

Calendar No. 737

115TH CONGRESS
2D SESSION**S. 3041****[Report No. 115–446]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2018

Mr. JOHNSON (for himself, Mrs. McCASKILL, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19, 2018

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in *italie*]

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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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 ~~g~~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~~34. Flood insurance.
- ~~Sec. 36~~35. Certain recoupment prohibited.
- ~~Sec. 37~~36. Federal assistance to individuals and households and nonprofit fa-
 cilities.
- ~~Sec. 38~~37. Cost of assistance estimates.
- ~~Sec. 39~~38. Report on insurance shortfalls.
- Sec. 39. Post disaster building safety assessment.*
- Sec. 40. FEMA updates on national preparedness assessment.*
- Sec. 41. FEMA report on duplication in non-natural disaster preparedness grant
 programs.*
- Sec. 42. Extension of unemployment assistance for the Commonwealth of Puerto
 Rico and the United States Virgin Islands.*
- Sec. 43. Study and report.*
- Sec. 44. Review of assistance for damaged underground water infrastructure.*

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.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) ADMINISTRATOR.—The term “Adminis-
 12 trator” means the Administrator of the Federal
 13 Emergency Management Agency.

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

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

20 **SEC. 4. WILDFIRE PREVENTION.**

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

24 (1) by redesignating subsection (d) as sub-
 25 section (e); and

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

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

8 (b) CONFORMING AMENDMENTS.—The Robert T.
 9 Stafford Disaster Relief and Emergency Assistance Act
 10 (42 U.S.C. 5121 et seq.) is amended—

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

14 (2) in section 404(a) (42 U.S.C. 5170c(a)), as
 15 amended by section ~~32~~ 33 of this Act—

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

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

22 (c) REPORTING REQUIREMENT.—Not later than 1
 23 year after the date of enactment of this Act and annually
 24 thereafter, the Administrator shall submit to the Com-
 25 mittee on Homeland Security and Governmental Affairs

1 of the Senate, the Committee on Transportation and In-
 2 frastructure of the House of Representatives, and the
 3 Committees on Appropriations of the Senate and the
 4 House of Representatives a report containing a summary
 5 of any projects carried out, and any funding provided to
 6 those projects, under subsection (d) of section 420 of the
 7 Robert T. Stafford Disaster Relief and Emergency Assist-
 8 ance Act (42 U.S.C. 5187), as added by this section.

9 **SEC. 5. ADDITIONAL ACTIVITIES.**

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

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

19 “(1) reseeding ground cover with quick-growing
 20 or native species;

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

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

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

1 “(5) installing debris traps to modify road and
2 trail drainage mechanisms;

3 “(6) modifying or removing culverts to allow
4 drainage to flow freely;

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

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

10 “(9) installing warning signs;

11 “(10) establishing defensible space measures;

12 “(11) reducing hazardous fuels;

13 “(12) *mitigating* windstorm damage, including
14 replacing or installing electrical transmission or dis-
15 tribution utility pole structures with poles that are
16 resilient to extreme wind and combined ice and wind
17 loadings for the basic wind speeds and ice conditions
18 associated with the relevant location;

19 “(13) removing standing burned trees; and

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

1 **SEC. 6. ELIGIBILITY FOR CODE IMPLEMENTATION AND EN-**
 2 **FORCEMENT.**

3 (a) IN GENERAL.—Section 402 of the Robert T.
 4 Stafford Disaster Relief and Emergency Assistance Act
 5 (42 U.S.C. 5170a) is amended—

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

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

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

12 “(5) provide assistance to State and local gov-
 13 ernments for building code and floodplain manage-
 14 ment ordinance administration and enforcement, in-
 15 cluding inspections for substantial damage compli-
 16 ance; *and*”.

17 (b) REPAIR, RESTORATION, AND REPLACEMENT OF
 18 DAMAGED FACILITIES.—Section 406(a)(2) of the Robert
 19 T. Stafford Disaster Relief and Emergency Assistance Act
 20 (42 U.S.C. 5172(a)(2)) is amended—

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

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

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

1 “(D) base and overtime wages for extra
 2 hires to facilitate the implementation and en-
 3 forcement of adopted building codes for a pe-
 4 riod of not more than 180 days after the major
 5 disaster is declared.”.

6 **SEC. 7. PROGRAM IMPROVEMENTS.**

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

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

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

14 (b) PARTICIPATION.—Section 428(d) of the Robert
 15 T. Stafford Disaster Relief and Emergency Assistance Act
 16 (42 U.S.C. 5189f(d)) is amended—

17 (1) by striking “Participation in” and inserting
 18 the following:

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

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

21 “(2) NO CONDITIONS.—The President may not
 22 condition the provision of Federal assistance under
 23 this Act on the election by a State, Tribal, or local
 24 government, or owner or operator of a private non-

1 profit facility to participate in the alternative proce-
 2 dures adopted under this section.”.

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

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

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

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

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

17 **SEC. 8. PRIORITIZATION OF FACILITIES.**

18 ~~Not~~ *Beginning not* later than 180 days after the date
 19 of enactment of this Act, the Administrator shall provide
 20 guidance and training on an annual basis to State, Tribal,
 21 and local governments, first responders, and utility compa-
 22 nies on—

23 (1) the need to prioritize assistance to hospitals,
 24 nursing homes, and other long-term care facilities to
 25 ensure that such health care facilities remain func-

1 tioning or return to functioning as soon as prac-
2 ticable during power outages caused by natural haz-
3 ards, including severe weather events;

4 (2) how hospitals, nursing homes and other
5 long-term care facilities should adequately prepare
6 for power outages during a major disaster or emer-
7 gency (as those terms are defined in section 102 of
8 the Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5122)); and

10 (3) how State, Tribal, and local governments,
11 first responders, utility companies, hospitals, nursing
12 homes, and other long-term care facilities should de-
13 velop a strategy to coordinate emergency response
14 plans, including the activation of emergency re-
15 sponse plans, in anticipation of a major disaster, in-
16 cluding severe weather events.

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

18 (a) IN GENERAL.—

19 (1) IDENTIFICATION.—The Administrator, in
20 coordination with the Administrator of the Federal
21 Highway Administration, shall develop and issue
22 guidance for State, local, and Tribal governments re-
23 garding the identification of evacuation routes.

24 (2) GUIDANCE.—The Administrator of the Fed-
25 eral Highway Administration, in coordination with

1 the Administrator, shall revise existing guidance or
2 issue new guidance as appropriate for State, local,
3 and Tribal governments regarding the design, con-
4 struction, maintenance, and repair of evacuation
5 routes.

