

vote on rollcall vote No. 32, the "Death on the High Seas Act." Had I been here, I obviously would have voted "aye."

#### DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

The SPEAKER pro tempore (Mr. GOSS). Pursuant to House Resolution 91 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 707.

□ 1055

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes, with Mr. HEFLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this legislation.

The bill addresses two separate needs: increasing the predisaster hazard mitigation activities, as well as reducing the costs of providing post-disaster assistance. It establishes a federally funded predisaster hazard mitigation program, and it authorizes \$105 million over 2 years for helping fund a cost-effective hazard mitigation activity.

In addition, the bill increases the authorization for post-disaster mitigation funding by 33 percent. It also adopts measures that would modify and streamline the current post-disaster assistance program with the intention of reducing Federal disaster assistance costs without adversely affecting disaster victims.

There are two primary ways to reduce the costs of a natural disaster. One is to take measures that reduce our Nation's vulnerability to hazards, and the other is to make current disaster programs more efficient. The bill does both.

This legislation is sponsored by Members on both sides of the aisle and is supported by groups such as the American Red Cross, the National League of Cities, the National Emergency Management Association and the Association of State Floodplain Managers.

Mr. Chairman, I certainly congratulate the gentlewoman from Florida

(Chairman FOWLER) and the gentleman from Ohio (Mr. TRAFICANT), subcommittee ranking minority member, for their work on this legislation, as well as the gentleman from Pennsylvania (Mr. BORSKI) and the gentleman from New York (Mr. BOEHLERT). I also want to thank the gentleman from Minnesota (Mr. OBERSTAR), ranking minority member of the full committee, for his support.

Mr. Chairman, one final point, I want to emphasize my strong support for the outstanding job that FEMA is doing. Years ago, FEMA itself was a disaster in many respects. But under the leadership of James Lee Witt and others at FEMA, they are actually, in my judgment, doing an outstanding job; and I think the American people should know that.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Without objection, the gentleman from Ohio (Mr. TRAFICANT) will control the time allotted to the gentleman from Minnesota (Mr. OBERSTAR).

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), ranking Democrat on this side. And if we left the Social Security issue up to the gentleman from Minnesota and the gentleman from Pennsylvania (Mr. SHUSTER), we would have less arguments and more results.

Mr. OBERSTAR. Mr. Chairman, I rise in support of H.R. 707, the Disaster Mitigation and Cost Reduction Act of 1999. I greatly appreciate the initiative that the gentleman from Pennsylvania (Chairman SHUSTER) has demonstrated in moving this bill so quickly through subcommittee, full committee, and to the floor.

I congratulate the gentleman from New York (Mr. BOEHLERT), chairman of the Subcommittee on Water Resources and Environment, as well as the gentleman from Pennsylvania (Mr. BORSKI), the ranking member on that subcommittee. This bill was heard in their subcommittee in the last Congress. The bill has been reshaped and heard in a new subcommittee in this Congress, and I again commend the gentlewoman from Florida (Chairman FOWLER) and the gentleman from Ohio (Mr. TRAFICANT), ranking member, for their strong commitment to moving the legislation forward and doing so very quickly.

Mr. Chairman, there are two main elements that we are dealing with in this legislation: a predisaster mitigation program and streamlining of existing disaster assistance programs under the Stafford Act.

I think this legislation has great potential to improve Federal, local and State government response to disasters, reduce the cost of those responses and do a better job for the victims of disasters.

The cost of the Federal, State, and local response to disaster has been

going up incrementally and, in the last few years, almost explosively with the number of disasters and the greater intensity of disasters that we are seeing.

□ 1100

As the gentleman from Pennsylvania (Chairman SHUSTER) said at one time, FEMA's response to these tragedies was in itself a disaster. As chair of the oversight committee in the mid 1980s, I held hearings on the terrible response of FEMA and of a plan, then, that would have shifted unacceptable cost levels on local government as a result of disasters.

Together with our colleagues on the Republican side, we stopped that plan and reshaped the whole Federal Disaster Assistance Program, which has continued to be managed in an increasingly better fashion.

But in 1989, outlays, principally as a result of Hurricane Hugo were \$1.2 billion for disaster relief. That was a milestone. That was the first time the Federal Government had paid out for a single tragedy over \$1 billion.

Well, not this year, but in succeeding years, we have been in excess of a \$1 billion every year outlay for disasters. In 1994, it hit \$5.4 billion for one year. Last year, it dropped a little bit to \$2 billion. But still, those are extremely high numbers.

When we take a careful look at the circumstances, the geography, the local conditions, we find recurring patterns. A very significant portion of what we are paying for disaster relief is for people, properties that have sustained prior losses that have not taken action to protect themselves against these acts of nature.

What this bill does is it moves us in the direction of not continuing to pay over and over again for the same losses to the same people in the same geographic areas for which we have previously paid for losses.

We should not continue to shower Federal dollars and local and State dollars on people who insist on remaining in harm's way without taking preventative measures. An old adage, an ounce of prevention is worth a pound of cure, applies to this kind of Federal program as well.

Experience under section 404 of the Stafford Act provides for postdisaster mitigation, and it clearly shows that mitigation is an effective way to limit future damages; that is, postdisaster, after tragedy has struck, take some actions to protect yourself against the next one.

It is a good initiative. We are strengthening that response in this legislation. But it is not enough. We need to go further, as we learned from the history of these various kinds of tragedies and disasters that strike various parts of our country.

The predisaster mitigation program focuses on local government initiatives, private sector participation, and leveraging of private sector participation. After all, we continue to reimburse people and businesses who are in

harm's way, and private sector should be a part of the advance protection.

The expectation is, and I say expectation because I do not want to overstate the potential, the expectation is that these initiatives, predisaster actions, involving private sector, leveraging private sector resources will enhance State mitigation plans that should be developed in coordination and consultation with local governments and with FEMA.

We are hopeful that this new program is going to make a very useful and significant contribution to control disaster losses before disaster strikes, so that when one is and this region is struck, it will be better prepared to withstand and will have lower losses.

Now there is a pilot project that, as the gentleman from Pennsylvania (Chairman SHUSTER) said, was developed under the leadership of Director Witt at FEMA, called Project Impact. It has been widely praised by local communities. Community focus, bottoms up planning, local involvement, all of which are good initiatives. Let us hope this becomes a pattern, a model, a good starting point for this new predisaster initiative we are authorizing in this legislation.

But I emphasize from my previous experience in holding extensive hearings on disaster mitigation, it will require extensive intergovernmental coordination and cooperation. It is going to have to start from the local level.

The Federal Government is not going to come in and do it for them. They have got to do it. They have got to then coordinate with State and with FEMA well in advance of disasters and make some very tough decisions such as local zoning to keep people out of harm's way. If they do not do it, they should not expect to be compensated for their failure to keep themselves out of harm's way.

We will have to undertake extensive oversight of this Project Impact and of these future plans to see that they really are focused on what we intend them to do. At stake are people's lives, people's well-being, the integrity of communities, but also at stake are billions of dollars of Federal funds that are going to be called upon to reimburse local government and make them whole after disaster has struck.

We are off to a good start. I think this is a very good move forward. I also think, at the same time, it is going to require intense vigilance on the part of our committee and on the part of FEMA to make sure that it does work. It is in the right direction. I commend the chairman for moving this legislation. We are all going to have to make an extra effort to make it work.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 6 minutes to the distinguished gentlewoman from Florida (Mrs. FOWLER), chairman of the Subcommittee on Oversight, Investigations and Emergency Management.

Mrs. FOWLER. Mr. Chairman, I rise in strong support of this legislation. I

also want to thank the gentleman from Ohio (Mr. TRAFICANT), my good friend, the subcommittee ranking member, minority member, for his work on this legislation. I also want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), ranking minority member of the full committee, for their support and their help to me as well.

H.R. 707 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide authorization for a predisaster mitigation program, and it would implement several cost saving measures.

This legislation is substantially similar to legislation that was reported out of the full committee in the last Congress. I want to commend the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI) for their efforts in developing that bill, and they are cosponsors of this bill.

This is a product of three hearings that were held during the last Congress by the Subcommittee on Water Resources and Environment, and it reflects the careful work of State and local emergency managers and other State and local government officials.

H.R. 707 focuses on two important issues. First, mitigation activities are not set out as a high priority in the current Stafford Act. This needs to change. H.R. 707 will, for the first time, authorize Federal funding for cost effective predisaster mitigation projects. The appropriators have funded an unauthorized program for the last 3 fiscal years.

Second, the cost of natural disasters has been increasing to the point where Congress must take a hard look at measures that control cost while still providing that critical assistance that is needed by victims of disasters.

H.R. 707 would adopt various streamlining and cost-cutting measures, many of which were proposed by the administration. The committee anticipates this bill will save \$109 million over the first 5 years and even more in the long run.

In addition, the bill provides specific criteria and structure to a FEMA program that currently has no such criteria or structure.

Finally, the bill will require FEMA to give greater authority and control to State and local governments over the administration of the mitigation and disaster assistance programs.

