

of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map entitled "Amendments to the Coastal Barrier Resources System", [dated \_\_\_\_\_, and on file with the Committee on Resources of the House of Representatives.] dated June 5, 2000.

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled "Coastal Barrier Resources System", dated November 2, 1994; and

(2) relates to unit P19-P of the Coastal Barrier Resources System.

(c) AVAILABILITY.—*The Secretary of the Interior shall keep the map described in subsection (b) on file and available for public inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).*

Mr. MACK. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (H.R. 34), as amended, was read the third time and passed.

#### CLARIFYING BOUNDARIES ON THE MAP RELATING TO THE COASTAL BARRIER RESOURCES SYSTEM

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 922, H.R. 4435.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4435) to clarify certain boundaries on the map relating to Unit NC-01 of the Coastal Barrier Resources System.

There being no objection, the Senate proceeded to consider the bill.

Mr. MACK. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4435) was read the third time and passed.

#### 200TH ANNIVERSARY OF THE FIRST MEETING OF THE CONGRESS IN WASHINGTON, DC

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 144, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A Senate concurrent resolution (S. Con. 144) commemorating the 200th anniversary of the first meeting of the Congress in Washington, DC.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MACK. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 144) was agreed to.

The preamble was agreed to.

The concurrent resolution with its preamble reads as follows:

S. CON. RES. 144

Whereas November 17, 2000, is the 200th anniversary of the first meeting of Congress in Washington, DC;

Whereas Congress, having previously convened at the Federal Hall in New York City and at the Congress Hall in Philadelphia, has met in the United States Capitol Building since November 17, 1800;

Whereas President John Adams, on November 22, 1800, addressed a joint session of Congress in Washington, DC, for the first time, stating, "I congratulate the people of the United States on the assembling of Congress at the permanent seat of their Government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed.";

Whereas, on December 12, 1900, Congress convened a joint meeting to observe the centennial of its residence in Washington, DC;

Whereas since its first meeting in Washington, DC, on November 17, 1800, Congress has continued to cultivate and build upon a heritage of respect for individual liberty, representative government, and the attainment of equal and inalienable rights, all of which are symbolized in the physical structure of the United States Capitol Building; and

Whereas it is appropriate for Congress, as the first branch of the government under the Constitution, to commemorate the 200th anniversary of the first meeting of Congress in Washington, DC, in order to focus public attention on its present duties and responsibilities: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) November 17, 2000, be designated as a day of national observance for the 200th anniversary of the first meeting of Congress in Washington, DC; and

(2) the people of the United States be urged and invited to observe such date by celebrating and examining the legislative process by which members of Congress convene and air differences, learn from one another, subordinate parochial interests, compromise, and work towards achieving a constructive consensus for the good of the people of the United States.

#### ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

Mr. MACK. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany H.R. 707, an act 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."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 707) entitled "An Act 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 the following House Amendment to Senate Amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

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

(a) *SHORT TITLE*.—This Act may be cited as the "Disaster Mitigation Act of 2000".

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

Sec. 1. Short title; table of contents.

#### TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.

Sec. 102. Predisaster hazard mitigation.

Sec. 103. Interagency task force.

Sec. 104. Mitigation planning; minimum standards for public and private structures.

#### TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.

Sec. 202. Management costs.

Sec. 203. Public notice, comment, and consultation requirements.

Sec. 204. State administration of hazard mitigation grant program.

Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.

Sec. 206. Federal assistance to individuals and households.

Sec. 207. Community disaster loans.

Sec. 208. Report on State management of small disasters initiative.

Sec. 209. Study regarding cost reduction.

#### TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.

Sec. 302. Definitions.

Sec. 303. Fire management assistance.

Sec. 304. President's Council on Domestic Terrorism Preparedness.

Sec. 305. Disaster grant closeout procedures.

Sec. 306. Public safety officer benefits for certain Federal and State employees.

Sec. 307. Buy American.

Sec. 308. Treatment of certain real property.

Sec. 309. Study of participation by Indian tribes in emergency management.

