing, or replacing a public facility or pri-
6 vate nonprofit facility includes the following:

7 “(A) COSTS OF NATIONAL GUARD.—The
8 cost of mobilizing and employing the National
9 Guard for performance of eligible work.

10 “(B) COSTS OF PRISON LABOR.—The costs
11 of using prison labor to perform eligible work,
12 including wages actually paid, transportation to
13 a worksite, and extraordinary costs of guards,
14 food, and lodging.

15 “(C) OTHER LABOR COSTS.—Base and
16 overtime wages for an applicant’s employees
17 and extra hires performing eligible work plus
18 fringe benefits on the wages to the extent that
19 the benefits were being paid before the major
20 disaster.”.

21 (3) EFFECTIVE DATE.—The amendments made
22 by this subsection shall—

23 (A) take effect on the date on which the
24 President establishes management cost rates
25 under section 322 of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act
 2 (as added by section 201(a)); and

3 (B) apply only to a major disaster declared
 4 by the President under that Act on or after the
 5 date on which the President establishes the
 6 management cost rates.

7 **SEC. 203. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
 8 **HOUSEHOLDS.**

9 (a) IN GENERAL.—Section 408 of the Robert T.
 10 Stafford Disaster Relief and Emergency Assistance Act
 11 (42 U.S.C. 5174) is amended to read as follows:

12 **“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
 13 **HOUSEHOLDS.**

14 “(a) GENERAL AUTHORITY.—In accordance with this
 15 section, the President, in consultation and coordination
 16 with the Governor of an affected State, may provide finan-
 17 cial assistance, and, if necessary, direct services, to disas-
 18 ter victims who—

19 “(1) as a direct result of a major disaster have
 20 necessary expenses and serious needs; and

21 “(2) are unable to meet the necessary expenses
 22 and serious needs through other means, including
 23 insurance proceeds or loan assistance from the Small
 24 Business Administration.

25 “(b) HOUSING ASSISTANCE.—

1 “(1) ELIGIBILITY.—The President may provide
2 financial or other assistance under this section to in-
3 dividuals and families to respond to the disaster-re-
4 lated housing needs of individuals and families who
5 are displaced from their predisaster primary resi-
6 dences or whose predisaster primary residences are
7 rendered uninhabitable as a result of damage caused
8 by a major disaster.

9 “(2) DETERMINATION OF APPROPRIATE TYPES
10 OF ASSISTANCE.—The President shall determine ap-
11 propriate types of housing assistance to be provided
12 to disaster victims under this section based on con-
13 siderations of cost effectiveness, convenience to dis-
14 aster victims, and such other factors as the Presi-
15 dent considers to be appropriate. One or more types
16 of housing assistance may be made available, based
17 on the suitability and availability of the types of as-
18 sistance, to meet the needs of disaster victims in a
19 particular disaster situation.

20 “(c) TYPES OF HOUSING ASSISTANCE.—

21 “(1) TEMPORARY HOUSING.—

22 “(A) FINANCIAL ASSISTANCE.—

23 “(i) IN GENERAL.—The President
24 may provide financial assistance under this
25 section to individuals or households to rent

1 alternate housing accommodations, existing
 2 rental units, manufactured housing, rec-
 3 reational vehicles, or other readily fab-
 4 ricated dwellings.

5 “(ii) AMOUNT.—The amount of as-
 6 sistance under clause (i) shall be based on
 7 the sum of—

8 “(I) the fair market rent for the
 9 accommodation being provided; and

10 “(II) the cost of any transpor-
 11 tation, utility hookups, or unit instal-
 12 lation not being directly provided by
 13 the President.

14 “(B) DIRECT ASSISTANCE.—

15 “(i) IN GENERAL.—The President
 16 may directly provide under this section
 17 housing units, acquired by purchase or
 18 lease, to individuals or households who, be-
 19 cause of a lack of available housing re-
 20 sources, would be unable to make use of
 21 the assistance provided under subpara-
 22 graph (A).

