

114TH CONGRESS
2D SESSION

S. 3388

To make improvements to certain wildfire and disaster recovery programs
of the Federal Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2016

Mrs. MURRAY introduced the following bill; which was read twice and referred
to the Committee on Homeland Security and Governmental Affairs

A BILL

To make improvements to certain wildfire and disaster recovery
programs of the Federal Government, 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 Disaster Recov-
5 ery Act of 2016”.

6 **SEC. 2. STATE INDIVIDUAL ASSISTANCE PROGRAMS.**

7 Title III of the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act (42 U.S.C. 5141 et seq.)
9 is amended by adding at the end the following:

1 **“SEC. 327. STATE INDIVIDUAL ASSISTANCE PROGRAMS.**

2 “(a) INCENTIVE FOR INDIVIDUAL ASSISTANCE PRO-
3 GRAMS.—A State may receive an increased Federal share
4 for financial assistance under subsection (c) if the State
5 develops and implements an individual assistance program
6 that authorizes the State government to provide financial
7 assistance, and if necessary, direct services, to individuals
8 and households in the State who, as a direct result of a
9 major disaster or an event that does not trigger a major
10 disaster declaration, have necessary expenses and serious
11 needs in cases in which the individuals and households are
12 unable to meet such expenses through other means.

13 “(b) ELIGIBILITY CRITERIA.—

14 “(1) IN GENERAL.—The Administrator of the
15 Federal Emergency Management Agency shall pub-
16 lish minimum eligibility criteria for a State indi-
17 vidual assistance program established under sub-
18 section (a) that receives an increased Federal share
19 for financial assistance under subsection (c).

20 “(2) CONSIDERATIONS.—In formulating the
21 minimum eligibility criteria required under para-
22 graph (1), the Administrator of the Federal Emer-
23 gency Management Agency shall consider—

24 “(A) the total taxable resources of the in-
25 dividual State or other measure of fiscal capac-
26 ity, as appropriate;

1 “(B) the variation of total taxable re-
2 sources, or other measures of fiscal capacity,
3 among the individual State; and

4 “(C) the historical frequency of declara-
5 tions made pursuant to sections 401 and 501.

6 “(3) PUBLICATION DEADLINE.—The Adminis-
7 trator of the Federal Emergency Management Agen-
8 cy shall publish—

9 “(A) interim minimum eligibility criteria
10 required under paragraph (1) not later than
11 180 days after the date of enactment of this
12 section; and

13 “(B) final minimum eligibility criteria re-
14 quired under paragraph (1) not later than 1
15 year after the date of enactment of this section.

16 “(c) INCREASED FEDERAL SHARE FOR FINANCIAL
17 ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.—If, at
18 the time of the declaration of a major disaster, a State
19 has in effect an individual assistance program that meets
20 the criteria published under subsection (b), the President
21 may increase to 100 percent, with respect to the major
22 disaster, the maximum percentage described in section
23 408(g)(2)(A).”.

1 **SEC. 3. COMMUNITY SHELTER ASSISTANCE PROGRAM.**

2 (a) IN GENERAL.—Title III of the McKinney-Vento
3 Homeless Assistance Act (42 U.S.C. 11331 et seq.) is
4 amended—

5 (1) by striking section 322 and inserting the
6 following:

7 **“SEC. 322. AUTHORIZATION OF APPROPRIATIONS.**

8 “(a) EMERGENCY FOOD AND SHELTER GRANTS.—
9 There is authorized to be appropriated to carry out sub-
10 title B \$180,000,000 for fiscal year 2017.

11 “(b) DISASTER SUPPLEMENTAL FOOD AND SHELTER
12 GRANTS.—There is authorized to be appropriated to carry
13 out subtitle D \$180,000,000 for fiscal year 2017.”; and

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

15 **“Subtitle D—Disaster Supplemen-**
16 **tal Food and Shelter Grants**

17 **“SEC. 331. GRANTS BY THE ADMINISTRATOR.**

18 “Not later than 30 days after the date on which
19 amounts become available to carry out this subtitle, the
20 Administrator of the Federal Emergency Management
21 Agency (referred to in this subtitle as the ‘Administrator’)
22 shall award a grant for the full amount that Congress
23 makes available for the program under this subtitle to the
24 National Board for the purpose of providing disaster sup-
25 plemental food and shelter grants to needy individuals

1 through private nonprofit organizations and local govern-
2 ments in accordance with section 333.