Last year, the State of Florida, my State endured one of the most tragic natural disasters, wildfires. When the smoke had cleared and all of the fires were out, over half a million acres had been burned. Three hundred homes were damaged or completely destroyed, and numerous businesses were significantly damaged or closed.

My district suffered some of the heaviest damage with the entire county of Flagler being evacuated for safety precautions. With over 2,000 wildfires

burning statewide, every county in Florida felt the impact.

I just want to give you a brief story about these fires, an example here. One of my constituents, Greg Westin, a resident of Flagler County, and a deputy sheriff, lost his home in the wildfires. In early July, Deputy Westin left his home for work at 7 a.m. to assist county officials and fire fighters with the ongoing fires.

Throughout the day, Deputy Westin stayed in close contact with his wife and two children to give them updates on the fires. Then eventually he had to tell his own family to evacuate. But Deputy Westin did not just give up. He continued to fight the fires on the opposite side of the county. In fact, he was working side by side with fire fighters in the southern part of Flagler County when his own home caught fire and burned to the ground.

Among the homes he was trying to save was a fellow employee of the sheriff's department. This was the kind of commitment and sacrifice that was demonstrated during those fires last summer. I applaud Deputy Westin's efforts. But more than that, I want to help him and all of the other people who respond to these emergencies.

I believe that an emphasis on mitigation could have spared the State and my District from some of this devastation.

A recent report that was issued by our Governor's Wildfire Response and Mitigation Review Committee states that, if Florida does not take the necessary preventative efforts to ensure wildfire safety, the devastation experienced during the wildfires of 1998 will not only be repeated, but will also increase in severity.

Florida has already taken important steps in the wake of these wildfires to prepare itself for future disasters and is using methods like control burns of underbrush to prevent a similar disaster.

I just want to point out that this legislation will help alleviate the pain and suffering and property damage, not only of Floridians, but also of all Americans. It also has that added benefit of reducing our Federal cost.

Mr. Chairman, I urge support for this legislation.

Mr. TRAFICANT. Mr. Chairman, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. BORSKI), a gentleman who has much to do with the authorship of this legislation, his fine work with the gentleman from New York (Mr. BOEHLERT).

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Chairman, I rise in strong support of H.R. 707, the Disaster Mitigation and Cost Reduction Act of 1999. This bill is a result of bipartisan cooperation over two Congresses.

In particular, I want to acknowledge the hard work of my colleague and subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), for his

work in laying a foundation for this bill in the last Congress in a truly bipartisan fashion. That bipartisanship has extended to this Congress and the new leadership of the Subcommittee on Oversight, Investigations and Emergency Management, the gentlewoman from Florida (Mrs. FOWLER), and the gentleman from Ohio (Mr. TRAFICANT), ranking member.

This bill demonstrates how we can work together under the leadership of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, to accomplish a common goal, improving the health and safety of all of our citizens.

Mr. Chairman, in the years that the disaster relief program was within the jurisdiction of the Subcommittee on Water Resources and Environment, we had several opportunities to hear about the Federal response to disasters and, more importantly, about the need to do something to reduce disaster-related losses in advance of disaster. We learned that it is better to be proactive than reactive, and that is what this bill is about.

As has been noted before, James Lee Witt, the director of FEMA, has done a truly remarkable job in turning FEMA from one of the most criticized agencies in the Federal Government into one of its more shining examples of Federal, State, local partnership. No longer does the old line "I'm from the Federal Government, and I'm here to help" elicit laughs, at least not where FEMA is concerned.

What we are doing today is endorsing Director Witt's concept of providing assistance to communities in advance of disaster. We are endorsing Project Impact. I am optimistic that the investment we are making today will return great dividends in future losses avoided to lives, property, and the national economy.

That is why I am so pleased to co-sponsor this bill.

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Mr. Chairman, I urge all of my colleagues to support H.R. 707 on its final passage.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY), a distinguished member of the committee.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman for yielding me this time, and I also want to thank the gentlewoman from Florida (Mrs. FOWLER).

I rise today in strong support of H.R. 707, the Disaster Mitigation and Cost Reduction Act. In particular, I would like to stress the importance of section 208 to my constituents.

On the first day of the 106th Congress, also my first day in Congress, I introduced a bill that would help provide emergency assistance to the dairy farmers in my congressional district. I could not be more pleased that the language of that bill has been incorporated into H.R. 707.

Mr. Chairman, the 22nd Congressional District of New York is notorious for its harsh winters, but no one could have prepared for the January, 1998, ice storm disaster. Below-freezing temperatures, coupled with record rainfall combined to coat a region extending from Western New York to Maine in solid ice. As you all know, the results of this storm were devastating. Seventeen lives were lost, and roughly 1.5 million people were without electricity, some for more than 3 weeks.

The hardest hit in the storm were the dairy farmers. The prolonged power outage severely jeopardized their livelihood. The production and distribution abilities of the dairy community came to a sudden halt. Without power, the farmers were unable to store or produce milk properly. This resulted in the loss of approximately 14 million pounds of milk, taking money right out of the dairy farmers' pockets.

As a result of the storm, farmers were forced to apply to the Dairy Production Disaster Assistance Program. To give my colleagues some understanding of the scope of the disaster, 362 farmers, Mr. Chairman, applied for assistance and over \$600,000 was committed. However, this process took incredible time, and some of the farmers still have not received their assistance.

Quite frankly, the response was not fast enough. The problem was that the people working in the field lacked the authority to make critical decisions. No action was taken until they checked with their supervisors. This time-consuming decision-making process must be changed.

Let me give a perfect example. A constituent of mine who helped coordinate the disaster relief operations complained about the lack of a direct line of communications with officials from FEMA. For instance, he told one official over the phone that the farmers were in desperate need of generators, yet he had to make several appeals with three separate people before the message was heard. It still took over a week for the generators to arrive.

In the meantime, these farm families had no income. Going a week without power is a disruption to all of our lives, but to be unable to make a living jeopardizes one's entire existence.

Actually, the first generators to reach the farmers were loaned by farmers from other regions of the State. They recognized the severity of the situation and acted accordingly. They were able to ship generators to the needy farmers in just 2 days.

Mr. Chairman, this type of relief should not only occur because of the generosity and understanding of our neighbors. We must install a quicker, more decisive policy for providing immediate assistance to the agricultural community.

My language, included as section 208 of the bill, begins to address this problem. It directs FEMA to develop methods and procedures to accelerate emergency relief to rural communities.

Mr. Chairman, I believe the United States does a better job than any other country in the world in responding to natural disasters. Yet, in the words of Thomas Edison, "There's always a way to do it better. Find it."

Simply put, my bill requires the director of FEMA to find a better way to help dairy farmers who are hit by a natural disaster. I believe this legislation is vital to provide a meaningful long-term benefit to the farm families I represent. I commend the gentlewoman from Florida for her great work and the members of the committee as well.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCIO) and thank him for his work on this bill and some of the interests he brings forward.

Mr. BALDACCIO. Mr. Chairman, I thank the ranking member both for that courtesy and for his leadership on the committee in bringing this legislation forward, and also I wish to thank the chairman and the subcommittee chairman for their work.

A little over a year ago, Maine had suffered one of the worst storms of the century. It was the ice storm of the century. Maine residents were without power for over 2 weeks, in most cases. We are talking about nearly 70 percent of all the Maine households who lost power for that period, affecting and impacting over 1.2 million people in the State of Maine.

Lewiston, the second largest city in the State of Maine, suffered nearly 100 percent power loss. Farmers and small businesses were devastated by the ice storm. That is why I strongly support and worked with the committee to make these reforms necessary so that, next time around, the only natural disaster occurs is the one we are working to clean up, not the one after the government comes in to try to help people work on.

This is a bipartisan bill focusing our attention on the pre- and post-disaster mitigation assistance and better preparing our communities for the future. I am in particular support of the pieces that deal with Maine farmers and forestry and dairy, who were especially hard hit. There was almost a delayed response for getting assistance to our farmers to make sure that milk was not lost or spoiled. The generator assistance and others moved at a snail's pace.

Agriculture needs a faster, more efficient system to better aid our farmers and our small business people, and that is why this bill calls for directing the FEMA director to develop a better agriculture system, working with the Department of Agriculture to report back to our committee in 180 days to develop a much better, more efficient system.

So this is a first step. I want to commend the ranking members and the chairman of the committee for the work that has gone on and their leadership on these issues, and I look forward

to working on more and more reforms in the future.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. McKEON), a former member of our committee.

Mr. McKEON. Mr. Chairman, I thank the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER), for yielding me this time; and I thank him and the subcommittee chairman, the gentlewoman from Florida (Mrs. FOWLER), for their leadership in getting this bill to the floor.

I rise in strong support of H.R. 707. Every time disaster strikes, local governments are faced with the critical task of dealing with the recovery efforts. California is no stranger to natural disasters. In my district alone, we have had a severe earthquake and floods and fires in my time here in Congress. Local governments have been forced to bear a tremendous fiscal burden resulting from these unfortunate events.

It is bad enough that homes, buildings and lives are destroyed at the hands of nature, but our local government are the means through which we can most effectively prepare for and respond to disasters. It is imperative that we ease their financial burden and do all we can to help them respond to the needs of those people whose lives are destroyed after a disaster strikes.