6 (b) CONSIDERATIONS.—

7 (1) IDENTIFICATION.—In developing the guid-
8 ance under subsection (a)(1), the Administrator
9 shall consider—

10 (A) whether evacuation routes have re-
11 sisted impacts and recovered quickly from dis-
12 asters, regardless of cause;

13 (B) the need to evacuate special needs pop-
14 ulations, including—

15 (i) individuals with a physical or men-
16 tal disability;

17 (ii) individuals in schools, daycare
18 centers, mobile home parks, prisons, nurs-
19 ing homes and other long-term care facili-
20 ties, and detention centers;

21 (iii) individuals with limited-English
22 proficiency;

23 (iv) the elderly; and

24 (v) individuals who are tourists, sea-
25 sonal workers, or homeless;

1 (C) the sharing of information and other
2 public communications with evacuees during
3 evacuations;

4 (D) the sheltering of evacuees, including
5 the care, protection, and sheltering of animals;

6 (E) the return of evacuees to their homes;
7 and

8 (F) such other items the Administrator
9 considers appropriate.

10 (2) DESIGN, CONSTRUCTION, MAINTENANCE,
11 AND REPAIR.—In revising or issuing guidance under
12 subsection (a)(2), the Administrator of the Federal
13 Highway Administration shall consider—

14 (A) methods that assist evacuation routes
15 to—

16 (i) withstand likely risks to viability,
17 including flammability and hydrostatic
18 forces;

19 (ii) improve durability, strength (in-
20 cluding the ability to withstand tensile
21 stresses and compressive stresses), and
22 sustainability; and

23 (iii) provide for long-term cost sav-
24 ings;

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

3 (C) for evacuation routes on public lands,
 4 the viewpoints of the applicable Federal land
 5 management agency regarding emergency oper-
 6 ations, sustainability, and resource protection;
 7 and

8 (D) such other items the Administrator of
 9 the Federal Highway Administration considers
 10 appropriate.

11 *(c) STUDY.—The Administrator, in coordination with*
 12 *the Administrator of the Federal Highway Administration*
 13 *and State, local, territorial, and Tribal governments,*
 14 *may—*

15 *(1) conduct a study of the adequacy of available*
 16 *evacuation routes to accommodate the flow of evac-*
 17 *uees; and*

18 *(2) submit recommendations on how to help with*
 19 *anticipated evacuation route flow, based on the study*
 20 *conducted under paragraph (1), to—*

21 *(A) the Federal Highway Administration;*

22 *(B) the Agency;*

23 *(C) State, local, territorial, and Tribal gov-*
 24 *ernments; and*

25 *(D) Congress.*

1 **SEC. 10. DUPLICATION OF BENEFITS.**

2 (a) IN GENERAL.—Section 312(b) of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5155(b)) is amended by adding at the end the
5 following:

6 “(4) WAIVER OF GENERAL PROHIBITION.—

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

17 “(i) The recommendations of the Ad-
18 ministrator of the Federal Emergency
19 Management Agency made in consultation
20 with the Federal agency or agencies ad-
21 ministering the duplicative program.

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

24 “(iii) Equity and good conscience.

25 “(iv) Other matters of public policy
26 considered appropriate by the President.

1 “(B) GRANT OR DENIAL OF WAIVER.—A
 2 request under subparagraph (A) shall be grant-
 3 ed or denied not later than 45 days after sub-
 4 mission of such request. ”.

5 ~~“(C) PROHIBITION ON DETERMINATION~~
 6 ~~THAT LOAN IS A DUPLICATION.—~~Notwith-
 7 standing subsection (c), in carrying out sub-
 8 paragraph (A), the President may not deter-
 9 mine that a loan is a duplication of assistance;
 10 provided that all Federal assistance is used to-
 11 ward a loss suffered as a result of the major
 12 ~~disaster or emergency.”.~~

13 (b) *APPLICABILITY.—The amendment made by sub-*
 14 *section (a) shall apply to any major disaster or emergency*
 15 *declared by the President under section 401 or 501, respec-*
 16 *tively, of the Robert T. Stafford Disaster Relief and Emer-*
 17 *gency Assistance Act (42 U.S.C. 5170, 5191) on or after*
 18 *the date of enactment of this Act.*

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

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

25 (1) in paragraph (1)—

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

(B) in subparagraph (A)—

(i) by striking “financial”; and

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

(C) in subparagraph (B)—

(i) by striking “financial”; and

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

(2) by adding at the end the following:

“(3) REQUIREMENTS.—

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

“(B) CRITERIA.—The President, in consultation and coordination with State; *and* Tribal; ~~and local~~ governments, shall establish criteria for the approval of applications submitted under subparagraph (A). The criteria shall include, at a minimum—

“(i) a requirement that the State or Tribal government submit a housing strategy under subparagraph (C);

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

“(iii) there being in effect a plan approved by the President as to how the State or Tribal government will comply with applicable Federal laws and regulations and how the State or Tribal government will provide assistance under its plan;

“(iv) a requirement that the State; *or* Tribal; ~~or local~~ government comply with rules and regulations established pursuant to subsection (j); and

“(v) a requirement that the President, or the designee of the President, comply 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~~ *in providing* assistance under this section,
23 including—

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

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

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

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

1 management *by States and Tribal governments*
2 according to this section.

3 “(I) PROHIBITION.—The President may
4 not condition the provision of Federal assist-
5 ance under this Act ~~by~~ *on* a State or Tribal
6 government requesting a grant under this sec-
7 tion.

8 “(J) MISCELLANEOUS.—

9 “(i) NOTICE AND COMMENT.—The
10 Administrator of the Federal Emergency
11 Management Agency may waive notice and
12 comment rulemaking *with respect to rules*
13 *to carry out this section*, if the Adminis-
14 trator determines doing so is necessary to
15 expeditiously implement this section, and
16 may carry out this section as a pilot pro-
17 gram until such regulations are promul-
18 gated.

19 “(ii) FINAL RULE.—Not later than 2
20 years after the date of enactment of this
21 paragraph, the Administrator of the Fed-
22 eral Emergency Management Agency shall
23 issue final regulations to implement this
24 subsection as amended by the Disaster Re-
25 covery Reform Act of 2018.

1 “(iii) WAIVER AND EXPIRATION.—The
 2 authority under clause (i) and any pilot
 3 program implemented pursuant to such
 4 clause shall expire 2 years after the date of
 5 enactment of this paragraph or upon
 6 issuance of final regulations pursuant to
 7 clause (ii), whichever occurs sooner.”.

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

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

12 (1) in paragraph (1), by inserting “, excluding
 13 financial assistance to rent alternate housing accom-
 14 modations under subsection (c)(1)(A)(i) and finan-
 15 cial assistance to address other needs under sub-
 16 section (e)” after “disaster”;

17 (2) by redesignating paragraph (2) as para-
 18 graph (3);

19 (3) by inserting after paragraph (1) the fol-
 20 lowing:

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

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

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

6 “(4) EXCLUSION OF NECESSARY EXPENSES FOR
 7 INDIVIDUALS WITH DISABILITIES.—

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

14 “(B) OTHER NEEDS ASSISTANCE.—The
 15 maximum amount of assistance established
 16 under paragraph (2) shall exclude expenses to
 17 repair or replace accessibility-related personal
 18 property under subsection (e)(2) for individuals
 19 with disabilities.”.