23 “(ii) PERIOD OF ASSISTANCE.—

24 “(I) IN GENERAL.—Subject to
 25 subclause (II), the President may not

1 provide direct assistance under clause
 2 (i) with respect to a major disaster
 3 after the expiration of the 18-month
 4 period beginning on the date of the
 5 declaration of the major disaster by
 6 the President.

7 “(II) EXTENSION OF PERIOD.—

8 The President may extend the period
 9 under subclause (I) if the President
 10 determines that due to extraordinary
 11 circumstances an extension would be
 12 in the public interest.

13 “(iii) COLLECTION OF RENTAL
 14 CHARGES.—After the expiration of the 18-
 15 month period referred to in clause (ii), the
 16 President may charge fair market rent for
 17 the accommodation being provided.

18 “(2) REPAIRS.—

19 “(A) IN GENERAL.—The President may
 20 provide financial assistance for the repair of
 21 owner-occupied primary residences, utilities,
 22 and residential infrastructure (such as private
 23 access routes) damaged by a major disaster to
 24 a habitable or functioning condition.

“(B) EMERGENCY REPAIRS.—To be eligible to receive assistance under subparagraph (A), a recipient shall not be required to demonstrate that the recipient is unable to meet the need for the assistance through other means, except insurance proceeds, if the assistance—

“(i) is used for emergency repairs to make a private primary residence habitable; and

“(ii) does not exceed \$5,000, as adjusted annually to reflect changes in the Consumer Price Index as reported by the Bureau of Labor Statistics of the Department of Labor.

“(3) PERMANENT HOUSING CONSTRUCTION.—

The President may provide financial assistance or direct assistance under this section to individuals or households to construct permanent housing in insular areas outside the continental United States and other remote locations in cases in which—

“(A) no alternative housing resources are available; and

“(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost effective.

1 “(d) TERMS AND CONDITIONS RELATING TO HOUS-
2 ING ASSISTANCE.—

3 “(1) SITES.—

4 “(A) IN GENERAL.—Any readily fabricated
5 dwelling provided under this section shall,
6 whenever practicable, be located on a site
7 that—

8 “(i) is provided by the State or local
9 government; and

10 “(ii) is complete with utilities provided
11 by the State or local government, by the
12 owner of the site, or by the occupant who
13 was displaced by the major disaster.

14 “(B) SITES PROVIDED BY THE PRESI-
15 DENT.—Readily fabricated dwellings may be lo-
16 cated on sites provided by the President if the
17 President determines that the sites would be
18 more economical or accessible.

19 “(2) DISPOSAL OF UNITS.—

20 “(A) SALE TO OCCUPANTS.—

21 “(i) IN GENERAL.—Notwithstanding
22 any other provision of law, a temporary
23 housing unit purchased under this section
24 by the President for the purpose of hous-
25 ing disaster victims may be sold directly to

1 the individual or household who is occupy-
 2 ing the unit if the individual or household
 3 needs permanent housing.

4 “(ii) SALES PRICE.—Sales of tem-
 5 porary housing units under clause (i) shall
 6 be accomplished at prices that are fair and
 7 equitable.

8 “(iii) DEPOSIT OF PROCEEDS.—Not-
 9 withstanding any other provision of law,
 10 the proceeds of a sale under clause (i) shall
 11 be deposited into the appropriate Disaster
 12 Relief Fund account.

13 “(iv) USE OF GSA SERVICES.—The
 14 President may use the services of the Gen-
 15 eral Services Administration to accomplish
 16 a sale under clause (i).

17 “(B) OTHER METHODS OF DISPOSAL.—

18 “(i) SALE.—If not disposed of under
 19 subparagraph (A), a temporary housing
 20 unit purchased by the President for the
 21 purpose of housing disaster victims may be
 22 resold.