H.R. 707 does exactly that. Specifically, it authorizes grants to help communities mitigate natural disasters and streamlines existing disaster relief programs. Additionally, it includes a number of provisions that make current disaster programs more efficient.

More importantly, the bill will now include measures to ensure local governments are protected against increased financial burdens. The manager's amendment includes my amendment that provides a public comment period when new or modified policies are issued. In addition, the amendment also prohibits any policy from being applied retroactively.

So I want to extend my deepest thanks to the gentlewoman from Florida for allowing this language to be included in her manager's amendment. I would also like to acknowledge Marcus Peacock, on the chairman's staff, for his dedication to this issue. Finally, I want to thank my colleagues on the California delegation for their support on this issue, especially the gentleman from California (Mr. JERRY LEWIS), the gentleman from California (Mr. DAVID DREIER), the gentleman from California (Mr. STEVE HORN), the gentleman from California (Mr. DUKE CUNNINGHAM) and the gentlewoman from California (Ms. JUANITA MILLENDER-MCDONALD).

For these reasons, I strongly support H.R. 707 and urge my colleagues to vote in favor of this bill.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD), a young member who had a significant role in this, who was able to

impress the chairwoman, the gentlewoman from Florida (Mrs. FOWLER), with concerns in his district on landslides and is to be given much legislative credit for his efforts.

Mr. BAIRD. Mr. Chairman, we have introduced an amendment which has been incorporated in the en bloc amendments to which the gentlewoman from Florida will be speaking. It has bipartisan support, but I rise now to give my colleagues a sense of the rationale and the background and the need for it.

I want to begin by thanking the chairman, the gentleman from Pennsylvania (Mr. SHUSTER); the subcommittee chairman, the gentlewoman from Florida (Mrs. FOWLER); the ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. TRAFICANT); as well as the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI); and I particularly want to thank the committee staff. When I brought these concerns to the committee, the committee staff immediately worked with my office and with FEMA to find an appropriate solution. I want to thank Ken Kopocis, Arthur Chan and Marcus Peacock.

Here is the situation we are dealing with. In my district a landslide, a slow-moving landslide, has destroyed 137 homes. The landslide moves a few inches a day, but over the course of the last year people's homes have been moved as much as 200 to 300 feet down a hill and completely destroyed. We are speaking today of a bill that is designed to reduce the cost of disasters by preventing them, and I strongly support that. Clearly, a dollar saved in prevention can save us \$3 down the road in recovery.

H.R. 707 reduces the Federal share for alternative projects from 90 percent to 75 percent. These projects are used when local governments decide not to repair, restore or reconstruct public facilities. The amendment we have offered today would ensure that communities which are unable to rebuild due to unstable soil, such as a landslide, would still receive the higher Federal contribution; and there is a good reason for it.

The folks in my district built with good intent and every reason to believe their homes would be safe. There had been no landslide there before. They could not buy landslide insurance because, as my colleagues may know, it is very difficult. So they had every reason to believe they would be free from disasters. Actually, some had built above a floodplain, saying they did not want to be flooded out. They had done the right thing. But here we have this landslide that has wiped them out.

So what we want to do is make sure that in cases where the land is unstable, where the local government decides not to rebuild, which I think is a prudent decision, we would provide the full support of the current law and not

penalize folks who, for no fault of their own, had their possessions wiped out. Areas like Kelso, Washington, have no alternative to an alternative project. So reducing the Federal share in these situations would unfairly hurt these residents.

Included in the manager's amendment is a provision to preserve the 90 percent funding level for alternative projects where communities decide not to rebuild due to soil instability. Frankly, that is a sound decision. Not rebuilding where the soil is unstable will prevent disaster recurrence in the future. So this bill will not only protect my local communities, in the long run it will save us money.

I would like to thank the committee again, the gentlewoman from Florida and the chairman for their support, and I very much appreciate this chance to address this important amendment.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Southern Ohio (Mr. STRICKLAND) who has some concerns as well.

Mr. STRICKLAND. Mr. Chairman, I rise today in support of H.R. 707. This legislation streamlines the process used by individuals and families in applying for disaster assistance through FEMA. H.R. 707 consolidates two existing programs, the Temporary Housing Assistance Program and the Individual and Family Grant Program into one. This change will help speed relief to families who are hit hard by a disaster.

Under current law, a family faced with damage due to flooding or another natural disaster must first apply for temporary housing assistance, a fully Federal program, and for a small business loan. If they do not qualify for either of these programs, they are then often referred to the State-run Individual and Family Grant Program for help. The Individual and Family Grant Program generally assists low-income families. Because of this two-part approach, families who are least capable of shouldering the burden of a disaster often wait the longest for relief. Consolidation of the Temporary Housing Assistance and Individual and Family Grant Programs will relieve this pressure and speed relief to those who need it most.

I am particularly pleased that this legislation also permits homeowners to obtain grant funds to replace homes that are damaged in a disaster. Under current law, homeowners who sustain minimal damage to their homes receive grants of up to \$10,000 to restore their home to pre-disaster conditions. However, homeowners who sustain substantial damage, or whose homes are destroyed, are not eligible for the \$10,000 grant.

Tragically, the disaster victims who have been shut out of this grant program are owners of mobile homes and other less expensive residences, the very people who need the grant the most.

□ 1130

For example, consider this story about a young couple in southern Ohio. Their combined income was less than \$30,000 when their mobile home was destroyed by a flood in March of 1997. Two days after the flood hit, a baby was born into their family. They had no home and were unable to recover the \$10,000 grant that their neighbors, whose homes were not destroyed, received. This couple was forced to move in with parents in a room, one room in a small home, and they were forced to take out a loan to purchase a new mobile home. Ironically, if they had owned a more expensive home, they well could have received \$10,000 in grant funds and been able to return to their homes quickly.

Last Congress, I introduced H.R. 2257, the Disaster Assistance Fairness Act, to correct this inequity. I am pleased that the goals of that bill have been met by H.R. 707 today. The citizens of southern Ohio, which I represent, have had extensive dealings with FEMA-run disaster programs over the last several years. In most instances, FEMA employees have performed above and beyond the call of duty. However, current law has hampered their ability to respond quickly to some of the most difficult disaster cases. The changes envisioned in H.R. 707 should help restore fairness to the process, and I thank those who are responsible for this worthy bill.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the gentlewoman from Florida (Mrs. FOWLER) be permitted to control the balance of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume. I want to acknowledge the bipartisanship of the gentleman from Pennsylvania (Mr. SHUSTER), who is without a doubt one of the great chairmen in our Congress, and the gentleman from Minnesota (Mr. OBERSTAR). The two of them working together have solved a number of problems that people thought were not solvable, believe me.

I also want to pay credit to the new chair, the gentlewoman from Florida (Mrs. FOWLER), the great job that she has done on this and the way she opens up the committee and gives an opportunity for everyone to have a say, even the new Members. I want to thank her for accommodating the concerns of the gentleman from Washington (Mr. BAIRD) who had problems with landslides and was concerned about the legislation. I want the Congress to know that not only did she take his issue to heart, she made it a part of her manager's amendment, and we want to thank her for that.

I also want to commend the gentleman from Pennsylvania (Mr. BORSKI) and the gentleman from New York (Mr. BOEHLERT). They basically were

the driving force for this in the last Congress when the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) brought it and made it possible. Time ran out in the Senate, we were not able to have this bill enacted into law, and here we are today.

I think the bill speaks for itself. The gentleman from Minnesota (Mr. OBERSTAR) said an ounce of prevention is worth a pound of cure. The gentleman from Maine (Mr. BALDACCI) said sometimes the disaster was really after the disaster, with FEMA. The new director, Mr. Witt, I believe, has brought a lot of wit and wisdom to this particular agency. I think that the gentlewoman's efforts to stabilize cost, cost efficiency and to make sure there is enough money in there by the nature of her amendment, which she is to be commended for, because this side of the aisle also felt that there may have been a little bit too drastic of measures in this bill. That has been done.

I think we have a good bill before us. I think that FEMA becomes stronger and better. I think local communities have more of a say and there is more help to the average American who suffers from some tragedy.

With that, I am in strong support of this bill.

Mr. KUYKENDALL. Mr. Chairman, I wish to raise two issues relating to the disaster assistance bill we are about to consider. I think that the attempt to streamline costs and place higher priority on predisaster mitigation are commendable goals. One of the provisions within the bill would allow the President to contribute funds to governmental entities to repair public facilities, or to private nonprofit facilities that are damaged but only if certain stringent conditions are first met by the owners of these private facilities. (The Transportation Committee amended this provision to essentially eliminate the conditions for the recovery of federal funds by these private nonprofit entities.)

My concern is with the amendment. Specifically, the original terms of the Stafford Act already limit the types of nonprofit entities that may receive disaster relief to those providing "essential" services. Again, this is a narrowly defined term. If the amendment is intended to get essential services back on line first, and they worry about who picks up the tab later, it seems to me that the Stafford Act already accomplishes this. Now, we have established essential services and critical services without clearly articulating the distinction.