20 (b) *APPLICABILITY.—The amendments made by sub-*
 21 *section (a) shall apply to any major disaster or emergency*
 22 *declared by the President under section 401 or 501, respec-*
 23 *tively, of the Robert T. Stafford Disaster Relief and Emer-*
 24 *gency Assistance Act (42 U.S.C. 5170, 5191) on or after*
 25 *the date of enactment of this Act.*

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

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

7 “(II) IMPROVEMENTS OR RE-
 8 PAIRS.—Under the terms of any lease
 9 agreement for property entered into
 10 under this subsection, the value of the
 11 improvements or repairs shall be de-
 12 ducted from the value of the lease
 13 agreement.”.

14 (b) RENTAL PROPERTIES IMPACTED.—Section
 15 408(c)(1)(B)(ii)(I)(aa) of the Robert T. Stafford Disaster
 16 Relief and Emergency Assistance Act (42 U.S.C.
 17 5174(c)(1)(B)(ii)(I)(aa)) is amended to read as follows:

18 “(aa) enter into lease agree-
 19 ments with owners of multifamily
 20 rental property impacted by a
 21 major disaster or located in areas
 22 covered by a major disaster dec-
 23 laration to house individuals and
 24 households eligible for assistance
 25 under this section; and”.

1 (c) INSPECTOR GENERAL REPORT.—Not later than
 2 2 years after the date of ~~the~~ enactment of this Act, the
 3 Inspector General of the Department of Homeland Secu-
 4 rity shall—

5 (1) assess the use of the authority provided
 6 under section 408(c)(1)(B) of the Robert T. Staf-
 7 ford Disaster Relief and Emergency Assistance Act
 8 (42 U.S.C. 5174(c)(1)(B)), as amended by this Act,
 9 including the adequacy of any benefit-cost analysis
 10 done to justify the use of this alternative; and

11 (2) submit a report on the results of the assess-
 12 ment conducted under paragraph (1) to the appro-
 13 priate committees of Congress.

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

15 (a) *IN GENERAL.*—Section 102(11)(B) of the Robert
 16 T. Stafford Disaster Relief and Emergency Assistance Act
 17 (42 U.S.C. 5122(11)(B)) is amended by inserting “food
 18 banks,” after “shelter workshops,”.

19 (b) *APPLICABILITY.*—*The amendment made by sub-*
 20 *section (a) shall apply to any major disaster or emergency*
 21 *declared by the President under section 401 or 501, respec-*
 22 *tively, of the Robert T. Stafford Disaster Relief and Emer-*
 23 *gency Assistance Act (42 U.S.C. 5170, 5191) on or after*
 24 *February 9, 2018.*

1 **SEC. 15. MANAGEMENT COSTS.**

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

5 (1) in subsection (a), by striking “any adminis-
6 trative expense, and any other expense not directly
7 chargeable to” and inserting “*any* direct administra-
8 tive cost, and any other administrative expense asso-
9 ciated with”; and

10 (2) in subsection (b)—

11 (A) by striking “Notwithstanding” and in-
12 serting the following:

13 “(1) IN GENERAL.—Notwithstanding”;

14 (B) in paragraph (1), as so designated, by
15 striking “establish” and inserting “implement”;
16 and

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

18 “(2) SPECIFIC MANAGEMENT COSTS.—The Ad-
19 ministrator of Federal Emergency Management
20 Agency shall provide the following percentage rates,
21 in addition to the eligible project costs, to cover di-
22 rect and indirect costs of administering the following
23 programs:

24 “(A) HAZARD MITIGATION.—A grantee
25 under section 404 may be reimbursed not more
26 than 15 percent of the total amount of the

grant award under such section of which not more than 10 percent may be used by the grantee and 5 percent by the subgrantee for such costs.

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

SEC. 16. FLEXIBILITY.

(a) WAIVER AUTHORITY.—

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

(A) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(B) in relation to a major disaster or emergency declared by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) on or after October 28, 2012.

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

4 (A) subject to subparagraph (B), may
5 waive a debt owed to the United States related
6 to covered assistance provided to an individual
7 or household if—

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

10 (ii) there was no fault on behalf of the
11 debtor; and

12 (iii) the collection of the debt would be
13 against equity and good conscience; and

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

19 (3) MONITORING OF COVERED ASSISTANCE DIS-
20 TRIBUTED BASED ON ERROR.—

21 (A) IN GENERAL.—The Inspector General
22 of the Department of Homeland Security shall
23 monitor the distribution of covered assistance to
24 individuals and households to determine the

1 percentage of such assistance distributed based
2 on an error.

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

11 (i) the Inspector General shall notify
12 the Administrator and publish the deter-
13 mination in the Federal Register; and

14 (ii) with respect to any major disaster
15 or emergency declared by the President
16 under section 401 or section 501, respec-
17 tively, of the Robert T. Stafford Disaster
18 Relief and Emergency Assistance Act (42
19 U.S.C. 5170; 42 U.S.C. 5191) after the
20 date on which the determination is pub-
21 lished under subparagraph (A), the author-
22 ity of the Administrator to waive debt
23 under paragraph (2) shall no longer be ef-
24 fective.

1 (b) RECOUPMENT OF CERTAIN ASSISTANCE PROHIB-
2 ITED.—

3 (1) IN GENERAL.—Notwithstanding section
4 3716(e) of title 31, United States Code, and unless
5 there is evidence of civil or criminal fraud, the Agen-
6 cy may not take any action to recoup covered assist-
7 ance from the recipient of such assistance if the re-
8 ceipt of such assistance occurred on a date that is
9 more than 3 years before the date on which the
10 Agency first provides to the recipient written notifi-
11 cation of an intent to recoup.

12 (2) COVERED ASSISTANCE DEFINED.—In this
13 subsection, the term “covered assistance” means as-
14 sistance provided—

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

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

22 (c) STATUTE OF LIMITATIONS.—

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

1 (A) in subsection (a)(1)—

2 (i) by striking “Except” and inserting
3 “Notwithstanding section 3716(e) of title
4 31, United States Code, and except”; and

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

9 (B) in subsection (b)—

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

14 (ii) in paragraph (3) by inserting “for
15 project completion as certified by the
16 grantee” after “final expenditure report”.

17 (2) APPLICABILITY.—

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

22 (i) no administrative action may be
23 taken to recover a payment of such assist-
24 ance after the date of enactment of this
25 Act if the action is prohibited under sec-

tion 705(a)(1) of the Robert T. Stafford
 Disaster Relief and Emergency Assistance
 Act (42 U.S.C. 5205(a)(1)), as amended
 by paragraph (1); and

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

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

SEC. 17. ADDITIONAL DISASTER ASSISTANCE.

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

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

1 (b) EMERGENCY MANAGEMENT ASSISTANCE COM-
 2 PACT GRANTS.—Section 661(d) of the Post-Katrina
 3 Emergency Management Reform Act of 2006 (6 U.S.C.
 4 761(d)) is amended by striking “for fiscal year 2008” and
 5 inserting “for each of fiscal years 2018 through 2022”.