#### TITLE I—PREDISASTER HAZARD MITIGATION

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

(a) *FINDINGS*.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.),

high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) **PURPOSE.**—The purpose of this title is to establish a national disaster hazard mitigation program—

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

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

#### **SEC. 102. PREDISASTER HAZARD MITIGATION.**

(a) **IN GENERAL.**—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

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

“(a) **DEFINITION OF SMALL IMPOVERISHED COMMUNITY.**—In this section, the term ‘small impoverished community’ means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

“(b) **ESTABLISHMENT OF PROGRAM.**—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

“(c) **APPROVAL BY PRESIDENT.**—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the ‘Fund’), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

“(d) **STATE RECOMMENDATIONS.**—

“(1) **IN GENERAL.**—

“(A) **RECOMMENDATIONS.**—The Governor of each State may recommend to the President not fewer than five local governments to receive assistance under this section.

“(B) **DEADLINE FOR SUBMISSION.**—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

“(C) **CRITERIA.**—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

“(2) **USE.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President

shall select from local governments recommended by the Governors under this subsection.

“(B) **EXTRAORDINARY CIRCUMSTANCES.**—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection 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 specified in subsection (g), any local governments of the State to receive assistance under this section.

“(e) **USES OF TECHNICAL AND FINANCIAL ASSISTANCE.**—

“(1) **IN GENERAL.**—Technical and financial assistance provided under this section—

“(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

“(B) may be used—

“(i) to support effective public-private natural disaster hazard mitigation partnerships;

“(ii) to improve the assessment of a community’s vulnerability to natural hazards; or

“(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

“(2) **DISSEMINATION.**—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

“(f) **ALLOCATION OF FUNDS.**—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

“(1) shall be not less than the lesser of—

“(A) \$500,000; or

“(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

“(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

“(3) shall be subject to the criteria specified in subsection (g).

“(g) **CRITERIA FOR ASSISTANCE AWARDS.**—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

“(1) the extent and nature of the hazards to be mitigated;

“(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

“(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

“(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

“(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

“(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

“(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

“(8) the opportunity to fund activities that maximize net benefits to society;

“(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

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

“(h) **FEDERAL SHARE.**—

“(1) **IN GENERAL.**—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

“(2) **SMALL IMPOVERISHED COMMUNITIES.**—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

“(i) **NATIONAL PREDISASTER MITIGATION FUND.**—

“(1) **ESTABLISHMENT.**—The President may establish in the Treasury of the United States a fund to be known as the ‘National Predisaster Mitigation Fund’, to be used in carrying out this section.

“(2) **TRANSFERS TO FUND.**—There shall be deposited in the Fund—

“(A) amounts appropriated to carry out this section, which shall remain available until expended; and

“(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

“(3) **EXPENDITURES FROM FUND.**—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

“(4) **INVESTMENT OF AMOUNTS.**—

“(A) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

“(B) **ACQUISITION OF OBLIGATIONS.**—For the purpose of investments under subparagraph (A), obligations may be acquired—

“(i) on original issue at the issue price; or

“(ii) by purchase of outstanding obligations at the market price.

“(C) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

“(D) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

“(E) **TRANSFERS OF AMOUNTS.**—

“(i) **IN GENERAL.**—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

“(ii) **ADJUSTMENTS.**—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(j) **LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.**—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

“(k) **MULTIHAZARD ADVISORY MAPS.**—

“(1) **DEFINITION OF MULTIHAZARD ADVISORY MAP.**—In this subsection, the term ‘multihazard advisory map’ means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

“(2) **DEVELOPMENT OF MAPS.**—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not

fewer than five States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

“(3) **USE OF TECHNOLOGY.**—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

“(4) **USE OF MAPS.**—

“(A) **ADVISORY NATURE.**—The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.

“(B) **AVAILABILITY OF MAPS.**—The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

“(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

“(ii) supporting the activities described in subsection (e); and

“(iii) other public uses.

“(I) **REPORT ON FEDERAL AND STATE ADMINISTRATION.**—Not later than 18 months after the date of the enactment of this section, the President, in consultation with State and local governments, shall submit 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 established under this section to capable States.