My second concern, however, is far more serious. And that is that there are plenty of private, for-profit entities that provide essential services. As the Washington area all too recently experienced with PEPCO customers down for more than a week during the cold snap, sometimes these are the entities that are hardest hit in emergencies. Now, PEPCO is a pretty big company that could probably obtain emergency financing from other sources. But the point is that we should not be favoring one type of business entity over another with respect to disaster relief. The amendment, however, does exactly this.

I hope we might resolve these issues in conference and yield back the balance of my time.

Mrs. FOWLER. Mr. Chairman, I rise in strong support of this legislation.

I also want to thank my good friend Subcommittee Ranking Minority Member Traficant, for his work on this legislation. I also want to thank Chairman Shuster and the Ranking Minority Member of the Full Committee, Jim Oberstar for their support.

H.R. 707 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide authorization for a pre-disaster mitigation program, and implement several cost saving measures.

This legislation is substantially similar to legislation reported out of full Committee in the last Congress. Congressmen Boehlert and Borski are to be commended for their efforts in developing that bill.

It is the product of three hearings held during the last Congress by the Water Resources Subcommittee and reflects the careful work of state and local emergency managers, and other state and local government officials.

H.R. 707 focuses on two important issues:

First, mitigation activities are not set out as high priority in the Stafford Act. This needs to change. H.R. 707 will, for the first time, authorize federal funding for cost effective predisaster mitigation projects. Appropriators have funded an unauthorized program for the last three fiscal years.

Second, the cost of natural disasters has been increasing to the point where Congress must take a hard look at measures that control costs, while still providing the critical assistance needed by victims of disasters.

H.R. 707 would adopt various streamlining and cost-cutting measures, many of which were proposed by the administration.

The Committee anticipates this bill will save \$109 million over the first five years and even more in the long run.

In addition, the bill provides specific criteria and structure to a FEMA program that currently has no such criteria or structure.

Finally, the bill will require FEMA to give greater authority and control to state and local governments over the administration of the mitigation and disaster assistance programs.

Last year, the state of Florida endured one of the most tragic natural disasters—wildfires. When the smoke had cleared and all the fires were out, over a half million acres had been burned, 300 homes were damaged or completely destroyed, and numerous businesses were significantly damaged or closed.

My district suffered some of the heaviest damage, with the entire county of Flagler being evacuated for safety precautions. With over 2,000 wildfires burning statewide, every county felt the impact.

Let me give you just a brief story about one of my constituents Greg Weston, a resident of Flagler County and a Deputy Sheriff who lost his home in the wildfires. In early July, Deputy Weston left his home for work at 7:00 a.m. to assist county officials and firefighters with the ongoing fires. Throughout the day Deputy Weston stayed in close contact with his wife and two children to give them updates on the fires and then eventually told his family to evacuate. But Deputy Weston did not just give up.

He continued to fight fires on the opposite side of the county. In fact, he was working side-by-side with firefighters in the southern part of Flagler when his own home caught fire and burned to the ground. Among the homes

he was trying to save was a fellow employee at the Sheriff's Department.

This was the kind of commitment and sacrifice that was demonstrated during last summer. I applaud Deputy Weston's efforts, but more than that, I want to help him and all the other people who respond to emergencies.

I believe that an emphasis on mitigation could have spared the state, and my district, from some of this devastation.

A recent report issued by our Governor's Wildfire Response and Mitigation Review Committee states that if Florida does not take the necessary preventive efforts to ensure wildfire safety, the devastation experienced during the wildland fires of 1998 will not only be repeated, but will also increase in severity.

Florida has already taken important steps in the wake of the wildfires to prepare itself for future disasters and is using methods like controlled burns of underbrush to prevent a similar disaster.

Mr. Chairman, this legislation will help alleviate the pain and suffering and property damage of not only Floridians, but also all Americans.

It also had the added benefit of reducing federal cost.

I urge support of this important legislation.

Mr. BILIRAKIS. Mr. Chairman, I rise today to support H.R. 707, the Disaster Mitigation and Cost Reduction Act of 1999.

Florida occupies a unique position in our nation's landscape. Unfortunately, natural disasters often threaten my state's magnificent environment. In the past year alone, Florida has been devastated by floods, fires, and tornadoes.

Nationwide, the cost of responding to such catastrophes has skyrocketed over the past decade. According to the National Oceanic and Atmospheric Administration, twenty-five major weather-related incidents occurred from 1988 through 1997, resulting in total damages of approximately \$140 billion.

The most costly insured catastrophe in U.S. history was Hurricane Andrew, which hit South Florida in August 1992. It caused more than \$25 billion in damages and resulted in fifty-eight deaths. In the aftermath of this hurricane, many insurance companies no longer provide coverage in Florida. As a result, my constituents are concerned about the availability and affordability of residential property insurance.

I have cosponsored legislation to guarantee that homeowners have access to affordable disaster insurance. I have been working with the Florida delegation to enact this important measure.

Prevention is critical to reducing the economic costs and loss of life when severe weather strikes. To that end, I held a workshop in my district last year on Project Impact, an initiative sponsored by the Federal Emergency Management Agency (FEMA). Project Impact helps communities prepare for natural disasters by establishing a partnership between citizens, businesses and government. It also encourages communities to act now to reduce the threat of future calamities.

Congress must take a more pro-active approach to disaster mitigation. H.R. 707, sponsored by Congresswoman FOWLER and Congressman TRAFICANT, achieves this goal. Through this bill, states will be able to accurately assess the risks of natural disasters and reduce the resulting damages. I commend my

colleagues for working on a bipartisan basis to develop this common-sense measure.

Mr. Chairman, H.R. 707 represents a critical step forward in disaster mitigation efforts. I urge my colleagues to support the bill.

Ms. MILLENDER-MCDONALD, Mr. Chairman, I would like to thank the Chair and Ranking Member of the Subcommittee on Oversight, and the Chair and the Ranking Member of the Full Committee on Transportation & Infrastructure for their attentiveness to the needs and concerns of California's municipal and county governments by including "Due Process" language in the Committee's Manager's Amendment. This language has the bi-partisan support of the California Delegation, the California State Association of Counties, and the California League of Cities.

The fiscal burden that California's county and municipal governments have had to bear as a result of natural disasters has grown dramatically over the last few years. The increased number and magnitude of natural disasters is one of the major factors contributing to this fiscal burden. While the Federal government plays a key role in disaster recovery, it is state and local governments that are ultimately charged with responding to the immediate needs of citizens and businesses in the aftermath of a natural disaster. Since state and local governments must carry this burden, they should have a voice in the rulemaking process.

FEMA often provides for public participation in the rulemaking process regarding its programs and functions, including matters that relate to public property, even though notices and public comment for rulemaking were not required by law. That such due process measures are not required by law is a mistake that can have major financial repercussions. The result of failing to require public due process, including the proper notification of policy modifications, has obviously had an overwhelming fiscal impact on California's state and local governments. In the aftermath of the 1995 winter storms, California's localities were not informed of FEMA's 1996 flood control policy which listed the federal agencies responsible for funding flood control projects. As a result of this failure to disseminate vital information, California local governments were denied millions of dollars in funding from federal agencies for damaged incurred during the 1995 winter storms.

As the former Mayor Pro-tempore of the City of Carson and the former Chair of the California Assembly's Committee on Insurance, I am all too familiar with these problems and understand the need for due process requirements and public comment in the rulemaking process. The language included in this Manager's Amendment requires FEMA to provide public comment before adopting any new or modified policy that would have a "nontrivial" impact on the amount of disaster assistance that may be provided to a state and local government. The language further prohibits FEMA from adopting any new or modified policy that would retroactively reduce the amount of assistance provided to state and local governments in the wake of a natural disaster.

Again, I would like to thank my California Colleagues, Representatives STEVE HORN, ELLEN TAUSCHER, BUCK MCKEON, BOB FILNER, JERRY LEWIS, GARY MILLER, STEVE KUYKENDALL, AND JOHN DOOLITTLE for their work together to protect the interests of the

State of California. Mr. Chairman, thank you again for responding to our concerns on this issue.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

Mrs. FOWLER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Disaster Mitigation and Cost Reduction Act of 1999".*

The CHAIRMAN. Are there any amendments to section 1?

Without objection, the remainder of the committee amendment in the nature of a substitute will be printed in the RECORD and open to amendment at any point.

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

#### **SEC. 2. AMENDMENTS TO ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.**

*Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).*

#### **TITLE I—PREDISASTER HAZARD MITIGATION**

##### **SEC. 101. FINDINGS AND PURPOSE.**

(a) *FINDINGS.*—Congress finds that—

(1) greater emphasis needs to be placed on identifying and assessing the risks to State and local communities and implementing adequate measures to reduce losses from natural disasters and to ensure that critical facilities and public infrastructure will continue to function after a disaster;

(2) expenditures for post-disaster assistance are increasing without commensurate reduction



in the likelihood of future losses from such natural disasters;

(3) a high priority in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act should be to implement predisaster activities at the local level; and

(4) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities will be able to increase their capabilities to form effective community-based partnerships for mitigation purposes, implement effective natural disaster mitigation measures that reduce the risk of future damage, hardship, and suffering, ensure continued functioning of critical facilities and public infrastructure, leverage additional non-Federal resources into meeting disaster resistance goals, and make commitments to long-term mitigation efforts in new and existing structures.