6 (c) EMERGENCY MANAGEMENT PERFORMANCE
 7 GRANTS PROGRAM.—Section 662(f) of the Post-Katrina
 8 Emergency Management Reform Act of 2006 (6 U.S.C.
 9 762(f)) is amended by striking “the program” and all that
 10 follows through “2012” and inserting “the program, for
 11 each of fiscal years 2018 through 2022”.

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

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

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

20 (b) RESPONSIBILITIES.—A national veterinary emer-
 21 gency team shall—

22 (1) deploy with a team of the National Urban
 23 Search and Rescue Response System to assist
 24 with—

25 (A) veterinary care of canine search teams;

1 (B) locating and treating companion ani-
2 mals, service animals, livestock, and other ani-
3 mals; and

4 (C) surveillance and treatment of zoonotic
5 diseases;

6 (2) recruit, train, and certify veterinary profes-
7 sionals, including veterinary students, in accordance
8 with an established set of plans and standard oper-
9 ating guidelines to carry out the duties associated
10 with planning for and responding to emergencies
11 *and major disasters* as described in paragraph (1);

12 (3) assist State, Tribal, and local governments
13 and nonprofit organizations in developing emergency
14 management and evacuation plans that account for
15 the care and rescue of animals and in improving
16 local readiness for providing veterinary medical re-
17 sponse during ~~a disaster~~ *an emergency or major dis-*
18 *aster*; and

19 (4) coordinate with the Department of Home-
20 land Security, the Department of Health and
21 Human Services, the Department of Agriculture,
22 State, Tribal, and local governments (including de-
23 partments of animal and human health), veterinary
24 and health care professionals, and volunteers.

1 **SEC. 19. RIGHT OF ARBITRATION.**

2 (a) *IN GENERAL*.—Section 423 of the Robert T. Staf-
3 ford Disaster Relief and Emergency Assistance Act (42
4 U.S.C. 5189a) is amended by adding at the end the fol-
5 lowing:

6 “(d) **RIGHT OF ARBITRATION**.—

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

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

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

21 “(B) may submit a request for arbitration
22 after the completion of the first appeal under
23 subsection (a) at any time before the Adminis-
24 trator of the Federal Emergency Management
25 Agency has issued a final agency determination.

1 “(2) *ELIGIBILITY.*—*To participate in arbitra-*
 2 *tion under this subsection, an applicant may submit*
 3 *a request for arbitration after the completion of the*
 4 *first appeal under subsection (a) at any time before*
 5 *the Administrator of the Federal Emergency Manage-*
 6 *ment Agency has issued a final agency determination.*

7 “(3) *LIMITATION OF APPEAL.*—Upon the sub-
 8 mission of a request for arbitration, an applicant
 9 shall forfeit all rights to further appeal.”.

10 “(b) *REGULATIONS.*—*Not later than 2 years after the*
 11 *date of enactment of this Act, the Administrator shall issue*
 12 *regulations to implement the amendment made by this sec-*
 13 *tion.*

14 **SEC. 20. UNIFIED FEDERAL ENVIRONMENTAL AND HIS-**
 15 **TORIC PRESERVATION REVIEW.**

16 “(a) *REVIEW AND ANALYSIS.*—Not later than 180
 17 days after the date of enactment of this Act, the Adminis-
 18 trator shall review the Unified Federal Environmental and
 19 Historic Preservation review process established pursuant
 20 to section 429 of the Robert T. Stafford Disaster Relief
 21 and Emergency Assistance Act (42 U.S.C. 5189g), and
 22 submit a report to the Committee on Transportation and
 23 Infrastructure of the House of Representatives and the
 24 Committee on Homeland Security and Governmental Af-
 25 fairs of the Senate that includes the following:

1 (1) An analysis of whether and how the unified
2 process has expedited the interagency review process
3 to ensure compliance with the environmental and
4 historic requirements under Federal law relating to
5 disaster recovery projects.

6 (2) A survey and analysis of categorical exclu-
7 sions used by other Federal agencies that may be
8 applicable to any activity related to a major disaster
9 or emergency declared by the President under sec-
10 tion 401 or 501, respectively, of the Robert T. Staf-
11 ford Disaster Relief and Emergency Assistance Act
12 (42 U.S.C. 5170, 5191).

13 (3) Recommendations on any further actions,
14 including any legislative proposals, needed to expe-
15 dite and streamline the review process.

16 (b) REGULATIONS.—After completing the review,
17 survey, and analyses under subsection (a), but not later
18 than 2 years after the date of enactment of this Act, and
19 after providing notice and opportunity for public comment,
20 the Administrator shall issue regulations to implement any
21 regulatory recommendations, including any categorical ex-
22 clusions identified under subsection (a), to the extent that
23 the categorical exclusions meet the criteria for a categor-
24 ical exclusion under section 1508.4 of title 40, Code of

1 Federal Regulations, and section II of DHS Instruction
 2 Manual 023–01–001–01.

3 **SEC. 21. CLOSEOUT INCENTIVES.**

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

8 “(d) FACILITATING CLOSEOUT.—

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

15 “(2) AGENCY REQUIREMENTS.—The Federal
 16 Emergency Management Agency shall, consistent
 17 with applicable regulations and required procedures,
 18 meet its responsibilities to improve closeout practices
 19 and reduce the time to close disaster program
 20 awards.”.

21 (b) REGULATIONS.—The Administrator shall issue
 22 regulations to implement the amendment § made by this
 23 section.

1 **SEC. 22. PERFORMANCE OF SERVICES.**

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

5 “(c) The Administrator of the Federal Emergency
6 Management Agency is authorized to appoint temporary
7 personnel, after serving continuously for 3 years, to posi-
8 tions in the Federal Emergency Management Agency in
9 the same manner that competitive service employees with
10 competitive status are considered for transfer, reassign-
11 ment, or promotion to such positions. An individual ap-
12 pointed under this subsection shall become a career-condi-
13 tional employee, unless the employee has already com-
14 pleted the service requirements for career tenure.”.

15 **SEC. 23. STUDY TO STREAMLINE AND CONSOLIDATE INFOR-**
16 **MATION COLLECTION.**

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

19 (1) in coordination with the Small Business Ad-
20 ministration, the Department of Housing and Urban
21 Development, the Disaster Assistance Working
22 Group of the Council of the Inspectors General on
23 Integrity and Efficiency, and other appropriate
24 agencies, conduct a study and develop a plan, con-
25 sistent with law, under which the collection of infor-
26 mation from disaster assistance applicants and

1 grantees will be modified, streamlined, expedited, ef-
2 ficient, flexible, consolidated, and simplified to be
3 less burdensome, duplicative, and time consuming
4 for applicants and grantees;

5 (2) in coordination with the Small Business Ad-
6 ministration, the Department of Housing and Urban
7 Development, the Disaster Assistance Working
8 Group of the Council of the Inspectors General on
9 Integrity and Efficiency, and other appropriate
10 agencies, develop a plan for the regular collection
11 and reporting of information on Federal disaster as-
12 sistance awarded, including the establishment and
13 maintenance of a website for presenting the informa-
14 tion to the public; and

15 (3) submit the plans developed under para-
16 graphs (1) and (2) to the Committee on Transpor-
17 tation and Infrastructure of the House of Represent-
18 atives and the Committee on Homeland Security and
19 Governmental Affairs of the Senate.

