

105TH CONGRESS
2D SESSION

S. 2361

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 1998

Mr. INHOFE (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Disaster Mitigation Act of 1998”.

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



Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

- Sec. 101. Findings and purpose.
- Sec. 102. State mitigation program.
- Sec. 103. Disaster assistance plans.
- Sec. 104. Predisaster hazard mitigation.
- Sec. 105. Study regarding predisaster hazard mitigation.
- Sec. 106. Interagency task force.
- Sec. 107. Maximum contribution for mitigation costs.
- Sec. 108. Conforming amendment.

TITLE II—STREAMLINING AND COST REDUCTION

- Sec. 201. Management costs.
- Sec. 202. Assistance to repair, restore, reconstruct, or replace damaged facilities.
- Sec. 203. Federal assistance to individuals and households.
- Sec. 204. Repeals.
- Sec. 205. State administration of hazard mitigation assistance program.
- Sec. 206. Streamlining of damaged facilities program.
- Sec. 207. Study regarding cost reduction.
- Sec. 208. Study regarding disaster insurance for public infrastructure.
- Sec. 209. Study regarding declarations.

TITLE III—MISCELLANEOUS

- Sec. 301. Technical correction of short title.
- Sec. 302. Definition of State.

1 **TITLE I—PREDISASTER HAZARD** 2 **MITIGATION**

3 **SEC. 101. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds that—

- 5 (1) greater emphasis needs to be placed on
- 6 identifying and assessing the risks to States and
- 7 local communities and implementing adequate meas-
- 8 ures to reduce losses from natural disasters and to
- 9 ensure that critical facilities and public infrastruc-
- 10 ture will continue to function after a disaster;

1 (2) expenditures for post-disaster assistance are
2 increasing without commensurate reduction in the
3 likelihood of future losses from natural disasters;

4 (3) a high priority in the expenditure of Federal
5 funds under the Robert T. Stafford Disaster Relief
6 and Emergency Assistance Act (42 U.S.C. 5121 et
7 seq.) should be to implement predisaster activities at
8 the local level; and

9 (4) with a unified effort of economic incentives,
10 awareness and education, technical assistance, and
11 demonstrated Federal support, States and local com-
12 munities will be able to increase their capabilities
13 to—

14 (A) form effective community-based part-
15 nerships for mitigation purposes;

16 (B) implement effective natural disaster
17 mitigation measures that reduce the risk of fu-
18 ture damage, hardship, and suffering;

19 (C) ensure continued functioning of critical
20 facilities and public infrastructure;

21 (D) leverage additional non-Federal re-
22 sources into meeting disaster resistance goals;
23 and

1 (E) make commitments to long-term disas-
2 ter mitigation efforts for new and existing
3 structures.

4 (b) PURPOSE.—The purpose of this title is to estab-
5 lish a predisaster hazard mitigation program that—

6 (1) reduces the loss of life and property, human
7 suffering, economic disruption, and disaster assist-
8 ance costs resulting from natural hazards; and

9 (2) provides a source of predisaster hazard
10 mitigation funding that will assist States and local
11 governments in implementing effective mitigation
12 measures that are designed to ensure the continued
13 functioning of critical facilities and public infrastruc-
14 ture after a natural disaster.

15 **SEC. 102. STATE MITIGATION PROGRAM.**

16 Section 201(c) of the Robert T. Stafford Disaster Re-
17 lief and Emergency Assistance Act (42 U.S.C. 5131(c))
18 is amended in the third sentence—

19 (1) in paragraph (1), by striking “and” at the
20 end;

21 (2) in paragraph (2), by striking the period at
22 the end and inserting “; and”; and

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

24 “(3) set forth, with the ongoing cooperation of
25 local governments and consistent with section 409, a

1 comprehensive and detailed State program for miti-
2 gating emergencies and major disasters, including
3 provisions for prioritizing mitigation measures.”.

