

111TH CONGRESS  
2D SESSION

# H. R. 6207

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve recovery and hazard mitigation activities with respect to major disasters, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2010

Ms. HERSETH SANDLIN (for herself and Mr. PETERSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve recovery and hazard mitigation activities with respect to major disasters, 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.**

4       This Act may be cited as the “Rural Flood Mitigation  
5       and Recovery Act of 2010”.

1 **SEC. 2. CORPS OF ENGINEERS FLOOD DAMAGE REDUCTION**  
2 **PROJECTS.**

3 (a) IN GENERAL.—In carrying out a study for a flood  
4 damage reduction project to be carried out for a flood  
5 prone disaster area, the Secretary of the Army may deter-  
6 mine that the project is justified and recommend the  
7 project solely on the basis that the non-Federal interest  
8 for the project has demonstrated that the project is appro-  
9 priate and needed to protect the long-term economic via-  
10 bility of the area.

11 (b) FLOOD PRONE DISASTER AREA DEFINED.—In  
12 this section, the term “flood prone disaster area” means  
13 an area determined by the President at any time to be  
14 a flood prone disaster area under section 428 of the Rob-  
15 ert T. Stafford Disaster Relief and Emergency Assistance  
16 Act (as added by section 3 of this Act).

17 **SEC. 3. FLOOD PRONE DISASTER AREAS.**

18 Title IV of the Robert T. Stafford Disaster Relief and  
19 Emergency Assistance Act (42 U.S.C. 5170 et seq.) is  
20 amended—

21 (1) by redesignating the second section 425 (42  
22 U.S.C. 5189e; relating to essential service providers)  
23 as section 427; and

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

1 **“SEC. 428. FLOOD PRONE DISASTER AREAS.**

2 “(a) DETERMINATION OF FLOOD PRONE DISASTER  
3 AREAS.—

4 “(1) IN GENERAL.—If the President declares  
5 under section 401 that a major disaster exists in an  
6 area due to flooding, the President shall determine  
7 at the time of the declaration whether the area  
8 qualifies as a flood prone disaster area for the pur-  
9 poses of this section.

10 “(2) CRITERIA.—The President shall determine  
11 an area to be a flood prone disaster area under  
12 paragraph (1) if the area has experienced at least 2  
13 other major disasters due to flooding during the 5-  
14 year period preceding the date of the declaration re-  
15 ferred to in paragraph (1).

16 “(3) APPLICABILITY.—The determination that  
17 an area is a flood prone disaster area in connection  
18 with a major disaster shall apply to assistance made  
19 available under this Act with respect to that dis-  
20 aster.

21 “(b) SPECIAL RULES FOR FLOOD PRONE DISASTER  
22 AREAS.—

23 “(1) CONTRIBUTIONS FOR HAZARD MITIGATION  
24 MEASURES.—

25 “(A) FEDERAL SHARE.—In making con-  
26 tributions for hazard mitigation measures under

1 section 404 for the benefit of a flood prone dis-  
2 aster area, the President shall treat the ‘75 per-  
3 cent’ specified in the first sentence of sub-  
4 section (a) of that section as—

5 “(i) 90 percent; or

6 “(ii) 100 percent, if the President de-  
7 termines that the measures would not be  
8 carried out without additional Federal  
9 funding and are necessary to protect the  
10 long-term economic viability of the area.

11 “(B) TOTAL CONTRIBUTIONS.—In making  
12 contributions for hazard mitigation measures  
13 under section 404 for the benefit of a flood  
14 prone disaster area, the President shall—

15 “(i) treat the ‘15 percent’ specified in  
16 the last sentence of subsection (a) of that  
17 section as 20 percent; and

18 “(ii) treat the ‘20 percent’ specified in  
19 section 322(e)(1) as 25 percent.

20 “(2) REPAIR, RESTORATION, AND REPLACE-  
21 MENT OF DAMAGED FACILITIES.—In making con-  
22 tributions for the repair, restoration, reconstruction,  
23 or replacement of facilities under section 406 for the  
24 benefit of a flood prone disaster area, the President

1 shall treat the ‘75 percent’ specified in subsection  
2 (b)(1) of that section as—

3 “(A) 90 percent; or

4 “(B) 100 percent, if the President deter-  
5 mines that the activity would not be carried out  
6 without additional Federal funding and is nec-  
7 essary to protect the long-term economic viabil-  
8 ity of the area.

9 “(c) FLOOD PRONE DISASTER AREA TASK  
10 FORCES.—

11 “(1) ESTABLISHMENT.—In each State that in-  
12 cludes a flood prone disaster area, the President  
13 shall establish a task force to ensure that activities  
14 in response to the major disaster in that area are co-  
15 ordinated and carried out appropriately.