20 **SEC. 24. AGENCY ACCOUNTABILITY.**

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

1 **“SEC. 430. AGENCY ACCOUNTABILITY.**

2 “(a) PUBLIC ASSISTANCE.—Not later than 5 days
3 after an award of a public assistance grant is made under
4 section 406 that is in excess of \$1,000,000, the Adminis-
5 trator of the Federal Emergency Management Agency
6 shall publish on the website of the Federal Emergency
7 Management Agency the specifics of each such grant
8 award, including—

9 “(1) identifying the Federal Emergency Man-
10 agement Agency Region;

11 “(2) the disaster or emergency declaration
12 number;

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

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

16 “(5) the damage category code;

17 “(6) the amount of the Federal share obligated;

18 and

19 “(7) the date of the award.

20 **“(b) MISSION ASSIGNMENTS.—**

21 “(1) IN GENERAL.—Not later than 5 days after
22 the issuance of a mission assignment or mission as-
23 signment task order, the Administrator of the Fed-
24 eral Emergency Management Agency shall publish
25 on the website of the Federal Emergency Manage-
26 ment Agency any mission assignment or mission as-

1 signment task order to another Federal department
2 or agency regarding a major disaster in excess of
3 \$1,000,000, including—

4 “(A) the name of the impacted State or
5 Indian Tribe;

6 “(B) the disaster declaration for such
7 State or Indian Tribe;

8 “(C) the assigned agency;

9 “(D) the assistance requested;

10 “(E) a description of the disaster;

11 “(F) the total cost estimate;

12 “(G) the amount obligated;

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

15 “(I) the authority under which the mission
16 assignment or mission assignment task order
17 was directed; and

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

20 “(2) RECORDING CHANGES.—Not later than 10
21 days after the last day of each month until a mission
22 assignment or mission assignment task order de-
23 scribed in paragraph (1) is completed and closed
24 out, the Administrator of the Federal Emergency

1 Management Agency shall update any changes to
2 the total cost estimate and the amount obligated.

3 “(c) DISASTER RELIEF MONTHLY REPORT.—Not
4 later than 10 days after the first day of each month, the
5 Administrator of the Federal Emergency Management
6 Agency shall publish on the website of the Federal Emer-
7 gency Management Agency reports, including a specific
8 description of the methodology and the source data used
9 in developing such reports, including—

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

14 “(A) the unobligated balance of funds to
15 be carried over from the prior fiscal year to the
16 budget year;

17 “(B) the unobligated balance of funds to
18 be carried over from the budget year to the
19 budget year plus 1;

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

22 “(D) the amount of obligations for the
23 budget year for catastrophic events delineated
24 by event and by State;

1 “(E) the total amount that has been pre-
2 viously obligated or will be required for cata-
3 strophic events delineated by event and by State
4 for all prior years, the current fiscal year, the
5 budget year, and each fiscal year thereafter;

6 “(F) the amount of previously obligated
7 funds that will be recovered for the budget
8 year;

9 “(G) the amount that will be required for
10 obligations for emergencies, as described in sec-
11 tion 102(1), major disasters, as described in
12 section 102(2), fire management assistance
13 grants, as described in section 420, surge ac-
14 tivities, and disaster readiness and support ac-
15 tivities; and

16 “(H) the amount required for activities not
17 covered under section 251(b)(2)(D)(iii) of the
18 Balanced Budget and Emergency Deficit Con-
19 trol Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii));
20 and

21 “(2) an estimate or actual amounts, if available,
22 of the following for the current fiscal year, which
23 shall be submitted not later than the fifth day of
24 each month, published by the Administrator of the
25 Federal Emergency Management Agency on the

1 website of the Federal Emergency Management
2 Agency not later than the fifth day of each month:

3 “(A) A summary of the amount of appro-
4 priations made available by source, the trans-
5 fers executed, the previously allocated funds re-
6 covered, and the commitments, allocations, and
7 obligations made.

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

10 “(i) the beginning and ending bal-
11 ances;

12 “(ii) the total obligations to include
13 amounts obligated for fire assistance,
14 emergencies, surge, and disaster support
15 activities;

16 “(iii) the obligations for catastrophic
17 events delineated by event and by State;
18 and

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

21 “(C) A summary of allocations, obligations,
22 and expenditures for catastrophic events delin-
23 eated by event.

24 “(D) The cost of the following categories
25 of spending:

1 “(i) Public assistance.

2 “(ii) Individual assistance.

3 “(iii) Mitigation.

4 “(iv) Administrative.

5 “(v) Operations.

6 “(vi) Any other relevant category (in-
7 cluding emergency measures and disaster
8 resources) delineated by disaster.

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

11 “(d) CONTRACTS.—

12 “(1) INFORMATION.—Not later than 10 days
13 after the first day of each month, the Administrator
14 of the Federal Emergency Management Agency shall
15 publish on the website of the Federal Emergency
16 Management Agency the specifics of each contract in
17 excess of \$1,000,000 that the Federal Emergency
18 Management Agency enters into, including—

19 “(A) the name of the party;

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

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

22 “(D) if the contract was awarded through
23 a competitive bidding process;

1 “(E) if no competitive bidding process was
 2 used, the reason why competitive bidding was
 3 not used; and

4 “(F) the authority used to bypass the com-
 5 petitive bidding process.

6 The information shall be delineated by disaster, if
 7 applicable, and specify the damage category code, if
 8 applicable.

9 “(2) REPORT.—Not later than 10 days after
 10 the last day of the fiscal year, the Administrator of
 11 the Federal Emergency Management Agency shall
 12 provide a report to the appropriate committees of
 13 Congress summarizing the following information for
 14 the preceding fiscal year:

15 “(A) The number of contracts awarded
 16 without competitive bidding.

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

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

21 “(D) The damage category codes, if appli-
 22 cable, for contracts awarded without competi-
 23 tive bidding.

24 ~~“(e) REPORT ON THE COLLECTION OF PUBLIC AS-~~
 25 ~~SISTANCE RECIPIENT AND SUBRECIPIENT CONTRACTS.—~~

1 Not later than 180 days after the date of enactment of
 2 this subsection, the Administrator of the Federal Emer-
 3 gency Management Agency shall submit a report to the
 4 Committee on Homeland Security and Governmental Af-
 5 fairs of the Senate and the Committee on Transportation
 6 and Infrastructure of the House of Representatives on the
 7 efforts of the Federal Emergency Management Agency to
 8 collect information on any contract prior to the project
 9 closeout phase for more than \$500,000 that a public as-
 10 sistance recipient or subrecipient enters into using grant
 11 monies under section 324, 403, 406, 407, 428, or 502,
 12 to improve oversight efforts by the Inspector General of
 13 the Department and others, including—

- 14 “(1) the name of each party;
- 15 “(2) the date the contract was awarded;
- 16 “(3) the amount of the contract;
- 17 “(4) the scope of the contract;
- 18 “(5) the period of performance for the contract;

19 and

- 20 “(6) whether the contract was awarded through
 21 a competitive bidding process.