“(m) **TERMINATION OF AUTHORITY.**—The authority provided by this section terminates December 31, 2003.”

(b) **CONFORMING AMENDMENT.**—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

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

**SEC. 103. INTERAGENCY TASK FORCE.**

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

**“SEC. 204. INTERAGENCY TASK FORCE.**

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

“(b) **CHAIRPERSON.**—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

“(c) **MEMBERSHIP.**—The membership of the task force shall include representatives of—

“(1) relevant Federal agencies;

“(2) State and local government organizations (including Indian tribes); and

“(3) the American Red Cross.”

**SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.**

(a) **IN GENERAL.**—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

**“SEC. 322. MITIGATION PLANNING.**

“(a) **REQUIREMENT OF MITIGATION PLAN.**—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

“(b) **LOCAL AND TRIBAL PLANS.**—Each mitigation plan developed by a local or tribal government shall—

“(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

“(2) establish a strategy to implement those actions.

“(c) **STATE PLANS.**—The State process of development of a mitigation plan under this section shall—

“(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

“(2) support development of local mitigation plans;

“(3) provide for technical assistance to local and tribal governments for mitigation planning; and

“(4) identify and prioritize mitigation actions that the State will support, as resources become available.

“(d) **FUNDING.**—

“(1) **IN GENERAL.**—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

“(2) **MAXIMUM FEDERAL CONTRIBUTION.**—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

“(e) **INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.**—

“(1) **IN GENERAL.**—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

“(2) **FACTORS FOR CONSIDERATION.**—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

“(A) eligibility criteria for property acquisition and other types of mitigation measures;

“(B) requirements for cost effectiveness that are related to the eligibility criteria;

“(C) a system of priorities that is related to the eligibility criteria; and

“(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

**“SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.**

“(a) **IN GENERAL.**—As a condition of receipt of a disaster loan or grant under this Act—

“(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

“(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

“(b) **EVIDENCE OF COMPLIANCE.**—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.”

(b) **LOSSES FROM STRAIGHT LINE WINDS.**—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of the enactment of this Act, except that additional assistance provided under this subsection shall not exceed \$6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking “section 409” and inserting “section 322”; and

(B) in the third sentence, by striking “The total” and inserting “Subject to section 322, the total”.

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

**TITLE II—STREAMLINING AND COST REDUCTION**

**SEC. 201. TECHNICAL AMENDMENTS.**

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking “section 803 of the Public Works and Economic Development Act of 1965” each place it appears and inserting “section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))”.

**SEC. 202. MANAGEMENT COSTS.**

(a) **IN GENERAL.**—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

**“SEC. 324. MANAGEMENT COSTS.**

“(a) **DEFINITION OF MANAGEMENT COST.**—In this section, the term ‘management cost’ includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

“(b) **ESTABLISHMENT OF MANAGEMENT COST RATES.**—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

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

(b) **APPLICABILITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of the enactment of this Act.

(2) **INTERIM AUTHORITY.**—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of the enactment of this Act) shall be used to establish management cost rates.

**SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.**

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

**“SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.**

“(a) **PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.**—

“(1) **IN GENERAL.**—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

“(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

“(B) could result in a significant reduction of assistance under the program.

“(2) **APPLICATION.**—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

“(b) **CONSULTATION CONCERNING INTERIM POLICIES.**—

“(1) IN GENERAL.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

“(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

“(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

“(2) NO LEGAL RIGHT OF ACTION.—Nothing in this subsection confers a legal right of action on any party.

“(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.”.

#### SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (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 grant 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 the authority to administer the program.

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

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

“(B) there being in effect an approved mitigation plan under section 322; and

“(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 grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

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

#### SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

“(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 damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

“(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

“(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

“(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

“(B) 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; and

“(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

“(3) 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) the owner or operator of the facility—

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

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

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

“(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term ‘critical services’ includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

“(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than \$20,000,000, the President shall notify—

“(A) the Committee on Environment and Public Works of the Senate;

“(B) the Committee on Transportation and Infrastructure of the House of Representatives;

“(C) the Committee on Appropriations of the Senate; and

“(D) the Committee on Appropriations of the House of Representatives.”.