16 “(2) MEMBERSHIP.—The President shall en-  
17 sure, to the extent practicable, that each task force  
18 established under paragraph (1) is composed of the  
19 heads of all Federal and State agencies relevant to  
20 disaster response activities in the flood prone dis-  
21 aster area.”.

22 **SEC. 4. HAZARD MITIGATION.**

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

1       “(d) TIMING OF CONTRIBUTIONS.—In making con-  
 2 tributions for hazard mitigation measures under this sec-  
 3 tion with respect to a major disaster, the President, to  
 4 the extent practicable, shall—

5               “(1) review an application for assistance not  
 6 later than 3 months after the date on which the ap-  
 7 plication is received; and

8               “(2) begin providing contributions to the cost of  
 9 the measures not later than 6 months after the date  
 10 on which the major disaster is declared.”.

11 **SEC. 5. FEDERAL ASSISTANCE TO INDIVIDUALS AND**  
 12 **HOUSEHOLDS.**

13       Section 408(a) of the Robert T. Stafford Disaster Re-  
 14 lief and Emergency Assistance Act (42 U.S.C. 5174(a))  
 15 is amended by adding at the end the following:

16               “(3) CONSIDERATION OF CERTAIN FACTORS.—  
 17 In determining whether to provide financial assist-  
 18 ance or direct services under this section to an indi-  
 19 vidual or household affected by a major disaster, the  
 20 President shall give consideration to—

21               “(A) the economic impact of the major dis-  
 22 aster on the area in which the individual or  
 23 household is located; and

1 “(B) the number of other major disasters  
2 that have been declared with respect to that  
3 area during the preceding 5-year period.”.

4 **SEC. 6. EMERGENCY RELIEF.**

5 Section 120(e) of title 23, United States Code, is  
6 amended by inserting after “natural disaster or cata-  
7 strophic failure” the following: “, or accomplished more  
8 than 180 days after the actual occurrence if the Secretary  
9 determines that inclement weather or flooding prevented  
10 accomplishment within 180 days,”.

11 **SEC. 7. REPAIR, RESTORATION, AND REPLACEMENT OF**  
12 **DAMAGED FACILITIES PILOT PROGRAM.**

13 (a) IN GENERAL.—During the 2-year period begin-  
14 ning on the date of enactment of this Act, the President  
15 shall select 3 major disasters declared under section 401  
16 of the Robert T. Stafford Disaster Relief and Emergency  
17 Assistance Act (42 U.S.C. 5170) for the use of modified  
18 response procedures in accordance with subsection (b).

19 (b) MODIFIED RESPONSE PROCEDURES.—With re-  
20 spect to a major disaster selected for modified response  
21 procedures under subsection (a), the President, in car-  
22 rying out section 406 of the Robert T. Stafford Disaster  
23 Relief and Emergency Assistance Act (42 U.S.C. 5172),  
24 shall make contributions to a State or local government

1 for a repair, restoration, reconstruction, or replacement  
 2 project—

3 (1) at the time that a bid is selected for award-  
 4 ing the contract with respect to the project; and

5 (2) in an amount based on the bid selected.

6 (c) REPORT.—Not later than 30 months after the  
 7 date of enactment of this Act, the President shall submit  
 8 to Congress a report on the results of the use of modified  
 9 response procedures under this section, including a de-  
 10 scription of—

11 (1) any benefits that resulted from the use of  
 12 the procedures; and

13 (2) any overpayments that resulted from the  
 14 use of the procedures.

15 **SEC. 8. INDIAN TRIBE DISASTER RESPONSE MANAGEMENT**  
 16 **PILOT PROGRAM.**

17 (a) ESTABLISHMENT.—The President shall establish  
 18 an Indian tribe disaster response management pilot pro-  
 19 gram (in this section referred to as the “program”) in ac-  
 20 cordance with this section.

21 (b) PARTICIPANTS.—

22 (1) IN GENERAL.—Not later than 6 months  
 23 after the date of enactment of this Act, the Presi-  
 24 dent shall select 5 Indian tribes (as such term is de-  
 25 fined in section 4(e) of the Indian Self-Determina-



1        tion and Education Assistance Act (25 U.S.C.  
2        450b(e))) to participate in the program.

3            (2) CONSIDERATION OF PAST MAJOR DISASTER  
4        DECLARATIONS.—In considering an Indian tribe for  
5        participation in the program, the President shall  
6        give consideration to the number of major disasters  
7        that have been declared with respect to the lands of  
8        the Indian tribe by the President under section 401  
9        of the Robert T. Stafford Disaster Relief and Emer-  
10       gency Assistance Act (42 U.S.C. 5170).

11       (c) TREATMENT AS STATES.—

12            (1) IN GENERAL.—Notwithstanding section 102  
13        of the Robert T. Stafford Disaster Relief and Emer-  
14        gency Assistance Act (42 U.S.C. 5122), an Indian  
15        tribe selected for participation in the program shall  
16        be treated as a State for purposes of—

17            (A) requesting, under section 401 of such  
18        Act (42 U.S.C. 5170), a declaration by the  
19        President that a major disaster exists with re-  
20        spect to lands of the Indian tribe; and

21            (B) managing response activities under  
22        that Act with respect to a major disaster de-  
23        clared.