22 “(e) *COLLECTION OF PUBLIC ASSISTANCE RECIPIENT*
 23 *AND SUBRECIPIENT CONTRACTS.*—

24 “(1) *IN GENERAL.*—Not later than 180 days
 25 after the date of enactment of this subsection, the Ad-

1 *ministrator of the Federal Emergency Management*
 2 *Agency shall initiate efforts to begin collecting infor-*
 3 *mation prior to the project closeout phase on any con-*
 4 *tract for more than \$500,000 that a public assistance*
 5 *recipient or subrecipient enters into using grant mon-*
 6 *ies under section 324, 403, 406, 407, 428, or 502, to*
 7 *improve oversight efforts by the Inspector General of*
 8 *the Department and others, including—*

9 *“(A) the name of each party;*

10 *“(B) the date the contract was awarded;*

11 *“(C) the amount of the contract;*

12 *“(D) the scope of the contract;*

13 *“(E) the period of performance for the con-*

14 *tract; and*

15 *“(F) whether the contract was awarded*
 16 *through a competitive bidding process.*

17 *“(2) REPORT.—Not later than 365 days after the*
 18 *date of enactment of this subsection, the Adminis-*
 19 *trator of the Federal Emergency Management Agency*
 20 *shall submit a report to the Committee on Homeland*
 21 *Security and Governmental Affairs of the Senate and*
 22 *the Committee on Transportation and Infrastructure*
 23 *of the House of Representatives on the efforts of the*
 24 *Federal Emergency Management Agency to collect the*
 25 *information described in paragraph (1).”.*

1 **SEC. 25. AUDIT OF CONTRACTS.**

2 Notwithstanding any other provision of law, the Ad-
 3 ministrator shall not reimburse a State, ~~Tribe~~, or local
 4 government, *an Indian tribal government (as defined in*
 5 *section 102 of the Robert T. Stafford Disaster Relief and*
 6 *Emergency Assistance Act (42 U.S.C. 5122)*, or the owner
 7 or operator of a private nonprofit facility *(as defined in*
 8 *section 102 of the Robert T. Stafford Disaster Relief and*
 9 *Emergency Assistance Act (42 U.S.C. 5122)* for any activi-
 10 ties made pursuant to a contract that prohibits the Ad-
 11 ministrator or the Comptroller General of the United
 12 States from auditing or otherwise reviewing all aspects re-
 13 lating to the contract.

14 **SEC. 26. INSPECTOR GENERAL AUDIT OF FEMA CONTRACTS**
 15 **FOR TARPS AND PLASTIC SHEETING.**

16 (a) IN GENERAL.—Not later than 30 days after the
 17 date of enactment of this Act, the Inspector General of
 18 the Department of Homeland Security shall initiate an
 19 audit of the contracts awarded by the Agency for tarps
 20 and plastic sheeting for the Commonwealth of Puerto Rico
 21 and the United States Virgin Islands in response to Hurri-
 22 cane Irma and Hurricane Maria.

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

1 (1) the contracting process used by the Agency
2 to evaluate offerors and award the relevant contracts
3 to contractors;

4 (2) the assessment conducted by the Agency of
5 the past performance of the contractors, including
6 any historical information showing that the contrac-
7 tors had supported large-scale delivery quantities in
8 the past;

9 (3) the assessment conducted by the Agency of
10 the capacity of the contractors to carry out the rel-
11 evant contracts, including with respect to inventory,
12 production, and financial capabilities;

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

15 (5) whether the failure of the contractors to
16 meet the terms of the relevant contracts and the
17 subsequent cancellation by the Agency of the rel-
18 evant contracts affected the provision of tarps and
19 plastic sheeting to the Commonwealth of Puerto
20 Rico and the United States Virgin Islands.

21 (c) REPORT.—Not later than 270 days after the date
22 of initiation of the audit under subsection (a), the Inspec-
23 tor General shall submit to the Committee on Transpor-
24 tation and Infrastructure of the House of Representatives
25 and the Committee on Homeland Security and Govern-

1 mental Affairs of the Senate a report on the results of
 2 the audit, including findings and recommendations.

3 **SEC. 27. RELIEF ORGANIZATIONS.**

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

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

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

13 **SEC. 28. GUIDANCE ON INUNDATED AND SUBMERGED**
 14 **ROADS.**

15 The Administrator, in coordination with the Adminis-
 16 trator of the Federal Highway Administration, shall de-
 17 velop and issue guidance for State, and local, ~~and Tribe~~
 18 governments *and Indian tribal governments (as defined in*
 19 *section 102 of the Robert T. Stafford Disaster Relief and*
 20 *Emergency Assistance Act (42 U.S.C. 5122)* regarding re-
 21 pair, restoration, and replacement of inundated and sub-
 22 merged roads damaged or destroyed by a major disaster
 23 declared by the President under section 401 of the Robert
 24 T. Stafford Disaster Relief and Emergency Assistance Act
 25 (42 U.S.C. 5170), and for associated expenses incurred

1 by the Government, with respect to roads eligible for as-
2 sistance under section 406 of the Robert T. Stafford Dis-
3 aster Relief and Emergency Assistance Act (42 U.S.C.
4 5172), as amended by this Act.

5 **SEC. 29. GUIDANCE AND RECOMMENDATIONS.**

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

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

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

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

(b) DEFINITIONS.—In this section:

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

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

(A) the grantee or subgrantee receiving as-
sistance for an open space project described in
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 In-
7 frastructure” 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 (f) *APPLICABILITY.*—*The amendments made by sub-*
 11 *sections (b) and (c) shall apply to any major disaster or*
 12 *emergency declared by the President under section 401 or*
 13 *501, respectively, of the Robert T. Stafford Disaster Relief*
 14 *and Emergency Assistance Act (42 U.S.C. 5170, 5191) on*
 15 *or after the date of enactment of this Act.*

16 **SEC. 34. REIMBURSEMENT.**

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

1 **SEC. 3534. FLOOD INSURANCE.**

2 Section 406(d)(1) of the Robert T. Stafford Disaster
 3 Relief and Emergency Assistance Act (42 U.S.C.
 4 5172(d)(1)) is amended by adding at the end the fol-
 5 lowing: “This section shall not apply to more than 1 build-
 6 ing of a multi-structure educational, law enforcement, cor-
 7 rectional, fire, or medical campus, effective January 1,
 8 2016.”.

9 **SEC. 3635. CERTAIN RECOUPMENT PROHIBITED.**

10 (a) IN GENERAL.—Notwithstanding any other provi-
 11 sion of law, the Agency shall deem any covered disaster
 12 assistance to have been properly procured, provided, and
 13 utilized, and shall restore any funding of covered disaster
 14 assistance previously provided but subsequently withdrawn
 15 or deobligated.