4 **SEC. 103. DISASTER ASSISTANCE PLANS.**

5 Section 201 of the Robert T. Stafford Disaster Relief
6 and Emergency Assistance Act (42 U.S.C. 5131) is
7 amended by striking subsection (d) and inserting the fol-
8 lowing:

9 “(d) GRANTS FOR DISASTER ASSISTANCE AND HAZ-
10 ARD IDENTIFICATION.—The President may make grants
11 for—

12 “(1) not to exceed 50 percent of the cost of im-
13 proving, maintaining, and updating State disaster
14 assistance plans, including, consistent with section
15 409, evaluation of natural hazards and development
16 of the programs and actions required to mitigate
17 natural hazards; and

18 “(2) not to exceed 50 percent of the cost of
19 testing and application of emerging hazard identi-
20 fication technologies, such as improved floodplain
21 mapping technologies that—

22 “(A) can be used by and in cooperation
23 with State and local governments; and

1 “(B) the President determines will likely
2 result in substantial cost savings as compared
3 to current hazard identification methods.”.

4 **SEC. 104. PREDISASTER HAZARD MITIGATION.**

5 (a) IN GENERAL.—Title II of the Robert T. Stafford
6 Disaster Relief and Emergency Assistance Act (42 U.S.C.
7 5131 et seq.) is amended by adding at the end the follow-
8 ing:

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

10 “(a) DEFINITION OF SMALL IMPOVERISHED COMMU-
11 NITY.—In this section, the term ‘small impoverished com-
12 munity’ means a community of 10,000 or fewer individ-
13 uals who are economically disadvantaged, as determined
14 by the State in which the community is located and based
15 on criteria established by the President.

16 “(b) GENERAL AUTHORITY.—The President may es-
17 tablish a program to provide financial assistance to States,
18 local governments, and other entities for the purpose of
19 carrying out predisaster hazard mitigation activities that
20 exhibit long-term, cost-effective benefits and substantially
21 reduce the risk of future damage, hardship, or suffering
22 from a major disaster.

23 “(c) PURPOSE OF ASSISTANCE.—A State, local gov-
24 ernment, or other entity that receives financial assistance
25 under this section shall use the assistance for funding ac-

1 tivities that exhibit long-term, cost-effective benefits and
2 substantially reduce the risk of future damage, hardship,
3 or suffering from a major disaster.

4 “(d) ALLOCATION OF FUNDS.—Financial assistance
5 made available to a State, including financial assistance
6 made available to local governments of the State, under
7 this section for a fiscal year shall—

8 “(1) be in an amount that is not less than the
9 lesser of \$500,000 or 1.0 percent of the total funds
10 appropriated to carry out this section for the fiscal
11 year;

12 “(2) be in an amount that does not exceed 15
13 percent of the total funds appropriated to carry out
14 this section for the fiscal year; and

15 “(3) be provided for projects that meet the cri-
16 teria specified in subsection (e).

17 “(e) CRITERIA.—Subject to subsections (d) and (f),
18 in determining whether to provide assistance to a State,
19 local government, or other entity under this section and
20 the amount of the assistance, the President shall consider
21 the following criteria:

22 “(1) The likelihood of a natural disaster in-
23 creasing the risk of future damage to a community.

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

4 “(3) If the State has submitted a mitigation
5 program in cooperation with local governments
6 under section 201(c)(3), the degree to which the ac-
7 tivities identified under paragraph (2) are consistent
8 with the State mitigation program.

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

11 “(5) The ability of the State, local government,
12 or other entity to fund mitigation activities, with ad-
13 ditional consideration for mitigation activities in
14 small impoverished communities.

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

17 “(7) Such other criteria as the President estab-
18 lishes in consultation and coordination with State
19 and local governments.

20 “(f) STATE NOMINATIONS.—

21 “(1) IN GENERAL.—

22 “(A) RECOMMENDATIONS BY GOV-
23 ERNOR.—The Governor of each State may rec-
24 ommend to the President not fewer than 5 local

1 governments or other entities to receive assist-
2 ance under this section.

3 “(B) SUBMISSIONS TO PRESIDENT.—The
4 recommendations shall be submitted to the
5 President not later than January 1 of calendar
6 year 1999 and each calendar year thereafter or
7 such later date in the calendar year as the
8 President may establish.

9 “(C) CRITERIA FOR RECOMMENDATIONS.—
10 In making the recommendations, each Governor
11 shall consider the criteria specified in sub-
12 section (e).