24            (2) DURATION.—An Indian tribe selected for  
25        participation in the program shall be treated as a

1 State in accordance with paragraph (1) during the  
2 5-year period beginning on the date on which the In-  
3 dian tribe is selected for program participation.

4 (d) TECHNICAL ASSISTANCE AND GRANTS.—The  
5 President is authorized to provide technical assistance and  
6 grants to an Indian tribe selected for participation in the  
7 program to ensure that the Indian tribe has the appro-  
8 priate personnel for and is prepared to manage disaster  
9 response activities during program participation.

10 (e) REPORT.—Not later than 30 months after the  
11 date of enactment of this Act, the President shall submit  
12 to Congress a report describing the results of the program  
13 and any related recommendations, including a rec-  
14 ommendation on whether to make the program permanent  
15 and allow the participation of all Indian tribes.

16 **SEC. 9. STUDY AND IMPLEMENTATION PLAN GRANTS WITH**  
17 **RESPECT TO ROAD PROJECTS.**

18 The Administrator of the Federal Emergency Man-  
19 agement Agency is authorized to make a grant to a State  
20 to assist the State to—

21 (1) conduct a study to determine and prioritize  
22 road projects that need to be completed for the State  
23 to be prepared for flooding or other potential disas-  
24 ters; and

1           (2) develop an implementation plan for projects  
2       determined to be a priority under paragraph (1).

3 **SEC. 10. REPORT ON COMMUNICATION.**

4       Not later than 12 months after the date of enactment  
5 of this Act, the Administrator of the Federal Emergency  
6 Management Agency shall submit to Congress a report  
7 that includes—

8           (1) a description of the efforts of the Adminis-  
9       trator to improve communication with State and  
10      local officials with respect to the disaster response,  
11      recovery, and hazard mitigation programs of the  
12      Agency; and

13          (2) recommendations for continuing to improve  
14      such communication.

15 **SEC. 11. HAZARD MITIGATION ASSISTANCE REPORT.**

16      Not later than 6 months after the date of enactment  
17 of this Act, the President shall submit to Congress a re-  
18 port that includes—

19          (1) a description of the efforts of the President  
20      to utilize contributions made under section 406 of  
21      the Robert T. Stafford Disaster Relief and Emer-  
22      gency Assistance Act (42 U.S.C. 5172) for hazard  
23      mitigation projects;

1           (2) an assessment of the effectiveness of the ef-  
2       forts described in paragraph (1), including a speci-  
3       fication of impediments to effectiveness;

4           (3) recommendations for improving the effec-  
5       tiveness of the efforts described in paragraph (1);  
6       and

7           (4) a description of the interaction between the  
8       efforts described in paragraph (1) and contributions  
9       for hazard mitigation measures made under section  
10      404 of such Act (42 U.S.C. 5170c).

11 **SEC. 12. GAO STUDIES AND REPORTS.**

12       (a) ASSISTANCE TO DISTRESSED COMMUNITIES.—

13           (1) STUDY.—The Comptroller General shall  
14       conduct a study on the effectiveness of the major  
15       disaster declaration process and other response ac-  
16       tivities under the Robert T. Stafford Disaster Relief  
17       and Emergency Assistance Act (42 U.S.C. 5121 et  
18       seq.) in providing assistance to distressed commu-  
19       nities, including Indian tribes (as such term is de-  
20       fined in section 4(e) of the Indian Self-Determina-  
21       tion and Education Assistance Act (25 U.S.C.  
22       450b(e))).

23           (2) REPORT.—Not later than 12 months after  
24       the date of enactment of this Act, the Comptroller

1 General shall submit to Congress a report on the re-  
2 sults of the study conducted under paragraph (1).

3 (b) PAPERWORK REDUCTION FOR HAZARD MITIGA-  
4 TION PROJECTS.—

5 (1) STUDY.—The Comptroller General shall  
6 conduct a study on the application processes and pa-  
7 perwork required for programs under the Robert T.  
8 Stafford Disaster Relief and Emergency Assistance  
9 Act (42 U.S.C. 5121 et seq.) that provide assistance  
10 for hazard mitigation activities, including whether  
11 application process complexity prevents certain enti-  
12 ties from applying for the assistance.

13 (2) REPORT.—Not later than 12 months after  
14 the date of enactment of this Act, the Comptroller  
15 General shall submit to Congress a report on the re-  
16 sults of the study conducted under paragraph (1),  
17 which shall include recommendations for stream-  
18 lining the application processes and paperwork re-  
19 quired for programs that provide assistance for haz-  
20 ard mitigation activities.

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