(b) **PURPOSE.**—It is the purpose of this title to establish a predisaster hazard mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural hazards; and

(2) provides a source of predisaster hazard mitigation funding that will assist States and local governments in implementing effective mitigation measures that are designed to ensure the continued functioning of critical facilities and public infrastructure after a natural disaster.

#### **SEC. 102. STATE MITIGATION PROGRAM.**

Section 201(c) (42 U.S.C. 5131(c)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; and”; and

(3) by adding at the end the following:

“(3) set forth, with the ongoing cooperation of local governments and consistent with section 409, a comprehensive and detailed State program for mitigating against emergencies and major disasters, including provisions for prioritizing mitigation measures.”

#### **SEC. 103. DISASTER ASSISTANCE PLANS.**

Section 201(d) (42 U.S.C. 5131(d)) is amended to read as follows:

“(d) **GRANTS FOR DISASTER ASSISTANCE AND HAZARD IDENTIFICATION.**—The President is authorized to make grants for—

“(1) not to exceed 50 percent of the cost of improving, maintaining, and updating State disaster assistance plans including, consistent with section 409, evaluation of natural hazards and development of the programs and actions required to mitigate such hazards; and

“(2) the development and application of improved floodplain mapping technologies that can be used by Federal, State, and local governments and that the President determines will likely result in substantial savings over current floodplain mapping methods.”

#### **SEC. 104. PREDISASTER HAZARD MITIGATION.**

Title II (42 U.S.C. 5131–5132) is amended by adding at the end the following:

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

“(a) **GENERAL AUTHORITY.**—The President may establish a program to provide financial assistance to States and local governments for the purpose of undertaking predisaster hazard mitigation activities that are cost effective and substantially reduce the risk of future damage, hardship, or suffering from a major disaster.

“(b) **PURPOSE OF ASSISTANCE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), a State or local government that receives financial assistance under this section shall use the assistance for funding activities that are cost effective and substantially reduce the risk of future damage, hardship, or suffering from a major disaster.

“(2) **DISSEMINATION.**—The State or local government may use not more than 10 percent of fi-

nancial assistance it receives under this section in a fiscal year for funding activities to disseminate information regarding cost effective mitigation technologies (such as preferred construction practices and materials), including establishing and maintaining centers for protection against natural disasters to carry out such dissemination.

“(c) **ALLOCATION OF FUNDS.**—The amount of financial assistance to be made available to a State, including amounts made available to local governments of such State, under this section in a fiscal year shall—

“(1) not be less than the lesser of \$500,000 or 1.0 percent of the total funds appropriated to carry out this section for such fiscal year; but

“(2) not exceed 15 percent of such total funds.

“(d) **CRITERIA.**—Subject to the limitations of subsections (c) and (e), in determining whether to provide assistance to a State or local government under this section and the amount of such assistance, the President shall consider the following criteria:

“(1) The clear identification of prioritized cost-effective mitigation activities that produce meaningful and definable outcomes.

“(2) If the State has submitted a mitigation program in cooperation with local governments under section 201(c), the degree to which the activities identified in paragraph (1) are consistent with the State mitigation program.

“(3) The extent to which assistance will fund activities that mitigate hazards evaluated under section 409.

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

“(5) The ability of the State or local government to fund mitigation activities.

“(6) The extent to which assistance will fund mitigation activities in small impoverished communities.

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

“(8) Such other criteria as the President establishes in consultation with State and local governments.

“(e) **STATE NOMINATIONS.**—

“(1) **IN GENERAL.**—The Governor of each State may recommend to the President not less than 5 local governments to receive assistance under this section. The recommendations shall be submitted to the President not later than October 1, 1999, and each October 1st thereafter or such later date in the year as the President may establish. In making such recommendations, the Governors shall consider the criteria identified in subsection (d).

“(2) **USE.**—

“(A) **GENERAL RULE.**—In providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

“(B) **WAIVER.**—Upon request of a local government, the President may waive the limitation in subparagraph (A) if the President determines that extraordinary circumstances justify the waiver and that granting the waiver will further the purpose of this section.

“(3) **EFFECT OF FAILURE TO NOMINATE.**—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria in subsection (d), any local governments of the State to receive assistance under this section.

“(f) **SMALL IMPOVERISHED COMMUNITIES.**—For the purpose of this section, the term ‘small impoverished communities’ means communities of 3,000 or fewer individuals that are economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

“(g) **FEDERAL SHARE.**—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President; except that the President may contribute up to 90 percent of

the total cost of mitigation activities in small impoverished communities.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 1999 and \$80,000,000 for fiscal year 2000.

“(i) **AUTHORIZATION OF SECTION 404 FUNDS.**—Effective October 1, 2000, in addition to amounts appropriated under subsection (h) from only appropriations enacted after October 1, 2000, the President may use, to carry out this section, funds that are appropriated to carry out section 404 for post-disaster mitigation activities that have not been obligated within 30 months of the disaster declaration upon which the funding availability is based.

“(j) **REPORT ON FEDERAL AND STATE ADMINISTRATION.**—Not later than 18 months after the date of enactment of the Disaster Mitigation and Cost Reduction Act of 1999, the President, in consultation with State and local governments, shall transmit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program authorized by this section to capable States.”

#### **SEC. 105. INTERAGENCY TASK FORCE.**

The President shall establish an interagency task force for the purpose of coordinating the implementation of the predisaster hazard mitigation program authorized by section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Director of the Federal Emergency Management Agency shall chair such task force.

#### **SEC. 106. MAXIMUM CONTRIBUTION FOR MITIGATION COSTS.**

(a) **IN GENERAL.**—Section 404(a) (42 U.S.C. 5170c(a)) is amended by striking “15 percent” and inserting “20 percent”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to major disasters declared under the Robert T. Stafford Disaster Relief Act and Emergency Assistance Act after January 1, 1997.

#### **SEC. 107. CONFORMING AMENDMENT.**

The heading for title II is amended to read as follows:

**“TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE”.**

#### **TITLE II—STREAMLINING AND COST REDUCTION**

##### **SEC. 201. MANAGEMENT COSTS.**

(a) **IN GENERAL.**—Title III (42 U.S.C. 5141–5164) is amended by adding at the end the following:

##### **“SEC. 322. MANAGEMENT COSTS.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish by rule management cost rates for grantees and subgrantees. Such rates shall be used to determine contributions under this Act for management costs.

“(b) **MANAGEMENT COSTS DEFINED.**—Management costs include indirect costs, administrative expenses, associated expenses, and any other expenses not directly chargeable to a specific project under a major disaster, emergency, or emergency preparedness activity or measure. Such costs include the necessary costs of requesting, obtaining, and administering Federal assistance and costs incurred by a State for preparation of damage survey reports, final inspection reports, project applications, final audits, and related field inspections by State employees, including overtime pay and per diem and travel expenses of such employees, but not including pay for regular time of such employees.

“(c) **REVIEW.**—The President shall review the management cost rates established under subsection (a) not later than 3 years after the date of establishment of such rates and periodically thereafter.”

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

(1) Subsections (a) and (b) of such section 322 shall apply to major disasters declared under such Act on or after the date of enactment of this Act. Until the date on which the President establishes the management cost rates under such subsection, section 406(f) shall be used for establishing such rates.

(2) Subsection (c) of such section 322 shall apply to major disasters declared under such Act on or after the date on which the President establishes such rates under subsection (a) of such section 322.

**SEC. 202. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.**

(a) **CONTRIBUTIONS.**—Section 406(a) (42 U.S.C. 5172(a)) is amended to read as follows:

“(a) **CONTRIBUTIONS.**—

“(1) **IN GENERAL.**—The President may make contributions—

“(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility which is damaged or destroyed by a major disaster and for associated expenses incurred by such government; and

“(B) subject to paragraph (2), to a person who owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of such facility and for associated expenses incurred by such person.

“(2) **CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.**—

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

“(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

“(ii) (I) the owner or operator of the facility has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

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

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

“(B) **CRITICAL SERVICES DEFINED.**—In this paragraph, the term ‘critical services’ includes, but is not limited to, power, water, sewer, wastewater treatment, communications, and emergency medical care.”

(b) **MINIMUM FEDERAL SHARE.**—Section 406(b) (42 U.S.C. 5172(b)) is amended to read as follows:

“(b) **MINIMUM FEDERAL SHARE.**—The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.”