13 “(2) USE.—

14 “(A) IN GENERAL.—In providing assist-
15 ance to local governments and other entities
16 under this section, the President shall select
17 from among the local governments and other
18 entities recommended by the Governors under
19 this subsection.

20 “(B) SELECTION OF ADDITIONAL ENTI-
21 TIES.—On the request of a local government,
22 the President may select additional entities if
23 the President determines that special cir-
24 cumstances justify the additional selection and

1 the selection will meet the criteria specified in
2 subsection (e).

3 “(3) EFFECT OF FAILURE TO NOMINATE.—If a
4 Governor of a State fails to submit recommendations
5 under this subsection in a timely manner, the Presi-
6 dent may select, subject to the criteria specified in
7 subsection (e), any local governments or other enti-
8 ties of the State to receive assistance under this sec-
9 tion.

10 “(g) FEDERAL SHARE.—The Federal share of the
11 cost of mitigation activities approved by the President for
12 financial assistance under this section shall be—

13 “(1) except as provided in paragraph (2), up to
14 75 percent; and

15 “(2) in the case of mitigation activities in small
16 impoverished communities, up to 90 percent.

17 “(h) LOCAL GOVERNMENTS.—In carrying out this
18 section, the President and States shall—

19 “(1) consult with local governments for the pur-
20 pose of developing a list of appropriate activities for
21 predisaster hazard mitigation funding; and

22 “(2) delegate to the local governments the deci-
23 sion to select specific activities from the list devel-
24 oped under paragraph (1).

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$35,000,000 for each of fiscal years 1998 through 2002.

4 “(j) AUTHORIZATION OF SECTION 404 FUNDS.—In
5 addition to amounts appropriated under subsection (i), the
6 President, in consultation and coordination with State and
7 local governments, may use to carry out this section funds
8 that are appropriated to carry out section 404 for post-
9 disaster mitigation activities that have not been obligated
10 within 30 months after the disaster declaration on which
11 the funding availability is based.

12 “(k) TERMINATION OF EFFECTIVENESS.—The au-
13 thority provided by this section terminates effective Octo-
14 ber 1, 2003.”.

15 (b) REPORT ON FEDERAL AND STATE ADMINISTRA-
16 TION.—Not later than 18 months after the date of enact-
17 ment of this Act, the President, in consultation and co-
18 ordination with State and local governments, shall submit
19 to Congress a report evaluating efforts to implement this
20 section and recommending a process for the future admin-
21 istration of the program, including—

22 (1) the appropriateness of transferring to State
23 and local governments greater authority and respon-
24 sibility for administering the assistance program au-
25 thorized by section 203 of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act (as
2 added by subsection (a)); and

3 (2) consideration of private sector initiatives for
4 predisaster mitigation to supplement the activities of
5 the President and the Federal Emergency Manage-
6 ment Agency.

7 **SEC. 105. STUDY REGARDING PREDISASTER HAZARD MITI-**
8 **GATION.**

9 (a) **STUDY.**—The Comptroller General of the United
10 States shall conduct a study to—

11 (1) examine the effectiveness of the predisaster
12 hazard mitigation program authorized by section
13 203 of the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act (as added by section
15 104(a)), including a review of the goals and objec-
16 tives of the program;

17 (2) determine if the expenditures under the pro-
18 gram are warranted in terms of mitigation, disaster
19 avoidance, and dollars saved; and

20 (3) develop recommendations concerning the
21 appropriate selection of sites and activities con-
22 ducted with respect to predisaster mitigation.

23 (b) **REPORT.**—Not later than 3 years after the date
24 of enactment of this Act, the Comptroller General shall
25 submit to Congress a report on the results of the study.

1 **SEC. 106. INTERAGENCY TASK FORCE.**

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

6 (b) CHAIRPERSON.—The Director of the Federal
7 Emergency Management Agency shall serve as the chair-
8 person of the task force.

9 (c) MEMBERSHIP.—The membership of the task
10 force shall include representatives of State and local gov-
11 ernment organizations.

12 **SEC. 107. MAXIMUM CONTRIBUTION FOR MITIGATION**
13 **COSTS.**

14 (a) IN GENERAL.—Section 404(a) of the Robert T.
15 Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5170c(a)) is amended in the last sentence by
17 striking “15 percent” and inserting “20 percent”.