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

“(b) FEDERAL SHARE.—

“(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), 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.

“(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

“(A) that has been damaged, on more than one occasion within the preceding 10-year period, by the same type of event; and

“(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.”.

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

“(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 best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the 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 in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes 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 in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(C) USE OF FUNDS.—Funds contributed to a State or local government under this paragraph may be used—

“(i) to repair, restore, or expand other selected public facilities;

“(ii) to construct new facilities; or

“(iii) to fund hazard mitigation measures that 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.

“(D) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

“(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

“(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

“(2) FOR PRIVATE NONPROFIT FACILITIES.—

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

“(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used—

“(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

“(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

“(iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person's services and functions in the area affected by the major disaster.

“(C) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

“(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

“(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).”.

(d) ELIGIBLE COST.—

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

“(e) ELIGIBLE COST.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible

cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

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

“(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

“(B) COST ESTIMATION PROCEDURES.—

“(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

“(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

“(2) MODIFICATION OF ELIGIBLE COST.—

“(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

“(B) ACTUAL COST LESS THAN ESTIMATED COST.—

“(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

“(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

“(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

“(3) EXPERT PANEL.—

“(A) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

“(B) DUTIES.—The expert panel shall develop recommendations concerning—

“(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

“(ii) the ceiling and floor percentages referred to in paragraph (2).

“(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

“(i) cost estimation procedures described in subparagraph (B)(i); and

“(ii) the ceiling and floor percentages referred to in paragraph (2).

“(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically

thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

“(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

“(4) 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 the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of the enactment of this Act and applies to funds appropriated after the date of the 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)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) CONFORMING AMENDMENT.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

#### SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

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

#### “SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

“(a) IN GENERAL.—

“(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

“(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

“(b) HOUSING ASSISTANCE.—

“(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households 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.—

“(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

“(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households 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 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 provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

“(B) DIRECT ASSISTANCE.—

“(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly 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 end 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 that 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 end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

“(2) REPAIRS.—

“(A) IN GENERAL.—The President may provide financial assistance for—

“(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

“(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

“(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

“(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed \$5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(3) REPLACEMENT.—

“(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

“(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed \$10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

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





**SEC. 304. PRESIDENT'S COUNCIL ON DOMESTIC TERRORISM PREPAREDNESS.**

Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.) is amended by adding at the end the following:

**"Subtitle C—President's Council on Domestic Terrorism Preparedness****"SEC. 651. ESTABLISHMENT OF COUNCIL.**

"(a) IN GENERAL.—There is established a council to be known as the President's Council on Domestic Terrorism Preparedness (in this subtitle referred to as the 'Council').

"(b) MEMBERSHIP.—The Council shall be composed of the following members:

- "(1) The President.
- "(2) The Director of the Federal Emergency Management Agency.
- "(3) The Attorney General.
- "(4) The Secretary of Defense.
- "(5) The Director of the Office of Management and Budget.
- "(6) The Assistant to the President for National Security Affairs.
- "(7) Any additional members appointed by the President.

"(c) CHAIRMAN.—

"(1) IN GENERAL.—The President shall serve as the chairman of the Council.

"(2) EXECUTIVE CHAIRMAN.—The President may appoint an Executive Chairman of the Council (in this subtitle referred to as the 'Executive Chairman'). The Executive Chairman shall represent the President as chairman of the Council, including in communications with Congress and State Governors.

"(3) SENATE CONFIRMATION.—An individual selected to be the Executive Chairman under paragraph (2) shall be appointed by and with the advice and consent of the Senate, except that Senate confirmation shall not be required if, on the date of appointment, the individual holds a position for which Senate confirmation was required.

"(d) FIRST MEETING.—The first meeting of the Council shall be held not later than 90 days after the date of the enactment of this Act.