(c) **LARGE IN-LIEU CONTRIBUTIONS.**—Section 406(c) (42 U.S.C. 5172(c)) is amended to read as follows:

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

“(1) **FOR PUBLIC FACILITIES.**—

“(A) **IN GENERAL.**—In any case in which a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by such State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution of 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

“(B) **USE OF FUNDS.**—Funds contributed to a State or local government under this paragraph may be used to repair, restore, or expand other selected public facilities, to construct new facilities, or to fund hazard mitigation measures which the State or local government determines

to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

“(2) **FOR PRIVATE NONPROFIT FACILITIES.**—

“(A) **IN GENERAL.**—In any case where a person who owns or operates a private nonprofit facility determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing such facility, such person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution of 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

“(B) **USE OF FUNDS.**—Funds contributed to a person under this paragraph may be used to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person, to construct new private nonprofit facilities to be owned or operated by the person, or to fund hazard mitigation measures that the person determines to be necessary to meet a need for its services and functions in the area affected by the major disaster.

“(3) **MODIFICATION OF FEDERAL SHARE.**—The President shall modify the Federal share of the cost estimate provided in paragraphs (1) and (2) if the President determines an alternative cost share will likely reduce the total amount of Federal assistance provided under this section. The Federal cost share for purposes of paragraphs (1) and (2) shall not exceed 90 percent and shall not be less than 50 percent.”

(d) **ELIGIBLE COST.**—

(1) **IN GENERAL.**—Section 406(e) (42 U.S.C. 5172(e)) is amended to read as follows:

“(e) **ELIGIBLE COST.**—

“(1) **IN GENERAL.**—For the purposes of this section, the estimate of the cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility on the basis of the design of such facility as it existed immediately before the major disaster and in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) shall be treated as the eligible cost of such repair, restoration, reconstruction, or replacement. Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to make the estimate under this paragraph.

“(2) **MODIFICATION OF ELIGIBLE COST.**—In the event the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is more than 120 percent or less than 80 percent of the cost estimated under paragraph (1), the President may determine that the eligible cost be the actual cost of such repair, restoration, reconstruction, or replacement. The government or person receiving assistance under this section shall reimburse the President for the portion of such assistance that exceeds the eligible cost of such repair, restoration, reconstruction, or replacement.

“(3) **USE OF SURPLUS FUNDS.**—In the event the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent but not less than 80 percent of the cost estimated under paragraph (1), the government or person receiving assistance under this section shall use any surplus funds to perform activities that are cost-effective and reduce the risk of future damage, hardship, or suffering from a major disaster.

“(4) **EXPERT PANEL.**—Not later than 18 months after the date of enactment of the Disaster Mitigation and Cost Reduction Act of 1999, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, including representatives from the construction industry, to develop procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices.

“(5) **SPECIAL RULE.**—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing such facility shall include, for purposes of this section, only those costs which, under the contract for such construction, are the owner's responsibility and not the contractor's responsibility.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, and shall only apply to funds appropriated after the date of enactment of this Act; except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1) of this subsection) shall take effect on the date that the procedures developed under paragraph (3) of such section take effect.

(e) **ASSOCIATED EXPENSES.**—

(1) **IN GENERAL.**—Section 406 (42 U.S.C. 4172) is amended by striking subsection (f).

(2) **OTHER ELIGIBLE COSTS.**—Section 406(e) (42 U.S.C. 5172(e)), as amended by subsection (d) of this section, is amended by adding at the end the following:

“(6) **OTHER ELIGIBLE COSTS.**—For purposes of this section, other eligible costs include the following:

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

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

“(C) **OTHER LABOR COSTS.**—Base and overtime wages for an applicant's employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the disaster.”

(3) **EFFECTIVE DATE.**—Paragraphs (1) and (2) shall take effect on the date on which the President establishes management cost rates under section 322(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by section 201(a) of this Act). The amendment made by paragraph (1) shall only apply to disasters declared by the President under such Act after the date on which the President establishes such cost rates.

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

(a) **IN GENERAL.**—Section 408 (42 U.S.C. 5174) is amended to read as follows:

“(a) **GENERAL AUTHORITY.**—Subject to the requirements of this section, the President, in consultation with the Governor of the affected State, may provide financial assistance, and, if necessary, direct services, to disaster victims who as a direct result of a major disaster have necessary expenses and serious needs where such victims are unable to meet such expenses or needs through other means.

“(b) **HOUSING ASSISTANCE.**—

“(1) **ELIGIBILITY.**—The President may provide financial or other assistance under this section to individuals and families to respond to the disaster-related housing needs of those who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

“(2) **DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.**—The President shall determine appropriate types of housing assistance to be provided to disaster victims under this section based upon considerations of cost effectiveness, convenience to disaster victims, and such other factors as the President may consider appropriate. One or more types of housing assistance may be made available, based on the suitability and availability of the types of assistance, to



meet the needs of disaster victims in the particular disaster situation.

“(c) TYPES OF HOUSING ASSISTANCE.—

“(1) TEMPORARY HOUSING.—

“(A) FINANCIAL ASSISTANCE.—

“(i) IN GENERAL.—The President may provide financial assistance under this section to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

“(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation being furnished plus the cost of any transportation, utility hookups, or unit installation not being directly provided by the President.

“(B) DIRECT ASSISTANCE.—

“(i) IN GENERAL.—The President may also directly provide under this section housing units, acquired by purchase or lease, to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

“(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the expiration of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend such period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

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

“(2) REPAIRS.—The President may provide financial assistance for the repair of owner-occupied private residences, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to a habitable or functioning condition. A recipient of assistance provided under this paragraph need not show that the assistance can be met through other means, except insurance proceeds, if the assistance is used for emergency repairs to make a private residence habitable and does not exceed \$5,000 (based on fiscal year 1998 constant dollars).

“(3) REPLACEMENT.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster. Assistance provided under this paragraph shall not exceed \$10,000 (based on fiscal year 1998 constant dollars). The President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition for the receipt of Federal disaster assistance with respect to assistance provided under this paragraph.

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

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

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

“(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

“(1) SITES.—Any readily fabricated dwelling provided under this section shall, whenever possible, be located on a site complete with utilities, and shall be provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster. Readily fabricated dwellings may be located on sites provided by the President if the President determines that such sites would be more economical or accessible.

“(2) DISPOSAL OF UNITS.—

“(A) SALE TO OCCUPANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purposes of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household needs permanent housing.

“(ii) SALES PRICE.—Sales of temporary housing units under clause (i) shall be accomplished at prices that are fair and equitable.

“(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited into the appropriate Disaster Relief Fund account.

“(iv) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

“(B) OTHER METHODS OF DISPOSAL.—

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

“(ii) DISPOSAL TO GOVERNMENTS AND VOLUNTARY ORGANIZATIONS.—A temporary housing unit described in clause (i) may also be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of such sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees to comply with the nondiscrimination provisions of section 308 and to obtain and maintain hazard and flood insurance on the housing unit.

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

“(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of the affected State, may provide financial assistance under this section to an individual or household adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

“(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of the affected State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

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

“(g) MAXIMUM AMOUNT OF ASSISTANCE.—No individual or household shall receive financial assistance greater than \$25,000 under this section with respect to a single major disaster. Such limit shall be adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

“(h) ISSUANCE OF REGULATIONS.—The President shall issue rules and regulations to carry out the program, including criteria, standards, and procedures for determining eligibility for assistance.”

(b) CONFORMING AMENDMENT.—Section 502(a)(6) (42 U.S.C. 5192(a)(6)) is amended by striking “temporary housing”.

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Title IV (42 U.S.C. 5170–5189a) is amended by striking section 411 (42 U.S.C. 5178).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 545th day following the date of enactment of this Act.

#### SEC. 204. REPEALS.

(a) COMMUNITY DISASTER LOANS.—Section 417 (42 U.S.C. 5184) is repealed.

(b) SIMPLIFIED PROCEDURE.—Section 422 (42 U.S.C. 5189) is repealed.

#### SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION PROGRAM.

Section 404 (42 U.S.C. 5170c) is amended by adding at the end the following:

“(c) PROGRAM ADMINISTRATION BY STATES.—

“(1) IN GENERAL.—A State desiring to administer the hazard mitigation assistance program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of such authority.

“(2) CRITERIA.—The President, in consultation with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum, the following:

“(A) The demonstrated ability of the State to manage the grant program under this section.

“(B) Submission of the plan required under section 201(c).

“(C) A demonstrated commitment to mitigation activities.

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

“(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation assistance program established by this section in a manner satisfactory to the President, the President shall withdraw such approval.

“(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation assistance programs administered by States under this subsection.”

#### SEC. 206. STATE ADMINISTRATION OF DAMAGED FACILITIES PROGRAM.

(a) PILOT PROGRAM.—In cooperation with States and local governments and in coordination with efforts to streamline the delivery of disaster relief assistance, the President shall conduct a pilot program for the purpose of determining the desirability of State administration of parts of the assistance program established by section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

(b) STATE PARTICIPATION.—

(1) CRITERIA.—The President may establish criteria in order to ensure the appropriate implementation of the pilot program under subsection (a).

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

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the President shall transmit to Congress a report describing the results of the pilot program conducted under subsection (a), including identifying any administrative or financial benefits. Such report shall also include recommendations on the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

#### SEC. 207. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study to estimate the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

#### SEC. 208. REPORT ON ASSISTANCE TO RURAL COMMUNITIES.

Not later than 180 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall prepare and transmit to Congress a report on methods and procedures that the Director recommends to accelerate the provision of Federal disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to rural communities.