18 (b) APPLICABILITY.—The amendment made by sub-
19 section (a) shall apply to each major disaster declared
20 under the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5121 et seq.) after March
22 1, 1997.

23 **SEC. 108. CONFORMING AMENDMENT.**

24 Title II of the Robert T. Stafford Disaster Relief and
25 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is

1 amended by striking the title heading and inserting the
2 following:

3 **“TITLE II—DISASTER PREPARED-**
4 **NESS AND MITIGATION AS-**
5 **SISTANCE”.**

6 **TITLE II—STREAMLINING AND**
7 **COST REDUCTION**

8 **SEC. 201. MANAGEMENT COSTS.**

9 (a) IN GENERAL.—Title III of the Robert T. Stafford
10 Disaster Relief and Emergency Assistance Act (42 U.S.C.
11 5141 et seq.) is amended by adding at the end the follow-
12 ing:

13 **“SEC. 322. MANAGEMENT COSTS.**

14 “(a) DEFINITION OF MANAGEMENT COST.—In this
15 section, the term ‘management cost’ includes any indirect
16 cost, administrative expense, and any other expense not
17 directly chargeable to a specific project under a major dis-
18 aster, emergency, or emergency preparedness activity or
19 measure.

20 “(b) MANAGEMENT COST RATES.—Notwithstanding
21 any other provision of law (including any administrative
22 rule or guidance), the President shall establish manage-
23 ment cost rates for grantees and subgrantees that shall
24 be used to determine contributions under this Act for
25 management costs.

1 “(c) REVIEW.—The President shall review the man-
2 agement cost rates established under subsection (a) not
3 later than 3 years after the date of establishment of the
4 rates and periodically thereafter.

5 “(d) REGULATIONS.—The President shall promul-
6 gate a regulation to define appropriate costs to be included
7 in management costs under this section.”.

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

11 (1) IN GENERAL.—Subsections (a), (b), and (d)
12 of section 322 of that Act shall apply to each major
13 disaster declared under that Act on or after the date
14 of enactment of this Act. Until the date on which
15 the President establishes the management cost rates
16 under that subsection, section 406(f) of the Robert
17 T. Stafford Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 5172(f)) shall be used for es-
19 tablishing the rates.

20 (2) REVIEW; OTHER EXPENSES.—Section
21 322(c) of that Act shall apply to each major disaster
22 declared under that Act on or after the date on
23 which the President establishes the management
24 cost rates under that section.

1 **SEC. 202. ASSISTANCE TO REPAIR, RESTORE, RECON-**
2 **STRUCT, OR REPLACE DAMAGED FACILITIES.**

3 (a) CONTRIBUTIONS AND FEDERAL SHARE.—Section
4 406 of the Robert T. Stafford Disaster Relief and Emer-
5 gency Assistance Act (42 U.S.C. 5172) is amended by
6 striking subsections (a) through (c) and inserting the fol-
7 lowing:

8 “(a) CONTRIBUTIONS.—

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

11 “(A) to a State or local government for the
12 repair, restoration, reconstruction, or replace-
13 ment of a public facility that is damaged or de-
14 stroyed by a major disaster and for manage-
15 ment costs incurred by the government; and

16 “(B) to a person that owns or operates a
17 private nonprofit facility damaged or destroyed
18 by a major disaster for the repair, restoration,
19 reconstruction, or replacement of the facility
20 and for management costs incurred by the per-
21 son.

22 “(b) MINIMUM FEDERAL SHARE.—The Federal
23 share of assistance under this section shall be not less
24 than 75 percent of the eligible cost of repair, restoration,
25 reconstruction, or replacement carried out under this sec-
26 tion.

1 “(c) LARGE IN-LIEU CONTRIBUTIONS.—

2 “(1) FOR PUBLIC FACILITIES.—

3 “(A) IN GENERAL.—In any case in which
4 a State or local government determines that the
5 public welfare would not be best served by re-
6 pairing, restoring, reconstructing, or replacing
7 any public facility owned or controlled by the
8 State or local government, the State or local
9 government may elect to receive, in lieu of a
10 contribution under subsection (a)(1)(A), a con-
11 tribution in an amount equal to 75 percent of
12 the Federal share of the cost of repairing, re-
13 storing, reconstructing, or replacing the facility
14 and of management costs, as estimated by the
15 President.