23 “(ii) DISPOSAL TO GOVERNMENTS
 24 AND VOLUNTARY ORGANIZATIONS.—A tem-
 25 porary housing unit described in clause (i)

1 may be sold, transferred, donated, or oth-
2 erwise made available directly to a State or
3 other governmental entity or to a voluntary
4 organization for the sole purpose of provid-
5 ing temporary housing to disaster victims
6 in major disasters and emergencies if, as a
7 condition of the sale, transfer, donation, or
8 other making available, the State, other
9 governmental agency, or voluntary organi-
10 zation agrees—

11 “(I) to comply with the non-
12 discrimination provisions of section
13 308; and

14 “(II) to obtain and maintain haz-
15 ard and flood insurance on the hous-
16 ing unit.

17 “(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER
18 NEEDS.—

19 “(1) MEDICAL, DENTAL, AND FUNERAL EX-
20 PENSES.—The President, in consultation and coordi-
21 nation with the Governor of the affected State, may
22 provide financial assistance under this section to an
23 individual or household adversely affected by a
24 major disaster to meet disaster-related medical, den-
25 tal, and funeral expenses.

1 “(2) PERSONAL PROPERTY, TRANSPORTATION,
2 AND OTHER EXPENSES.—The President, in con-
3 sultation and coordination with the Governor of the
4 affected State, may provide financial assistance
5 under this section to an individual or household de-
6 scribed in paragraph (1) to address personal prop-
7 erty, transportation, and other necessary expenses or
8 serious needs resulting from the major disaster.

9 “(f) STATE ROLE.—The President shall provide for
10 the substantial and ongoing involvement of the affected
11 State in administering assistance under this section.

12 “(g) MAXIMUM AMOUNT OF ASSISTANCE.—The max-
13 imum amount of financial assistance that an individual
14 or household may receive under this section with respect
15 to a single major disaster shall be \$25,000, as adjusted
16 annually to reflect changes in the Consumer Price Index
17 for all Urban Consumers published by the Department of
18 Labor.

19 “(h) ISSUANCE OF REGULATIONS.—The President
20 shall issue rules and regulations to carry out the program
21 established by this section, including criteria, standards,
22 and procedures for determining eligibility for assistance.”.

23 (b) CONFORMING AMENDMENT.—Section 502(a)(6)
24 of the Robert T. Stafford Disaster Relief and Emergency

1 Assistance Act (42 U.S.C. 5192(a)(6)) is amended by
 2 striking “temporary housing”.

3 (c) REPEAL OF INDIVIDUAL AND FAMILY GRANT
 4 PROGRAMS.—Section 411 of the Robert T. Stafford Dis-
 5 aster Relief and Emergency Assistance Act (42 U.S.C.
 6 5178) is repealed.

7 (d) EFFECTIVE DATE.—The amendments made by
 8 this section take effect 18 months after the date of enact-
 9 ment of this Act.

10 **SEC. 204. REPEALS.**

11 (a) COMMUNITY DISASTER LOANS.—Section 417 of
 12 the Robert T. Stafford Disaster Relief and Emergency As-
 13 sistance Act (42 U.S.C. 5184) is repealed.

14 (b) SIMPLIFIED PROCEDURE.—Section 422 of the
 15 Robert T. Stafford Disaster Relief and Emergency Assist-
 16 ance Act (42 U.S.C. 5189) is repealed.

17 **SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION**
 18 **ASSISTANCE GRANT PROGRAM.**

19 Section 404 of the Robert T. Stafford Disaster Relief
 20 and Emergency Assistance Act (42 U.S.C. 5170c) is
 21 amended by adding at the end the following:

22 “(c) PROGRAM ADMINISTRATION BY STATES.—

23 “(1) IN GENERAL.—A State desiring to admin-
 24 ister the hazard mitigation ~~assistance~~ *grant* program
 25 established by this section with respect to hazard

1 mitigation assistance in the State may submit to the
 2 President an application for the delegation of the
 3 authority.