**"SEC. 652. DUTIES OF COUNCIL.**

"The Council shall carry out the following duties:

"(1) Establish the policies, objectives, and priorities of the Federal Government for enhancing the capabilities of State and local emergency preparedness and response personnel in early detection and warning of and response to all domestic terrorist attacks, including attacks involving weapons of mass destruction.

"(2) Publish a Domestic Terrorism Preparedness Plan and an annual strategy for carrying out the plan in accordance with section 653, including the end state of preparedness for emergency responders established under section 653(b)(1)(D).

"(3) To the extent practicable, rely on existing resources (including planning documents, equipment lists, and program inventories) in the execution of its duties.

"(4) Consult with and utilize existing interagency boards and committees, existing governmental entities, and non-governmental organizations in the execution of its duties.

"(5) Ensure that a biennial review of the terrorist attack preparedness programs of State and local governmental entities is conducted and provide recommendations to the entities based on the reviews.

"(6) Provide for the creation of a State and local advisory group for the Council, to be composed of individuals involved in State and local emergency preparedness and response to terrorist attacks.

"(7) Provide for the establishment by the Council's State and local advisory group of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities in accordance with section 655.

"(8) Designate a Federal entity to consult with, and serve as a contact for, State and local

governmental entities implementing terrorist attack preparedness programs.

"(9) Coordinate and oversee the implementation by Federal departments and agencies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such departments and agencies under the Domestic Terrorism Preparedness Plan.

"(10) Make recommendations to the heads of appropriate Federal departments and agencies regarding—

"(A) changes in the organization, management, and resource allocations of the departments and agencies; and

"(B) the allocation of personnel to and within the departments and agencies, to implement the Domestic Terrorism Preparedness Plan.

"(11) Assess all Federal terrorism preparedness programs and ensure that each program complies with the Domestic Terrorism Preparedness Plan.

"(12) Identify duplication, fragmentation, and overlap within Federal terrorism preparedness programs and eliminate such duplication, fragmentation and overlap.

"(13) Evaluate Federal emergency response assets and make recommendations regarding the organization, need, and geographic location of such assets.

"(14) Establish general policies regarding financial assistance to States based on potential risk and threat, response capabilities, and ability to achieve the end state of preparedness for emergency responders established under section 653(b)(1)(D).

"(15) Notify a Federal department or agency in writing if the Council finds that its policies are not in compliance with its responsibilities under the Domestic Terrorism Preparedness Plan.

**"SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN AND ANNUAL STRATEGY.**

"(a) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of the first meeting of the Council, the Council shall develop a Domestic Terrorism Preparedness Plan and transmit a copy of the plan to Congress.

"(b) CONTENTS.—

"(1) IN GENERAL.—The Domestic Terrorism Preparedness Plan shall include the following:

"(A) A statement of the policies, objectives, and priorities established by the Council under section 652(1).

"(B) A plan for implementing such policies, objectives, and priorities that is based on a threat, risk, and capability assessment and includes measurable objectives to be achieved in each of the following 5 years for enhancing domestic preparedness against a terrorist attack.

"(C) A description of the specific role of each Federal department and agency, and the roles of State and local governmental entities, under the plan developed under subparagraph (B).

"(D) A definition of an end state of preparedness for emergency responders that sets forth measurable, minimum standards of acceptability for preparedness.

"(2) EVALUATION OF FEDERAL RESPONSE TEAMS.—In preparing the description under paragraph (1)(C), the Council shall evaluate each Federal response team and the assistance that the team offers to State and local emergency personnel when responding to a terrorist attack. The evaluation shall include an assessment of how the Federal response team will assist State and local emergency personnel after the personnel has achieved the end state of preparedness for emergency responders established under paragraph (1)(D).

"(c) ANNUAL STRATEGY.—

"(1) IN GENERAL.—The Council shall develop and transmit to Congress, on the date of transmittal of the Domestic Terrorism Preparedness Plan and, in each of the succeeding 4 fiscal years, on the date that the President submits an annual budget to Congress in accordance with

section 1105(a) of title 31, United States Code, an annual strategy for carrying out the Domestic Terrorism Preparedness Plan in the fiscal year following the fiscal year in which the strategy is submitted.