**SEC. 209. STUDY REGARDING INSURANCE FOR PUBLIC INFRASTRUCTURE.**

The Comptroller General of the United States shall conduct a study to determine the current and future expected availability of disaster insurance for public infrastructure eligible for assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

**TITLE III—MISCELLANEOUS****SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.**

The first section (42 U.S.C. 5121 note) is amended to read as follows:

**"SECTION 1. SHORT TITLE.**

"This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'."

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

Section 102 (42 U.S.C. 5122) is amended in each of paragraphs (3) and (4) by striking "the Northern" and all that follows through "Pacific Islands" and inserting "and the Commonwealth of the Northern Mariana Islands".

**SEC. 303. FIRE SUPPRESSION GRANTS.**

Section 420 (42 U.S.C. 5187) is amended by inserting "and local government" after "State".

AMENDMENT OFFERED BY MRS. FOWLER

Mrs. FOWLER. Mr. Chairman, I offer an amendment, and I ask unanimous consent that it be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mrs. FOWLER:

Page 15, after line 12, insert the following:  
 "(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by such State or local government because soil instability in the disaster area makes such repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution of 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

Page 15, line 13, strike "(B)" and insert "(C)".

Page 21, at the end of line 16, insert the following:

Under the preceding sentence, a victim shall not be denied assistance under subsections (c)(1), (c)(3), or (c)(4), solely on the basis that the victim has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

Page 33, after line 2, insert the following:

**SEC. 210. PUBLIC COMMENT REQUIREMENT.**

Title III (42 U.S.C. 5141-5164) (as amended by section 201 of this Act) is amended by adding at the end the following:

**"SEC. 323. PUBLIC COMMENT REQUIREMENT.**

"(a) IN GENERAL.—The Director of the Federal Emergency Management Agency shall provide an opportunity for public comment before adopting any new or modified policy that would have a meaningful impact on the amount of disaster assistance that may be provided to a State or local government by the President under this Act.

"(b) RETROACTIVE APPLICATION OF POLICIES.—The Director may not adopt any new or modified policy that would retroactively

reduce the amount of assistance provided to a State or local government under this Act."

Mrs. FOWLER. Mr. Chairman, my amendment encompasses three separate changes to title II of the bill. These changes reflect our desire to cut costs in the disaster program in a fair and compassionate way. First, the amendment recognizes that in some very limited circumstances, the reduced so-called in-lieu contribution proposed in section 202 of the bill will cause undue hardship to some communities. This occurs in areas where mud slides make the prospect of rebuilding any facility on a site unwise. In such situations, taking an in-lieu contribution is the only option really available. The amendment would continue to use the previous 90 percent level of funding for these special situations.

Second, it has been brought to our attention that the provision in the bill conditioning housing assistance on applying to the Small Business Administration for a loan does very little to cut disaster assistance cost but may well pose a difficult burden on disaster victims. The amendment, therefore, would remove the SBA loan requirement as a condition of housing assistance. I am all for saving money, but in this case we would be saving very little while placing a relatively high burden on disaster victims.

Finally, my amendment would require FEMA to provide public comment on new or modified policies that may result in a meaningful change in the amount of assistance a State or local community may receive. Changes in the conditions of assistance are extremely important to local communities. It seems only fair that such changes be made with the opportunity for adequate public involvement.

I would like to recognize the diligent efforts of the bipartisan group of Members, particularly those from California, that brought this amendment to our attention. In conclusion, this amendment puts the final touches on an excellent bill. The amendment does not significantly reduce the substantial cost savings provided by the bill but recognizes that in reducing the burden on the taxpayer, we need also remember the critical needs of disaster victims.

I urge support for this amendment.

Mr. TRAFICANT. Mr. Chairman, I rise in support of the amendment. I want to again compliment the gentlewoman for her excellent work.

I would just like to go over a few issues that I think are important. The first thing I think is very important, the amendment would maintain the Federal in-lieu contributions for alternate projects at 90 percent where soil instability in a disaster area makes the repair, restoration, reconstruction or replacement of public facilities infeasible. The bill before us would have reduced that Federal contribution to 75 percent. I believe that the gentlewoman should again be commended,

because this is an important issue and that she took into consideration the concern of the gentleman from Washington (Mr. BAIRD), who happens to be a Democrat from the State of Washington, and I think that speaks for the bipartisanship, and I thank her.

Second of all, the amendment would exclude disaster victims needing FEMA assistance for temporary housing, replacement of their homes, and construction of houses from the requirement of first obtaining an SBA loan. As the gentlewoman from Florida had stated, that speaks for itself in its importance in the amendment there as well. But I want to state on the record that I am opposed to placing any additional burden on victims who are made homeless by a disaster by requiring them to jump through hoops, in some cases obtain an SBA loan first, before they can obtain financial or direct housing assistance from FEMA in the aftermath of a disaster that almost destroyed their family, in some cases has.

Finally, the amendment requires FEMA to provide an opportunity for public comment before adopting or modifying an agency policy that would have a meaningful impact on the amount of disaster assistance to State or local governments. This is wise. The gentlewoman is to be commended for it. We on this side support this amendment 100 percent.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Mrs. FOWLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following:

**SEC. 304. BUY AMERICAN.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated pursuant to this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—

(1) IN GENERAL.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(2) DEBAR DEFINED.—In this section, the term "debar" has the meaning given that term by section 2393(c) of title 10, United States Code.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this has been language that I have offered to many bills. It deals with the aspect of where Federal dollars are spent, to incorporate into that logic the Buy American laws that exist. I have talked about Buy American here for years, but I was not really the first to do it and one of the strong leaders of Buy American is the ranking Democrat on this committee the gentleman from Minnesota (Mr. OBERSTAR) who was responsible for most of the Buy American language in our surface transportation program which is a multibillion-dollar procurement program.

I think it is very important where we expend any dollars that we comport and conform to within the law to the Buy American law and its policies. In addition, my amendment states, do not participate in any of our programs under this bill by providing a product that is purported to be made in America but has on it affixed a fraudulent "made in America" label.

I think these small but little commonsense initiatives serve more maybe as a reminder to keep people's eyes on the prize of wherever possible shop for and buy an American product but under Buy American law to conform to that law and do not violate it.

Mrs. FOWLER. Mr. Chairman, we support this amendment and have no objection to it.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Ohio who has throughout his service in the Congress made a point of reminding us on every piece of legislation that comes to the House floor wherever there is procurement that this procurement should be cloaked in the Buy America label. American dollars are being used, taxpayer dollars are being used on Federal projects, on Federal programs, and he is right to remind this body time and again that those dollars must be used to purchase American products in the service of this country. Other countries do that. Other countries realize that charity begins at home, that a strong economy begins at home, and we must do the same.

The gentleman is right, I was successful in 1982 in the Surface Transportation Assistance Act in getting a very strong Buy America provision on steel used in our Federal highway program. In the next 6 years under TEA 21, that will mean that 18 million tons of American steel will go into our Federal aid highway and bridge program. We have Buy America provisions that apply to the Corps of Engineers, that apply to the Federal transit system.

Years ago when I chaired the subcommittee that has jurisdiction over this legislation now, we held extensive hearings, Mr. Gingrich and I, the ranking member on the Republican side at the time, we found widespread abuses in the Federal transit program on the

Buy America program. We worked vigorously to assure that the law would be carried out.

Here in the disaster assistance program, there is a wide array of products used to help victims of disaster become whole again, communities as well as individuals, grand facilities, dams, levees, roads, bridges as well as individual homes and small businesses.

□ 1145

Mr. Chairman, there is a wide array of product used to make those communities, make those structures, whole again. They ought to be American goods.

The gentleman from Ohio (Mr. TRAFICANT) is right to offer this amendment, but now that we have reestablished our Subcommittee on Oversight in the Committee on Transportation and Infrastructure, I appeal to the gentleman from Florida (Mrs. FOWLER) to maintain vigilance. Once this legislation is enacted, let us take a careful look at how it is applied in future disasters where the Federal Government comes in to help out local communities. Look over their shoulder. Make sure they are carrying out this law. It is all too easy to avoid.

But, Mr. Chairman, avoidance will be difficult if this committee maintains vigilance, as I am sure it will, under the gentlewoman's leadership.