3 **“SEC. 332. RETENTION OF INTEREST EARNED.**

4 “(a) IN GENERAL.—Interest accrued on the balance
5 of any grant to the National Board under this subtitle
6 shall be available to the National Board for reallocation.

7 “(b) DETERMINATION OF COSTS.—Total administra-
8 tive costs shall be determined based on the total amount
9 of funds available, including interest and any private con-
10 tributions that are made to the National Board.

11 **“SEC. 333. PURPOSES OF GRANTS.**

12 “(a) ELIGIBLE ACTIVITIES.—Grants to the National
13 Board under this subtitle may be used—

14 “(1) to supplement and expand ongoing efforts
15 to provide shelter, food, and supportive services for
16 any area for which the President declares a major
17 disaster under section 401 of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act (42
19 U.S.C. 5170);

20 “(2) to strengthen efforts to create more effec-
21 tive and innovative local disaster response programs
22 by providing funding for those programs; and

23 “(3) to conduct minimum rehabilitation of ex-
24 isting mass shelter facilities, but only to the extent

1 necessary to make facilities safe, sanitary, and bring
2 facilities into compliance with local building codes.

3 “(b) LIMITATIONS ON ACTIVITIES.—

4 “(1) ELIGIBLE PROGRAMS.—The National
5 Board may only provide funding provided under this
6 subtitle for programs that are—

7 “(A) carried out by private nonprofit orga-
8 nizations and local governments;

9 “(B) consistent with the purposes of this
10 title; and

11 “(C) administered within an area for
12 which—

13 “(i) the President declared a major
14 disaster under section 401 of the Robert
15 T. Stafford Disaster Relief and Emergency
16 Assistance Act (42 U.S.C. 5170) during
17 the 12-month period immediately preceding
18 the grant; and

19 “(ii) assistance has not been provided
20 with respect to the major disaster under
21 section 408 of the Robert T. Stafford Dis-
22 aster Relief and Emergency Assistance Act
23 (42 U.S.C. 5174).

24 “(2) NATIONAL BOARD.—The National Board
25 may not carry out programs directly.

1 **“SEC. 334. LIMITATION ON CERTAIN COSTS.**

2 “Not more than 10 percent of the total amount made
3 available for the program under this subtitle for each fiscal
4 year may be expended for the costs of administration.

5 **“SEC. 335. DISBURSEMENT OF FUNDS.**

6 “Any amount made available by appropriation Acts
7 under this subtitle unobligated by the National Board be-
8 fore the expiration of the 12-month period beginning on
9 the date on which the amount becomes available shall be
10 transferred to the general fund of the Treasury.”.

11 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
12 The table of contents in section 101(b) of the McKinney-
13 Vento Homeless Assistance Act (42 U.S.C. 11301 note)
14 is amended by inserting after the item relating to section
15 322 the following:

“Subtitle D—Disaster and Supplemental Food Shelter Grants

“Sec. 331. Grants by the Administrator.

“Sec. 332. Retention of interest earned.

“Sec. 333. Purposes of grants.

“Sec. 334. Limitation on certain costs.

“Sec. 335. Disbursement of funds.”.

16 **SEC. 4. EMERGENCY CONSERVATION PROGRAM.**

17 (a) **MAXIMUM PAYMENTS PER PERSON OR LEGAL**
18 **ENTITY.**—The Secretary of Agriculture, acting through
19 the Administrator of the Farm Service Agency, shall
20 amend the regulations promulgated pursuant to section
21 405 of the Agricultural Credit Act of 1978 (16 U.S.C.
22 2205) relating to the emergency conservation program to

1 provide that the maximum amount of payments made
 2 under section 401 or 402 of that Act (16 U.S.C. 2201,
 3 2202) per person or legal entity per natural disaster is
 4 \$500,000.

5 (b) RULEMAKING.—Not later than 1 year after the
 6 date of enactment of this Act, the Secretary of Agri-
 7 culture, acting through the Administrator of the Farm
 8 Service Agency, shall initiate a rulemaking to amend the
 9 regulations promulgated pursuant to section 405 of the
 10 Agricultural Credit Act of 1978 (16 U.S.C. 2205) relating
 11 to the emergency conservation program to account for the
 12 challenges posed by the increase in frequency and intensity
 13 of wildland fire.