"(2) CONTENTS.—The annual strategy for a fiscal year shall include the following:

"(A) An inventory of Federal training and exercise programs, response teams, grant programs, and other programs and activities related to domestic preparedness against a terrorist attack conducted in the preceding fiscal year and a determination as to whether any of such programs or activities may be duplicative. The inventory shall consist of a complete description of each such program and activity, including the funding level and purpose of and goal to be achieved by the program or activity.

"(B) If the Council determines under subparagraph (A) that certain programs and activities are duplicative, a detailed plan for consolidating, eliminating, or modifying the programs and activities.

"(C) An inventory of Federal training and exercise programs, grant programs, response teams, and other programs and activities to be conducted in such fiscal year under the Domestic Terrorism Preparedness Plan and measurable objectives to be achieved in such fiscal year for enhancing domestic preparedness against a terrorist attack. The inventory shall provide for implementation of any plan developed under subparagraph (B), relating to duplicative programs and activities.

"(D) A complete assessment of how resource allocation recommendations developed under section 654(a) are intended to implement the annual strategy.

"(d) CONSULTATION.—

"(1) IN GENERAL.—In developing the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall consult with—

"(A) the head of each Federal department and agency that will have responsibilities under the Domestic Terrorism Preparedness Plan or annual strategy;

"(B) Congress;

"(C) State and local officials;

"(D) congressionally authorized panels; and

"(E) emergency preparedness organizations with memberships that include State and local emergency responders.

"(2) REPORTS.—As part of the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall include a written statement indicating the persons consulted under this subsection and the recommendations made by such persons.

"(e) TRANSMISSION OF CLASSIFIED INFORMATION.—Any part of the Domestic Terrorism Preparedness Plan or an annual strategy for carrying out the plan that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately.

"(f) RISK OF TERRORIST ATTACKS AGAINST TRANSPORTATION FACILITIES.—

"(1) IN GENERAL.—In developing the plan and risk assessment under subsection (b), the Council shall designate an entity to assess the risk of terrorist attacks against transportation facilities, personnel, and passengers.

"(2) CONTENTS.—In developing the plan and risk assessment under subsection (b), the Council shall ensure that the following three tasks are accomplished:

"(A) An examination of the extent to which transportation facilities, personnel, and passengers have been the target of terrorist attacks and the extent to which such facilities, personnel, and passengers are vulnerable to such attacks.

"(B) An evaluation of Federal laws that can be used to combat terrorist attacks against transportation facilities, personnel, and passengers, and the extent to which such laws are enforced. The evaluation may also include a review of applicable State laws.

“(C) An evaluation of available technologies and practices to determine the best means of protecting transportation facilities, personnel, and passengers against terrorist attacks.

“(3) CONSULTATION.—In developing the plan and risk assessment under subsection (b), the Council shall consult with the Secretary of Transportation, representatives of persons providing transportation, and representatives of employees of such persons.

“(g) MONITORING.—The Council, with the assistance of the Inspector General of the relevant Federal department or agency as needed, shall monitor the implementation of the Domestic Terrorism Preparedness Plan, including conducting program and performance audits and evaluations.

**“SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.**

“(a) RECOMMENDATIONS REGARDING RESOURCE ALLOCATIONS.—

“(1) TRANSMITTAL TO COUNCIL.—Each Federal Government program manager, agency head, and department head with responsibilities under the Domestic Terrorism Preparedness Plan shall transmit to the Council for each fiscal year recommended resource allocations for programs and activities relating to such responsibilities on or before the earlier of—

“(A) the 45th day before the date of the budget submission of the department or agency to the Director of the Office of Management and Budget for the fiscal year; or

“(B) August 15 of the fiscal year preceding the fiscal year for which the recommendations are being made.

“(2) TRANSMITTAL TO THE OFFICE OF MANAGEMENT AND BUDGET.—The Council shall develop for each fiscal year recommendations regarding resource allocations for each program and activity identified in the annual strategy completed under section 653 for the fiscal year. Such recommendations shall be submitted to the relevant departments and agencies and to the Director of the Office of Management and Budget. The Director of the Office of Management and Budget shall consider such recommendations in formulating the annual budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, and shall provide to the Council a written explanation in any case in which the Director does not accept such a recommendation.