16 “(B) USE OF FUNDS.—Funds made avail-
17 able to a State or local government under this
18 paragraph may be used to repair, restore, or ex-
19 pand other eligible public facilities, to construct
20 new facilities, or to fund hazard mitigation
21 measures, that the State or local government
22 determines to be necessary to meet a need for
23 governmental services and functions in the area
24 affected by the major disaster.

25 “(2) FOR PRIVATE NONPROFIT FACILITIES.—

1 “(A) IN GENERAL.—In any case in which
2 a person that owns or operates a private non-
3 profit facility determines that the public welfare
4 would not be best served by repairing, restor-
5 ing, reconstructing, or replacing the facility, the
6 person may elect to receive, in lieu of a con-
7 tribution under subsection (a)(1)(B), a con-
8 tribution in an amount equal to 75 percent of
9 the Federal share of the cost of repairing, re-
10 storing, reconstructing, or replacing the facility
11 and of management costs, as estimated by the
12 President.

13 “(B) USE OF FUNDS.—Funds made avail-
14 able to a person under this paragraph may be
15 used to repair, restore, or expand other eligible
16 private nonprofit facilities owned or operated by
17 the person, to construct new private nonprofit
18 facilities to be owned or operated by the person,
19 or to fund hazard mitigation measures, that the
20 person determines to be necessary to meet a
21 need for its services and functions in the area
22 affected by the major disaster.

23 “(3) MODIFICATION OF FEDERAL SHARE TO
24 ENCOURAGE USE OF FUNDS FOR MITIGATION AC-
25 TIVITIES.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the President shall modify the Fed-
3 eral share of the cost estimate provided in para-
4 graphs (1) and (2) with respect to a large in-
5 lieu contribution if the President determines
6 that the large in-lieu contribution will be used
7 for mitigation activities consistent with the
8 State plan under section 201(c).

9 “(B) LIMITATION.—Under subparagraph
10 (A), the Federal share for the purposes of para-
11 graphs (1) and (2) shall not exceed 90 percent
12 of the amount described in paragraph (1)(A) or
13 (2)(A).”.

14 (b) ELIGIBLE COST.—

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

19 “(e) ELIGIBLE COST.—

20 “(1) DETERMINATION.—

21 “(A) IN GENERAL.—For the purposes of
22 this section, the President shall estimate the eli-
23 gible cost of repairing, restoring, reconstruct-
24 ing, or replacing a public facility or private non-
25 profit facility—

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

4 “(ii) in conformity with current appli-
5 cable codes, specifications, and standards
6 (including floodplain management and haz-
7 ard mitigation criteria required by the
8 President or under the Coastal Barrier Re-
9 sources Act (16 U.S.C. 3501 et seq.)).

10 “(B) COST ESTIMATION PROCEDURES.—
11 Subject to paragraph (2), the President shall
12 use the cost estimation procedures developed
13 under paragraph (3) to make the estimate
14 under subparagraph (A).

15 “(2) MODIFICATION OF ELIGIBLE COST.—If the
16 actual cost of repairing, restoring, reconstructing, or
17 replacing a facility under this section is more than
18 120 percent or less than 80 percent of the cost esti-
19 mated under paragraph (1), the President may de-
20 termine that the eligible cost shall be the actual cost
21 of the repair, restoration, reconstruction, or replace-
22 ment.

23 “(3) EXPERT PANEL.—Not later than 18
24 months after the date of enactment of this para-
25 graph, the President, acting through the Director of

1 the Federal Emergency Management Agency, shall
2 establish an expert panel, which shall include rep-
3 resentatives from the construction industry, to de-
4 velop procedures for estimating the cost of repairing,
5 restoring, reconstructing, or replacing a facility con-
6 sistent with industry practices.

7 “(4) SPECIAL RULE.—In any case in which the
8 facility being repaired, restored, reconstructed, or re-
9 placed under this section was under construction on
10 the date of the major disaster, the cost of repairing,
11 restoring, reconstructing, or replacing the facility
12 shall include, for the purposes of this section, only
13 those costs that, under the contract for the construc-
14 tion, are the owner’s responsibility and not the con-
15 tractor’s responsibility.”.