4 “(2) CRITERIA.—The President, in consultation
 5 and coordination with States and local governments,
 6 shall establish criteria for the approval of applica-
 7 tions submitted under paragraph (1). The criteria
 8 shall include, at a minimum—

9 “(A) the demonstrated ability of the State
 10 to manage the grant program under this sec-
 11 tion;

12 “(B) submission of the plan required under
 13 section 201(c); and

14 “(C) a demonstrated commitment to miti-
 15 gation activities.

16 “(3) APPROVAL.—The President shall approve
 17 an application submitted under paragraph (1) that
 18 meets the criteria established under paragraph (2).

19 “(4) WITHDRAWAL OF APPROVAL.—If, after
 20 approving an application of a State submitted under
 21 paragraph (1), the President determines that the
 22 State is not administering the hazard mitigation ~~as-~~
 23 ~~sistance~~ *grant* program established by this section in
 24 a manner satisfactory to the President, the Presi-
 25 dent shall withdraw the approval.

1 “(5) AUDITS.—The President shall provide for
2 periodic audits of the hazard mitigation ~~assistance~~
3 *grant* programs administered by States under this
4 subsection.”.

5 **SEC. 206. STREAMLINING OF DAMAGED FACILITIES PRO-**
6 **GRAM.**

7 (a) PILOT PROGRAM.—In consultation and coordina-
8 tion with States and local governments, the President shall
9 conduct a pilot program for the purpose of streamlining
10 the assistance program established by section 406 of the
11 Robert T. Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5172).

13 (b) STATE PARTICIPATION.—

14 (1) CRITERIA.—The President, in consultation
15 and coordination with States and local governments,
16 may establish criteria to ensure the appropriate im-
17 plementation of the pilot program under subsection
18 (a).

19 (2) NUMBER OF STATES.—The President shall
20 conduct the pilot program under subsection (a) in at
21 least 2 States.

22 (c) REPORT.—Not later than 2 years after the date
23 of enactment of this Act, the President shall submit to
24 Congress a report that describes the results of the pilot

1 program conducted under subsection (a), including identi-
2 fying any administrative or financial benefits.

3 **SEC. 207. STUDY REGARDING COST REDUCTION.**

4 (a) STUDY.—The Comptroller General of the United
5 States shall conduct a study to estimate the reduction in
6 Federal disaster assistance that has resulted and is likely
7 to result from the enactment of this Act.

8 (b) REPORT.—Not later than 3 years after the date
9 of enactment of this Act, the Comptroller General shall
10 submit to Congress a report on the results of the study.

11 **SEC. 208. STUDY REGARDING DISASTER INSURANCE FOR**
12 **PUBLIC INFRASTRUCTURE.**

13 (a) STUDY.—The Comptroller General of the United
14 States shall conduct a study to determine the current and
15 future expected availability of disaster insurance for public
16 infrastructure eligible for assistance under section 406 of
17 the Robert T. Stafford Disaster Relief and Emergency As-
18 sistance Act (42 U.S.C. 5170).

19 (b) REPORT.—Not later than 2 years after the date
20 of enactment of this Act, the Comptroller General shall
21 submit to Congress a report on the results of the study.

22 **SEC. 209. STUDY REGARDING DECLARATIONS.**

23 (a) STUDY.—The Comptroller General of the United
24 States shall conduct an analytical study that—

1 (1) examines major disasters and emergencies
 2 that have been declared under the Robert T. Staf-
 3 ford Disaster Relief and Emergency Assistance Act
 4 (42 U.S.C. 5121 et seq.) since January 1, 1974; and

5 (2) describes the criteria for making the dec-
 6 larations and how the criteria have changed over
 7 time.

8 (b) REPORT.—Not later than 3 years after the date
 9 of enactment of this Act, the Comptroller General shall
 10 submit to Congress a report on the results of the study.

11 **SEC. 210. FIRE SUPPRESSION ASSISTANCE.**

12 (a) *IN GENERAL.*—Section 420 of the Robert T. Staf-
 13 ford Disaster Relief and Emergency Assistance Act (42
 14 U.S.C. 5187) is amended to read as follows:

15 **“SEC. 420. FIRE SUPPRESSION ASSISTANCE.**

16 “(a) *IN GENERAL.*—The President is authorized to
 17 provide assistance, including grants, equipment, supplies,
 18 and personnel, to any State or local government for the sup-
 19 pression of any fire on a publicly or privately owned forest
 20 or grassland that threatens such destruction as would con-
 21 stitute a major disaster.