16 (b) COVERED DISASTER ASSISTANCE DEFINED.—In
 17 this section, the term “covered disaster assistance” means
 18 assistance—

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

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

1 (A) the Agency deployed to the local gov-
 2 ernment a Technical Assistance Contractor to
 3 review field operations, provide eligibility advice,
 4 and assist with day-to-day decisions;

5 (B) the Technical Assistance Contractor
 6 provided inaccurate information to the local
 7 government; and

8 (C) the local government relied on the in-
 9 accurate information to determine that relevant
 10 contracts were eligible, reasonable, and reim-
 11 bursable.

12 **SEC. 3736. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
 13 **HOUSEHOLDS AND NONPROFIT FACILITIES.**

14 (a) **CRITICAL DOCUMENT FEE WAIVER.**—Section
 15 408(e) of the Robert T. Stafford Disaster Relief and
 16 Emergency Assistance Act (42 U.S.C. 5174(e)) is amend-
 17 ed by adding at the end the following:

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

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

1 paragraph (1) of the following document re-
2 placement fees:

3 “(i) The passport application fee for
4 individuals who lost their United States
5 passport.

6 “(ii) The file search fee for a United
7 States passport.

8 “(iii) The Application for Waiver of
9 Passport and/or Visa form (Form I-193)
10 fee.

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

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

15 “(vi) The Naturalization/Citizenship
16 Document replacement form (Form N-
17 565) filing fee.

18 “(vii) The Employment Authorization
19 form (Form I-765) filing fee.

20 “(viii) The biometric service fee.

21 “(B) EXEMPTION FROM FORM REQUIRE-
22 MENT.—The authority of the President to waive
23 fees under clauses (iii) through (viii) of sub-
24 paragraph (A) applies regardless of whether the
25 individual or household qualifies for a Form I-

1 912 Request for Fee Waiver, or any successor
2 thereto.

3 “(C) EXEMPTION FROM ASSISTANCE MAX-
4 IMUM.—The assistance limit in subsection (h)
5 shall not apply to any fee waived under this
6 paragraph.

7 “(D) *REPORT.*—*Not later than 365 days*
8 *after the date of enactment of this paragraph, the*
9 *Administrator of the Federal Emergency Man-*
10 *agement Agency and the head of any other agen-*
11 *cy given critical document fee waiver authority*
12 *under this paragraph shall submit a report to*
13 *the Committee on Homeland Security and Gov-*
14 *ernmental Affairs of the Senate and the Com-*
15 *mittee on Transportation and Infrastructure of*
16 *the House of Representatives on the costs associ-*
17 *ated with providing critical document fee waiv-*
18 *ers as described in subparagraph (A).”.*

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

1 (c) *APPLICABILITY.*—*The amendment made by sub-*
 2 *section (b) shall apply to any major disaster or emergency*
 3 *declared by the President under section 401 or 501, respec-*
 4 *tively, of the Robert T. Stafford Disaster Relief and Emer-*
 5 *gency Assistance Act (42 U.S.C. 5170, 5191) on or after*
 6 *the date of enactment of this Act.*

7 **SEC. 3837. COST OF ASSISTANCE ESTIMATES.**

8 (a) *IN GENERAL.*—Not later than ~~180~~ 270 days after
 9 the date of enactment of this Act, the Administrator shall
 10 review the factors considered when evaluating a request
 11 for a major disaster declaration under the Robert T. Staf-
 12 ford Disaster Relief and Emergency Assistance Act (42
 13 U.S.C. 5121 et seq.), specifically the estimated cost of the
 14 assistance, *and provide a report and briefing to the Com-*
 15 *mittee on Homeland Security and Governmental Affairs of*
 16 *the Senate and the Committee on Transportation and In-*
 17 *frastructure of the House of Representatives.*

18 (b) *RULEMAKING.*—Not later than ~~180 days~~ 2 years
 19 after the date of enactment of this Act, the Administrator
 20 shall review and initiate a rulemaking to update *the factors*
 21 *considered when evaluating a Governor’s request for a*
 22 *major disaster declaration, including reviewing how the*
 23 *Agency estimates the cost of major disaster assistance, in-*
 24 *cluding adjusting the per capita impact indicator for an-*
 25 *ual inflation for all years since 1986, and consider other*

1 impacts on the capacity of a jurisdiction to respond to dis-
 2 asters.

3 ~~(c) IMPLEMENTATION.—The Administrator—~~

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

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

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

14 ~~(1) submit a report to the committees of juris-~~
 15 ~~diction of Congress on the initiative to modernize~~
 16 ~~the per capita impact indicator; and~~

17 ~~(2) present recommendations for new measures~~
 18 ~~to assess the capacities of States to respond to and~~
 19 ~~recover from disasters.~~

20 **SEC. 3938. REPORT ON INSURANCE SHORTFALLS.**

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

24 “(d) REPORT ON INSURANCE SHORTFALLS.—Not
 25 later than 2 years after the date of enactment of this sub-

1 section, and each year thereafter, the Administrator of the
 2 Federal Emergency Management Agency shall submit a
 3 report to Congress on the number of instances and the
 4 estimated amounts involved, by State, for cases in which
 5 self-insurance amounts have been insufficient to address
 6 flood damages.”.

7 **SEC. 39. POST DISASTER BUILDING SAFETY ASSESSMENT.**

8 (a) *BUILDING SAFETY ASSESSMENT TEAM.*—

9 (1) *IN GENERAL.*—*The Administrator shall co-*
 10 *ordinate with State and local governments and orga-*
 11 *nizations representing architects and engineers to de-*
 12 *velop guidance, including best practices, for post dis-*
 13 *aster assessment of buildings by licensed architects*
 14 *and engineers to ensure the architects and engineers*
 15 *properly analyze the structural integrity and liv-*
 16 *ability of buildings and structures.*

17 (2) *PUBLICATION.*—*The Administrator shall*
 18 *publish the guidance required to be developed under*
 19 *paragraph (1) not later than 1 year after the date of*
 20 *enactment of this Act.*

21 (b) *NATIONAL INCIDENT MANAGEMENT SYSTEM.*—*The*
 22 *Administrator shall revise or issue guidance as required to*
 23 *the National Incident Management System to ensure the*
 24 *functions of an architect are accurately incorporated, to in-*
 25 *clude assisting communities in mitigating, preparing for,*

1 *responding to, and recovering from a disaster, including*
 2 *participating on, managing, and supervising building safe-*
 3 *ty assessment teams.*

4 **SEC. 40. FEMA UPDATES ON NATIONAL PREPAREDNESS AS-**
 5 **SESSMENT.**

6 *Not later than 6 months after the date of enactment*
 7 *of this Act, and every 6 months thereafter until completion,*
 8 *the Administrator shall submit to the Committee on Home-*
 9 *land Security and Governmental Affairs of the Senate and*
 10 *the Committee on Homeland Security of the House of Rep-*
 11 *resentatives an update on the progress of the Agency in com-*
 12 *pleting action 6 with respect to the report published by the*
 13 *Government Accountability Office entitled “2012 Annual*
 14 *Report: Opportunities to Reduce Duplication, Overlap and*
 15 *Fragmentation, Achieve Savings, and Enhance Revenue”*
 16 *(February 2, 2012), which requires the Agency to—*