16 (2) EFFECTIVE DATE.—The amendment made
17 by paragraph (1) shall take effect on the date of en-
18 actment of this Act, except that paragraph (1) of
19 section 406(e) of the Robert T. Stafford Disaster
20 Relief and Emergency Assistance Act (as amended
21 by paragraph (1)) shall take effect on the date on
22 which the procedures developed under paragraph (3)
23 of that section take effect.

24 (c) ASSOCIATED EXPENSES.—

1 (1) IN GENERAL.—Section 406 of the Robert T.
2 Stafford Disaster Relief and Emergency Assistance
3 Act (42 U.S.C. 5172) is amended by striking sub-
4 section (f).

5 (2) OTHER ELIGIBLE COSTS.—Section 406(e)
6 of the Robert T. Stafford Disaster Relief and Emer-
7 gency Assistance Act (42 U.S.C. 5172(e)) (as
8 amended by subsection (b)) is amended by adding at
9 the end the following:

10 “(5) OTHER ELIGIBLE COSTS.—For purposes of
11 this section, the eligible cost of repairing, restoring,
12 reconstructing, or replacing a public facility or pri-
13 vate nonprofit facility includes the following:

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

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

22 “(C) OTHER LABOR COSTS.—Base and
23 overtime wages for an applicant’s employees
24 and extra hires performing eligible work plus
25 fringe benefits on the wages to the extent that

1 the benefits were being paid before the major
2 disaster.”.

3 (3) EFFECTIVE DATE.—The amendments made
4 by this subsection shall—

5 (A) take effect on the date on which the
6 President establishes management cost rates
7 under section 322 of the Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act
9 (as added by section 201(a)); and

10 (B) apply only to a major disaster declared
11 by the President under that Act on or after the
12 date on which the President establishes the
13 management cost rates.

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

16 (a) IN GENERAL.—Section 408 of the Robert T.
17 Stafford Disaster Relief and Emergency Assistance Act
18 (42 U.S.C. 5174) is amended to read as follows:

19 **“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
20 **HOUSEHOLDS.**

21 “(a) GENERAL AUTHORITY.—In accordance with this
22 section, the President, in consultation and coordination
23 with the Governor of an affected State, may provide finan-
24 cial assistance, and, if necessary, direct services, to disas-
25 ter victims who—

1 “(1) as a direct result of a major disaster have
2 necessary expenses and serious needs; and

3 “(2) are unable to meet the necessary expenses
4 and serious needs through other means, including
5 insurance proceeds or loan assistance from the Small
6 Business Administration.

7 “(b) HOUSING ASSISTANCE.—

8 “(1) ELIGIBILITY.—The President may provide
9 financial or other assistance under this section to in-
10 dividuals and families to respond to the disaster-re-
11 lated housing needs of individuals and families who
12 are displaced from their predisaster primary resi-
13 dences or whose predisaster primary residences are
14 rendered uninhabitable as a result of damage caused
15 by a major disaster.

16 “(2) DETERMINATION OF APPROPRIATE TYPES
17 OF ASSISTANCE.—The President shall determine ap-
18 propriate types of housing assistance to be provided
19 to disaster victims under this section based on con-
20 siderations of cost effectiveness, convenience to dis-
21 aster victims, and such other factors as the Presi-
22 dent considers to be appropriate. One or more types
23 of housing assistance may be made available, based
24 on the suitability and availability of the types of as-

1 sistance, to meet the needs of disaster victims in a
2 particular disaster situation.

3 “(c) TYPES OF HOUSING ASSISTANCE.—

4 “(1) TEMPORARY HOUSING.—

5 “(A) FINANCIAL ASSISTANCE.—

6 “(i) IN GENERAL.—The President
7 may provide financial assistance under this
8 section to individuals or households to rent
9 alternate housing accommodations, existing
10 rental units, manufactured housing, rec-
11 reational vehicles, or other readily fab-
12 ricated dwellings.

13 “(ii) AMOUNT.—The amount of as-
14 sistance under clause (i) shall be based on
15 the sum of—

16 “(I) the fair market rent for the
17 accommodation being provided; and

18 “(II) the cost of any transpor-
19 tation, utility hookups, or unit instal-
20 lation not being directly provided by
21 the President.