“(3) RECORDS.—The Council shall maintain records regarding recommendations made and written explanations received under paragraph (2) and shall provide such records to Congress upon request. The Council may not fulfill such a request before the date of submission of the relevant annual budget of the President to Congress under section 1105(a) of title 31, United States Code.

“(4) NEW PROGRAMS OR REALLOCATION OF RESOURCES.—The head of a Federal department or agency shall consult with the Council before acting to enhance the capabilities of State and local emergency preparedness and response personnel with respect to terrorist attacks by—

“(A) establishing a new program or office; or

“(B) reallocating resources, including Federal response teams.

**“SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND LOCAL PROGRAMS.**

“The Council shall provide for the establishment of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities for the purpose of providing guidance in the development and implementation of such programs. The guidelines shall address equipment, exercises, and training and shall establish a desired threshold level of preparedness for State and local emergency responders.

**“SEC. 656. POWERS OF COUNCIL.**

“In carrying out this subtitle, the Council may—

“(1) direct, with the concurrence of the Secretary of a department or head of an agency,

the temporary reassignment within the Federal Government of personnel employed by such department or agency;

“(2) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

“(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

“(4) accept and use donations of property from Federal, State, and local government agencies;

“(5) use the mails in the same manner as any other department or agency of the executive branch; and

“(6) request the assistance of the Inspector General of a Federal department or agency in conducting audits and evaluations under section 653(g).

**“SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY COUNCIL EFFORTS.**

“The Council may, in the Council's role as principal adviser to the National Security Council on Federal efforts to assist State and local governmental entities in domestic terrorist attack preparedness matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council. The Council may, subject to the direction of the President, participate in the National Security Council's working group structure.

**“SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.**

“(a) EXECUTIVE DIRECTOR.—The Council shall have an Executive Director who shall be appointed by the President.

“(b) STAFF.—The Executive Director may appoint such personnel as the Executive Director considers appropriate. Such personnel shall be assigned to the Council on a full-time basis and shall report to the Executive Director.

“(c) ADMINISTRATIVE SUPPORT SERVICES.—The Executive Office of the President shall provide to the Council, on a reimbursable basis, such administrative support services, including office space, as the Council may request.

**“SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES.**

“(a) REQUESTS FOR ASSISTANCE.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall cooperate with the Council and, subject to laws governing disclosure of information, provide such assistance, information, and advice as the Council may request.

“(b) CERTIFICATION OF POLICY CHANGES BY COUNCIL.—

“(1) IN GENERAL.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall, unless exigent circumstances require otherwise, notify the Council in writing regarding any proposed change in policies relating to the activities of such department or agency under the Domestic Terrorism Preparedness Plan prior to implementation of such change. The Council shall promptly review such proposed change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

“(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Council as soon as practicable. The Council shall review such change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

**“SEC. 660. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this subtitle \$9,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005. Such sums shall remain available until expended.”.

**SEC. 305. DISASTER GRANT CLOSEOUT PROCEDURES.**

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

**“SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.**

“(a) STATUTE OF LIMITATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

“(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

“(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

“(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

“(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

“(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

“(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

“(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

“(1) the payment was authorized by an approved agreement specifying the costs;

“(2) the costs were reasonable; and

“(3) the purpose of the grant was accomplished.”.

**SEC. 306. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.**

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

“(7) ‘public safety officer’ means—

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

“(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

“(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

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



“(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

“(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

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

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

#### SEC. 307. BUY AMERICAN.

(a) **COMPLIANCE WITH BUY AMERICAN ACT.**—No funds authorized to be appropriated under 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 (42 U.S.C. 5121 et seq.).

(2) **DEFINITION OF DEBAR.**—In this subsection, the term “debar” has the meaning given the term in section 2393(c) of title 10, United States Code.