17 *(1) complete a national preparedness assessment*
 18 *of capability gaps at each level based on tiered, capa-*
 19 *bility-specific performance objectives to enable*
 20 *prioritization of grant funding; and*

21 *(2) identify the potential costs for establishing*
 22 *and maintaining those capabilities at each level and*
 23 *determine what capabilities Federal agencies should*
 24 *provide.*

1 **SEC. 41. FEMA REPORT ON DUPLICATION IN NON-NATURAL**
 2 **DISASTER PREPAREDNESS GRANT PRO-**
 3 **GRAMS.**

4 *Not later than 180 days after the date of enactment*
 5 *of this Act, the Administrator shall submit to the Committee*
 6 *on Homeland Security and Governmental Affairs of the*
 7 *Senate and the Committee on Homeland Security of the*
 8 *House of Representatives a report on the results of the ef-*
 9 *forts of the Agency to identify and prevent unnecessary du-*
 10 *plication within and across the non-natural disaster pre-*
 11 *paredness grant programs of the Agency, as required in the*
 12 *report published by the Government Accountability Office*
 13 *entitled “2012 Annual Report: Opportunities to Reduce Du-*
 14 *plication, Overlap and Fragmentation, Achieve Savings,*
 15 *and Enhance Revenue” (February 2, 2012), including with*
 16 *respect to—*

17 *(1) the Urban Area Security Initiative estab-*
 18 *lished under section 2003 of the Homeland Security*
 19 *Act of 2002 (6 U.S.C. 604);*

20 *(2) the Port Security Grant Program authorized*
 21 *under section 70107 of title 46, United States Code;*

22 *(3) the State Homeland Security Grant Program*
 23 *established under section 2004 of the Homeland Secu-*
 24 *rity Act of 2002 (6 U.S.C. 605); and*

25 *(4) the Transit Security Grant Program author-*
 26 *ized under titles XIV and XV of the Implementing*

1 *Recommendations of the 9/11 Commission Act of 2007*
2 *(6 U.S.C. 1131 et seq.).*

3 **SEC. 42. EXTENSION OF UNEMPLOYMENT ASSISTANCE FOR**
4 **THE COMMONWEALTH OF PUERTO RICO AND**
5 **THE UNITED STATES VIRGIN ISLANDS.**

6 (a) *IN GENERAL.*—Notwithstanding any other provi-
7 sion of law, in the case of an individual eligible to receive
8 unemployment assistance under section 410(a) of the Robert
9 T. Stafford Disaster Relief and Emergency Assistance Act
10 (42 U.S.C. 5177(a)) as a result of a disaster declaration
11 made for Hurricane Irma and Hurricane Maria in the
12 Commonwealth of Puerto Rico and the United States Virgin
13 Islands, the President shall make such assistance available
14 for 52 weeks after the date of the disaster declaration effec-
15 tive as if enacted at the time of the disaster declaration.

16 (b) *NO ADDITIONAL FUNDS AUTHORIZED.*—No addi-
17 tional funds are authorized to carry out the requirements
18 of this section.

19 **SEC. 43. STUDY AND REPORT.**

20 (a) *IN GENERAL.*—Not later than 90 days after the
21 date of enactment of this Act, the Administrator shall enter
22 into a contract with the National Academy of Medicine to
23 conduct a study and prepare a report as described in sub-
24 section (b).

25 (b) *STUDY AND REPORT.*—

1 (1) *STUDY*.—

2 (A) *IN GENERAL*.—*The study described in*
 3 *this subsection shall be a study of matters con-*
 4 *cerning best practices in mortality counts as a*
 5 *result of a major disaster (as defined in section*
 6 *102 of the Robert T. Stafford Disaster Relief and*
 7 *Emergency Assistance Act (42 U.S.C. 5122)).*

8 (B) *CONTENTS*.—*The study described in*
 9 *this subsection shall address approaches to quan-*
 10 *tifying mortality and significant morbidity*
 11 *among populations affected by major disasters,*
 12 *which shall include best practices and policy rec-*
 13 *ommendations for—*

14 (i) *equitable and timely attribution, in*
 15 *order to facilitate access to available bene-*
 16 *fits, among other things;*

17 (ii) *timely prospective tracking of pop-*
 18 *ulation levels of mortality and significant*
 19 *morbidity, and their causes, in order to*
 20 *continuously inform response efforts; and*

21 (iii) *a retrospective study of disaster-*
 22 *related mortality and significant morbidity*
 23 *to inform after-action analysis and improve*
 24 *subsequent preparedness efforts.*

1 (2) *REPORT.*—Not later than 2 years after the
 2 date on which the contract described in subsection (a)
 3 is entered into, the National Academy of Medicine
 4 shall complete and transmit to the Administrator a
 5 report on the study described in paragraph (1).

6 (c) *NO ADDITIONAL FUNDS AUTHORIZED.*—No addi-
 7 tional funds are authorized to carry out the requirements
 8 of this section.

9 **SEC. 44. REVIEW OF ASSISTANCE FOR DAMAGED UNDER-**
 10 **GROUND WATER INFRASTRUCTURE.**

11 (a) *DEFINITION OF PUBLIC ASSISTANCE GRANT PRO-*
 12 *GRAM.*—The term “public assistance grant program” means
 13 the public assistance grant program authorized under sec-
 14 tions 403, 406, 407, and 502(a) of the Robert T. Stafford
 15 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 16 5170b, 5172, 5173, 5192(a)).

17 (b) *REVIEW AND BRIEFING.*—Not later than 60 days
 18 after the date of enactment of this Act, the Administrator
 19 shall—

20 (1) *conduct a review of the assessment and eligi-*
 21 *bility process under the public assistance grant pro-*
 22 *gram and the public notice and comment require-*
 23 *ments under section 325(a) of the Robert T. Stafford*
 24 *Disaster Relief and Emergency Assistance Act (42*
 25 *U.S.C. 5165c(a)) with respect to assistance provided*

1 *for damaged underground water infrastructure as a*
2 *result of a major disaster declared under section 401*
3 *of such Act (42 U.S.C. 5170), including wildfires; and*
4 *(2) provide to the Committee on Homeland Secu-*
5 *rity and Governmental Affairs of the Senate and the*
6 *Committee on Homeland Security of the House of*
7 *Representatives a briefing on the review conducted*
8 *under paragraph (1).*

9 *(c) REPORT AND RECOMMENDATIONS.—The Adminis-*
10 *trator shall—*

11 *(1) not later than 180 days after the date of en-*
12 *actment of this Act, issue a report on the review con-*
13 *ducted under subsection (b)(1); and*

14 *(2) not later than 180 days after the date on*
15 *which the Administrator issues the report required*
16 *under paragraph (1), implement any recommenda-*
17 *tions contained in the report.*

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[Report No. 115-446]

A BILL

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

DECEMBER 19, 2018

Reported with amendments