22 “(B) DIRECT ASSISTANCE.—

23 “(i) IN GENERAL.—The President
24 may directly provide under this section
25 housing units, acquired by purchase or

1 lease, to individuals or households who, be-
2 cause of a lack of available housing re-
3 sources, would be unable to make use of
4 the assistance provided under subpara-
5 graph (A).

6 “(ii) PERIOD OF ASSISTANCE.—

7 “(I) IN GENERAL.—Subject to
8 subclause (II), the President may not
9 provide direct assistance under clause
10 (i) with respect to a major disaster
11 after the expiration of the 18-month
12 period beginning on the date of the
13 declaration of the major disaster by
14 the President.

15 “(II) EXTENSION OF PERIOD.—

16 The President may extend the period
17 under subclause (I) if the President
18 determines that due to extraordinary
19 circumstances an extension would be
20 in the public interest.

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

1 “(2) REPAIRS.—

2 “(A) IN GENERAL.—The President may
3 provide financial assistance for the repair of
4 owner-occupied primary residences, utilities,
5 and residential infrastructure (such as private
6 access routes) damaged by a major disaster to
7 a habitable or functioning condition.

8 “(B) EMERGENCY REPAIRS.—To be eligi-
9 ble to receive assistance under subparagraph
10 (A), a recipient shall not be required to dem-
11 onstrate that the recipient is unable to meet the
12 need for the assistance through other means,
13 except insurance proceeds, if the assistance—

14 “(i) is used for emergency repairs to
15 make a private primary residence habit-
16 able; and

17 “(ii) does not exceed \$5,000, as ad-
18 justed annually to reflect changes in the
19 Consumer Price Index as reported by the
20 Bureau of Labor Statistics of the Depart-
21 ment of Labor.

22 “(3) PERMANENT HOUSING CONSTRUCTION.—
23 The President may provide financial assistance or
24 direct assistance under this section to individuals or
25 households to construct permanent housing in insu-

1 lar areas outside the continental United States and
2 other remote locations in cases in which—

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

5 “(B) the types of temporary housing as-
6 sistance described in paragraph (1) are unavail-
7 able, infeasible, or not cost effective.

8 “(d) TERMS AND CONDITIONS RELATING TO HOUS-
9 ING ASSISTANCE.—

10 “(1) SITES.—

11 “(A) IN GENERAL.—Any readily fabricated
12 dwelling provided under this section shall,
13 whenever practicable, be located on a site
14 that—

15 “(i) is provided by the State or local
16 government; and

17 “(ii) is complete with utilities provided
18 by the State or local government, by the
19 owner of the site, or by the occupant who
20 was displaced by the major disaster.

21 “(B) SITES PROVIDED BY THE PRESI-
22 DENT.—Readily fabricated dwellings may be lo-
23 cated on sites provided by the President if the
24 President determines that the sites would be
25 more economical or accessible.

1 “(2) DISPOSAL OF UNITS.—

2 “(A) SALE TO OCCUPANTS.—

3 “(i) IN GENERAL.—Notwithstanding
4 any other provision of law, a temporary
5 housing unit purchased under this section
6 by the President for the purpose of hous-
7 ing disaster victims may be sold directly to
8 the individual or household who is occupy-
9 ing the unit if the individual or household
10 needs permanent housing.

11 “(ii) SALES PRICE.—Sales of tem-
12 porary housing units under clause (i) shall
13 be accomplished at prices that are fair and
14 equitable.

15 “(iii) DEPOSIT OF PROCEEDS.—Not-
16 withstanding any other provision of law,
17 the proceeds of a sale under clause (i) shall
18 be deposited into the appropriate Disaster
19 Relief Fund account.

20 “(iv) USE OF GSA SERVICES.—The
21 President may use the services of the Gen-
22 eral Services Administration to accomplish
23 a sale under clause (i).