The CHAIRMAN pro tempore (Mr. HEFLEY). The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NETHERCUTT) having assumed the chair, Mr. HEFLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes, pursuant to House Resolution 91, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FOWLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 16, as follows:

[Roll No. 33]

YEAS—415

Abercrombie	Clay	Frost
Ackerman	Clayton	Gallegly
Aderholt	Clement	Ganske
Allen	Clyburn	Gejdenson
Andrews	Coble	Gephardt
Archer	Coburn	Gibbons
Armey	Collins	Gillmor
Bachus	Combest	Gilman
Baird	Condit	Gonzalez
Baker	Conyers	Goode
Baldacci	Cook	Goodlatte
Baldwin	Cooksey	Goodling
Ballenger	Costello	Gordon
Barcia	Cox	Goss
Barr	Coyne	Graham
Barrett (NE)	Cramer	Green (TX)
Barrett (WI)	Crane	Green (WI)
Bartlett	Crowley	Greenwood
Barton	Cubin	Gutierrez
Bass	Cummings	Gutknecht
Bateman	Cunningham	Hall (OH)
Becerra	Danner	Hall (TX)
Bentsen	Davis (FL)	Hansen
Bereuter	Davis (IL)	Hastings (FL)
Berkley	Davis (VA)	Hastings (WA)
Berman	Deal	Hayes
Berry	DeFazio	Hayworth
Biggert	DeGette	Hefley
Bilbray	DeLauro	Heger
Bilirakis	DeLay	Hill (IN)
Bishop	DeMint	Hill (MT)
Blagojevich	Deutsch	Hilleary
Bliley	Diaz-Balart	Hilliard
Blumenauer	Dickey	Hinchee
Blunt	Dicks	Hinojosa
Boehlert	Dingell	Hobson
Boehner	Dixon	Hoefel
Bonilla	Doggett	Hoekstra
Bonior	Dooley	Holden
Bono	Doolittle	Hooley
Borski	Doyle	Horn
Boswell	Dreier	Hostettler
Boucher	Duncan	Houghton
Boyd	Dunn	Hoyer
Brady (PA)	Edwards	Hulshof
Brady (TX)	Ehlers	Hunter
Brown (CA)	Ehrlich	Hutchinson
Brown (FL)	Emerson	Hyde
Brown (OH)	English	Inslie
Bryant	Eshoo	Isakson
Burr	Etheridge	Istook
Burton	Ewing	Jackson (IL)
Buyer	Farr	Jackson-Lee
Callahan	Fattah	(TX)
Calvert	Filner	Jefferson
Camp	Fletcher	Jenkins
Campbell	Foley	John
Canady	Forbes	Johnson (CT)
Cannon	Ford	Johnson, E. B.
Capuano	Fossella	Johnson, Sam
Cardin	Fowler	Jones (NC)
Carson	Frank (MA)	Jones (OH)
Castle	Franks (NJ)	Kanjorski
Chabot	Frelinghuysen	Kaptur
Chambliss		Kasich

Kelly	Nadler	Sherwood
Kildee	Napolitano	Shimkus
Kilpatrick	Neal	Shows
Kind (WI)	Nethercutt	Shuster
King (NY)	Ney	Simpson
Kingston	Northup	Sisisky
Klecza	Norwood	Skeen
Klink	Nussle	Skelton
Knollenberg	Oberstar	Slaughter
Kolbe	Obey	Smith (MI)
Kucinich	Olver	Smith (NJ)
Kuykendall	Ortiz	Smith (TX)
LaFalce	Ose	Smith (WA)
LaHood	Owens	Snyder
Lampson	Oxley	Souder
Lantos	Packard	Spence
Largent	Pallone	Spratt
Larson	Pascrell	Stabenow
Latham	Pastor	Stearns
LaTourette	Payne	Stenholm
Lazio	Pease	Strickland
Leach	Pelosi	Stupak
Lee	Peterson (MN)	Sununu
Levin	Peterson (PA)	Sweeney
Lewis (CA)	Petri	Talent
Lewis (GA)	Phelps	Tancredo
Lewis (KY)	Pickering	Tanner
Linder	Pickett	Tauscher
Lipinski	Pitts	Tauzin
LoBiondo	Pombo	Taylor (MS)
Lofgren	Pomeroy	Taylor (NC)
Lowe	Porter	Terry
Lucas (KY)	Portman	Thomas
Lucas (OK)	Price (NC)	Thompson (CA)
Luther	Pryce (OH)	Thompson (MS)
Maloney (CT)	Quinn	Thornberry
Maloney (NY)	Radanovich	Thune
Manzullo	Rahall	Thurman
Markey	Ramstad	Tiahrt
Martinez	Regula	Tierney
Mascara	Reyes	Toomey
Matsui	Reynolds	Towns
McCarthy (MO)	Riley	Trafficant
McCarthy (NY)	Rivers	Turner
McCrery	Rodriguez	Udall (CO)
McDermott	Roemer	Udall (NM)
McGovern	Rogan	Upton
McHugh	Rogers	Velazquez
McInnis	Rohrabacher	Vento
McIntosh	Ros-Lehtinen	Visclosky
McIntyre	Rothman	Walden
McKeon	Roukema	Walsh
McKinney	Roybal-Allard	Wamp
McNulty	Royce	Waters
Meehan	Rush	Watkins
Meek (FL)	Ryan (WI)	Watt (NC)
Meeks (NY)	Ryan (KS)	Watts (OK)
Menendez	Sabo	Waxman
Metcalf	Salmon	Weiner
Mica	Sanders	Weldon (FL)
Millender-	Sandlin	Weldon (PA)
McDonald	Sanford	Weller
Miller (FL)	Sawyer	Wexler
Miller, Gary	Saxton	Weygand
Miller, George	Schaffer	Whitfield
Minge	Schakowsky	Wicker
Mink	Scott	Wilson
Moakley	Sensenbrenner	Wise
Moore	Serrano	Wolf
Moran (KS)	Sessions	Woolsey
Moran (VA)	Shadegg	Wu
Morella	Shaw	Wynn
Murtha	Shays	Young (AK)
Myrick	Sherman	Young (FL)

## NAYS—2

Paul Stump

## NOT VOTING—16

Capps	Gilchrest	Rangel
Chenoweth	Granger	Sanchez
Engel	Holt	Scarborough
Evans	Kennedy	Stark
Everett	McCollum	
Gekas	Mollohan	

## □ 1210

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GEKAS. Mr. Speaker, earlier today, March 4, 1999, I was unavoidably detained while chairing a hearing on privacy in the

hands of Federal regulators in the Subcommittee on Commercial and Administrative Law in the House Judiciary Committee and missed a recorded vote on H.R. 707, the Disaster Mitigation and Cost Reduction Act of 1999. Had I been present, I would have voted "aye" on rollcall No. 33, to agree to H.R. 707.

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 33 on March 4, 1999, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. SCARBOROUGH. Mr. Speaker, on rollcall No. 33, I was unavoidably detained. Had I been present, I would have voted "yes."

## GENERAL LEAVE

Mrs. FOWLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 707, the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 863

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 863.

While I strongly support taking social security off-budget once and for all, I believe the Republican leadership is exploiting the bill to pursue a hidden agenda of tax cuts for the wealthiest Americans.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute.)

Mr. MENENDEZ. Mr. Speaker, I rise to inquire of the distinguished majority leader at this time regarding the schedule.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to note that we have had our last vote for this week. The House will next meet on Monday, March 8, at 2 o'clock p.m. for a pro forma session. Of course, there will be no legislative business and no votes on that day.

On Tuesday, March 9, the House will meet at 10:30 a.m. for Morning Hour, and 12 o'clock noon for legislative business. Votes are expected after 12 o'clock noon on Tuesday, March 9th.

On Tuesday, we will consider a number of bills under suspension of the

rules, a list of which will be distributed to Members' offices.

On Wednesday, March 10, and the balance of the week the House will meet at 10 o'clock a.m. to consider the following legislative business:

H.R. 800, the Education Flexibility Partnership Act;

H.R. 4, a bill declaring the United States policy to deploy a national missile defense.

It is possible, Mr. Speaker, that we may also take under consideration a resolution relating to the deployment of troops in Kosovo.

Mr. Speaker, we expect to conclude legislative business next week on Friday, March 12, by 2 o'clock p.m.

Mr. MENENDEZ. Mr. Speaker, I would ask the majority leader if he might answer one or two questions.

Mr. Speaker, would the gentleman believe that, beyond that which he has told the House, that anything specifically will be added to the schedule other than the resolutions that will be considered on Tuesday on the consent agenda?

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Mr. ARMEY. Mr. Speaker, I thank the gentleman for the input. Other than things that we may clear through both sides to add to the suspension calendar, I would see us taking under consideration nothing other than what has been stipulated here.

Mr. MENENDEZ. Mr. Speaker, I think many Members have serious concerns and want to be able to be sure that they will be present on the potential resolution on Kosovo. Does the gentleman have a sense on what day of next week the Kosovo resolution will be coming to the floor?

Mr. ARMEY. Mr. Speaker, again, I thank the gentleman for his inquiry, and I think it is important that we stress, in response to the question, that it is clear that we will be taking up the Kosovo resolution next week, and we expect that that will be on Thursday and Friday.

So the answer to the gentleman's question is that the Kosovo resolution will be taken up on Thursday. We expect to have a generous portion of time for debate, so we could expect that we would work on it Thursday and Friday of next week.

Mr. MENENDEZ. Mr. Speaker, my last question, so therefore, by that statement, it looks rather certain that we will be here voting on Friday?

Mr. ARMEY. Mr. Speaker, if the gentleman would continue to yield, yes, there should be no doubt about that. As I indicated, we do have a getaway time by 2 o'clock. However we arrange the schedule, that will be, of course, honored for all the Members who want to make their arrangements for their travel.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for his answers.