14 **SEC. 5. EMERGENCY WATERSHED PROTECTION PROGRAM**
 15 **WILDFIRE PILOT.**

16 (a) FINDINGS.—Congress finds that additional con-
 17 sideration of how the Federal Government supports and
 18 expedites the recovery of rural areas affected by wildfires
 19 is necessary because wildfires—

- 20 (1) pose unique mitigation, management, re-
 21 sponse, and recovery challenges due to the unpre-
 22 dictable size, location, and duration of wildfires; and
- 23 (2)(A) disproportionately impact rural areas;
 24 and

1 (B) inflict long-term damage on the agricultural
2 systems rural areas economically rely on.

3 (b) DEFINITIONS.—In this section:

4 (1) ELIGIBLE JURISDICTION.—The term “eligi-
5 ble jurisdiction” means a jurisdiction within an area
6 for which the President declared a major disaster in
7 accordance with section 401 of the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5170) for wildfire.

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of Agriculture, acting through the
12 Chief of the Natural Resources Conservation Serv-
13 ice.

14 (c) PILOT PROGRAM.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary shall establish
16 a pilot program for the administration of the emergency
17 watershed protection program established under section
18 403 of the Agricultural Credit Act of 1978 (16 U.S.C.
19 2203) in eligible jurisdictions to extend deadlines for the
20 submission of applications and the provision of amounts
21 under the program in accordance with subsection (d).

22 (d) EXTENSION OF DEADLINES.—

23 (1) APPLICATIONS.—During the period de-
24 scribed in subsection (f), a sponsor may apply for
25 amounts under the emergency watershed protection

1 program for a project within an eligible jurisdiction
2 by submitting a request to the State conservationist
3 for the State in which the eligible jurisdiction is lo-
4 cated not later than—

5 (A) 180 days after the date on which the
6 President declared the major disaster for wild-
7 fire;

8 (B) 60 days after the date on which access
9 to site of the project becomes available, as de-
10 termined by the Secretary; or

11 (C) 60 days after the date of 100-percent
12 containment of a wildfire for which a major dis-
13 aster declaration is issued.

14 (2) AWARDS.—

15 (A) IN GENERAL.—During the period de-
16 scribed in subsection (f), except as provided in
17 subparagraph (B), not later than 360 days
18 after the date on which the Secretary commits
19 amounts to the applicable State conservationist
20 for the provision of amounts under the emer-
21 gency watershed protection program for a
22 project within an eligible jurisdiction—

23 (i) the State conservationist shall pro-
24 vide the amounts to the sponsor of the
25 project; and

1 (ii) the project shall be completed.

2 (B) EMERGENCY SITUATIONS.—During the
3 period described in subsection (f), in an emer-
4 gency situation (as determined by the Sec-
5 retary), not later than 10 days after the date
6 on which the Secretary commits amounts to the
7 applicable State conservationist for the provi-
8 sion of amounts under the emergency watershed
9 protection program for a project within an eligi-
10 ble jurisdiction, the project shall be completed.

11 (e) REPORTS TO CONGRESS.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date on which the pilot program is established
14 under subsection (c), and once the following year,
15 the Secretary shall prepare a report describing—

16 (A) the number of applications submitted
17 for a project under the pilot program during
18 the 60-day period beginning on the date on
19 which the pilot program is established;

20 (B) the number of applications described
21 in subparagraph (A) that were approved;

22 (C) the average time of construction of
23 projects for which applications described in sub-
24 paragraph (B) were submitted; and

1 (D) such other information as the Sec-
2 retary considers appropriate.

3 (2) SUBMISSION.—The Secretary shall submit
4 each report under paragraph (1) to each of the fol-
5 lowing:

6 (A) In the Senate:

7 (i) The Committee on Agriculture,
8 Nutrition, and Forestry.

9 (ii) The Committee on Homeland Se-
10 curity and Governmental Affairs.

11 (iii) The Committee on Appropria-
12 tions.

13 (B) In the House of Representatives:

14 (i) The Committee on Agriculture.

15 (ii) The Committee on Homeland Se-
16 curity.

17 (iii) The Committee on Appropria-
18 tions.

19 (f) DURATION.—The pilot program established under
20 subsection (e) shall be carried out during the 2-year period
21 beginning on the date on which the pilot program is estab-
22 lished.

1 **SEC. 6. EXPANDED ELIGIBILITY FOR HAZARD MITIGATION**
2 **ASSISTANCE.**

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

6 “(f) EXPANDED ELIGIBILITY.—Notwithstanding any
7 other provision of this section or section 420, the Presi-
8 dent may provide hazard mitigation assistance in accord-
9 ance with this section in any area in which assistance is
10 provided under section 420.”.

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