22 “(b) *ESSENTIAL ASSISTANCE.*—In providing assist-
 23 ance under this section, the President may use the authority
 24 provided under section 403.

1 “(c) *RULES AND REGULATIONS.*—*The President shall*
 2 *prescribe such rules and regulations as are necessary to*
 3 *carry out this section.*”.

4 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 5 *section (a) takes effect 1 year after the date of enactment*
 6 *of this Act.*

7 **TITLE III—MISCELLANEOUS**

8 **SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.**

9 The first section of the Robert T. Stafford Disaster
 10 Relief and Emergency Assistance Act (42 U.S.C. 5121
 11 note) is amended to read as follows:

12 **“SECTION 1. SHORT TITLE.**

13 “‘This Act may be cited as the ‘Robert T. Stafford
 14 Disaster Relief and Emergency Assistance Act’.”.

15 **SEC. 302. DEFINITION OF STATE.**

16 ~~Section 102 of the Robert T. Stafford Disaster Relief~~
 17 ~~and Emergency Assistance Act (42 U.S.C. 5122) is~~
 18 ~~amended in each of paragraphs (3) and (4) by striking~~
 19 ~~“the Northern” and all that follows through “Pacific Is-~~
 20 ~~lands” and inserting “and the Commonwealth of the~~
 21 ~~Northern Mariana Islands”.~~

22 **SEC. 302. DEFINITIONS.**

23 *Section 102 of the Robert T. Stafford Disaster Relief*
 24 *and Emergency Assistance Act (42 U.S.C. 5122) is amend-*
 25 *ed—*

(1) in each of paragraphs (3) and (4), by striking “the Northern” and all that follows through “Pacific Islands” and inserting “and the Commonwealth of the Northern Mariana Islands”; and

(2) in paragraph (8)—

(A) in subparagraph (C), by inserting before the period at the end the following: “, but excluding any golf course”; and

(B) in subparagraph (D), by inserting before the period at the end the following: “, excluding any golf course”.

**SEC. 303. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN
FEDERAL AND STATE EMPLOYEES.**

(a) *IN GENERAL.*—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

“(7) ‘public safety officer’ means—

“(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

“(B) a permanent employee of the Federal Emergency Management Agency who is perform-

1 *ing official duties of the Agency in an area, if*
 2 *those official duties—*

3 *“(i) are related to a major disaster or*
 4 *emergency that has been, or is later, de-*
 5 *clared to exist with respect to the area*
 6 *under the Robert T. Stafford Disaster Relief*
 7 *and Emergency Assistance Act (42 U.S.C.*
 8 *5121 et seq.); and*

9 *“(ii) are determined by the Director of*
 10 *the Federal Emergency Management Agency*
 11 *to be hazardous duties; or*

12 *“(C) an employee of a State or local emer-*
 13 *gency management or civil defense agency who is*
 14 *performing official duties in cooperation with*
 15 *the Federal Emergency Management Agency in*
 16 *an area, if those official duties—*

17 *“(i) are related to a major disaster or*
 18 *emergency that has been, or is later, de-*
 19 *clared to exist with respect to the area*
 20 *under the Robert T. Stafford Disaster Relief*
 21 *and Emergency Assistance Act (42 U.S.C.*
 22 *5121 et seq.); and*

23 *“(ii) are determined by the head of the*
 24 *agency to be hazardous duties.”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
2 *section (a) applies only to employees described in subpara-*
3 *graphs (B) and (C) of section 1204(7) of the Omnibus*
4 *Crime Control and Safe Streets Act of 1968 (as amended*
5 *by subsection (a)) who are injured or who die in the line*
6 *of duty on or after the date of enactment of this Act.*