#### SEC. 308. TREATMENT OF CERTAIN REAL PROPERTY.

(a) **IN GENERAL.**—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) **REAL PROPERTY.**—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

- (1) Maple Terrace Phase I;
- (2) Maple Terrace Phase II;
- (3) Maple Terrace Phase III Unit 1;
- (4) Maple Terrace Phase III Unit 2;
- (5) Maple Terrace Phase III Unit 3;
- (6) Maple Terrace Phase IV Unit 1;
- (7) Maple Terrace Phase IV Unit 2; and
- (8) Maple Terrace Phase IV Unit 3.

(c) **REVISION OF FLOOD INSURANCE RATE LOT MAPS.**—As soon as practicable after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

#### SEC. 309. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

(a) **DEFINITION OF INDIAN TRIBE.**—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) **STUDY.**—

(1) **IN GENERAL.**—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) **REQUIRED ELEMENTS.**—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) **CONSULTATION.**—In conducting the study, the Director shall consult with Indian tribes.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

Mr. MACK. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House with a further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment (No. 4299) is printed in today's RECORD under “Amendments Submitted.”)

Mr. SMITH of New Hampshire. Mr. President, I rise in support of H.R. 707, the Disaster Mitigation Act of 2000, and urge its passage by the full Senate. This legislation represents compromise language negotiated with the House of Representatives, but, is, substantively, very similar to the bill passed by the Senate in July of this year. This bill will ensure that FEMA not only remains responsive to local communities after a disaster, but also makes disaster preparedness and mitigation a priority. Further, I am proud that this bill will also result in both short and long term savings to the American taxpayer while, at the same time, providing the states and local communities with added resources for future mitigation efforts. Through added efficiencies this bill saves billions in the long run.

I would like to take this opportunity to thank a number of staff members who have worked so hard on this bill. In particular, I would like to recognize Marty Hall from my committee staff; Jo-Ellen Darcy, committee staff for Senator BAUCUS; Andy Wheeler and Mike Murray from Senator INHOFE'S staff; and Jason McNamara from Senator GRAHAM'S staff.

#### EMERGENCY HOME REPAIR ASSISTANCE

Mr. GRAHAM. The bill includes a provision that caps emergency home repair assistance for individuals and households at \$5,000. Could the Chairman elaborate on this provision to describe what additional assistance might be available to individuals and households should their emergency home repair costs exceed \$5,000?

Mr. SMITH. I would be happy to elaborate on the provision. The bill caps “non-means-tested” emergency home repair assistance at \$5,000. In other words, as long as insurance proceeds were not available, an individual or household would be eligible for up to \$5,000 of emergency home repair assistance before he/she was required to seek additional assistance from other sources, such as the SBA Disaster Loan Program. If that individual or household was not able to obtain an SBA loan, then he/she could be eligible for additional emergency home repair assistance, as long as the total amount of FEMA assistance to this individual or household does not exceed \$25,000.

Mr. GRAHAM. Is it correct, then, that if an individual or household was unable to obtain a loan from SBA, or assistance from another source, then they could be eligible to receive additional emergency home repair assistance, based upon the regulations that FEMA promulgates for this section, and as long as the total FEMA assistance received by that individual or household does not exceed \$25,000?

Mr. SMITH. The Senator is correct.

Mr. GRAHAM. I thank the Chairman for the clarification.

#### RESTORATION OF ESTUARY HABITAT

Mr. MACK. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany S. 835, “An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.”

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 835) entitled “An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

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

(a) **SHORT TITLE.**—This Act may be cited as the “Clean Waters and Bays Act of 2000”.

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

Sec. 1. Short title; table of contents.

#### TITLE I—ESTUARY RESTORATION

Sec. 101. Short title.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. Estuary habitat restoration program.

Sec. 105. Establishment of Estuary Habitat Restoration Council.

Sec. 106. Advisory board.

Sec. 107. Estuary habitat restoration strategy.

Sec. 108. Monitoring of estuary habitat restoration projects.

Sec. 109. Reporting.

Sec. 110. Funding.

Sec. 111. General provisions.

#### TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.