24 “(B) OTHER METHODS OF DISPOSAL.—

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

6 “(ii) DISPOSAL TO GOVERNMENTS
7 AND VOLUNTARY ORGANIZATIONS.—A tem-
8 porary housing unit described in clause (i)
9 may be sold, transferred, donated, or oth-
10 erwise made available directly to a State or
11 other governmental entity or to a voluntary
12 organization for the sole purpose of provid-
13 ing temporary housing to disaster victims
14 in major disasters and emergencies if, as a
15 condition of the sale, transfer, donation, or
16 other making available, the State, other
17 governmental agency, or voluntary organi-
18 zation agrees—

19 “(I) to comply with the non-
20 discrimination provisions of section
21 308; and

22 “(II) to obtain and maintain haz-
23 ard and flood insurance on the hous-
24 ing unit.

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

3 “(1) MEDICAL, DENTAL, AND FUNERAL EX-
4 PENSES.—The President, in consultation and coordi-
5 nation with the Governor of the affected State, may
6 provide financial assistance under this section to an
7 individual or household adversely affected by a
8 major disaster to meet disaster-related medical, den-
9 tal, and funeral expenses.

10 “(2) PERSONAL PROPERTY, TRANSPORTATION,
11 AND OTHER EXPENSES.—The President, in con-
12 sultation and coordination with the Governor of the
13 affected State, may provide financial assistance
14 under this section to an individual or household de-
15 scribed in paragraph (1) to address personal prop-
16 erty, transportation, and other necessary expenses or
17 serious needs resulting from the major disaster.

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

21 “(g) MAXIMUM AMOUNT OF ASSISTANCE.—The max-
22 imum amount of financial assistance that an individual
23 or household may receive under this section with respect
24 to a single major disaster shall be \$25,000, as adjusted
25 annually to reflect changes in the Consumer Price Index

1 for all Urban Consumers published by the Department of
2 Labor.

3 “(h) ISSUANCE OF REGULATIONS.—The President
4 shall issue rules and regulations to carry out the program
5 established by this section, including criteria, standards,
6 and procedures for determining eligibility for assistance.”.

7 (b) CONFORMING AMENDMENT.—Section 502(a)(6)
8 of the Robert T. Stafford Disaster Relief and Emergency
9 Assistance Act (42 U.S.C. 5192(a)(6)) is amended by
10 striking “temporary housing”.

11 (c) REPEAL OF INDIVIDUAL AND FAMILY GRANT
12 PROGRAMS.—Section 411 of the Robert T. Stafford Dis-
13 aster Relief and Emergency Assistance Act (42 U.S.C.
14 5178) is repealed.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section take effect 18 months after the date of enact-
17 ment of this Act.

18 **SEC. 204. REPEALS.**

19 (a) COMMUNITY DISASTER LOANS.—Section 417 of
20 the Robert T. Stafford Disaster Relief and Emergency As-
21 sistance Act (42 U.S.C. 5184) is repealed.

22 (b) SIMPLIFIED PROCEDURE.—Section 422 of the
23 Robert T. Stafford Disaster Relief and Emergency Assist-
24 ance Act (42 U.S.C. 5189) is repealed.

1 **SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION**
2 **ASSISTANCE PROGRAM.**

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

6 “(c) PROGRAM ADMINISTRATION BY STATES.—

7 “(1) IN GENERAL.—A State desiring to admin-
8 ister the hazard mitigation assistance program es-
9 tablished by this section with respect to hazard miti-
10 gation assistance in the State may submit to the
11 President an application for the delegation of the
12 authority.

13 “(2) CRITERIA.—The President, in consultation
14 and coordination with States and local governments,
15 shall establish criteria for the approval of applica-
16 tions submitted under paragraph (1). The criteria
17 shall include, at a minimum—

18 “(A) the demonstrated ability of the State
19 to manage the grant program under this sec-
20 tion;

21 “(B) submission of the plan required under
22 section 201(c); and

23 “(C) a demonstrated commitment to miti-
24 gation activities.

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

4 “(4) WITHDRAWAL OF APPROVAL.—If, after
5 approving an application of a State submitted under
6 paragraph (1), the President determines that the
7 State is not administering the hazard mitigation as-
8 sistance program established by this section in a
9 manner satisfactory to the President, the President
10 shall withdraw the approval.

11 “(5) AUDITS.—The President shall provide for
12 periodic audits of the hazard mitigation assistance
13 programs administered by States under this sub-
14 section.”.

15 **SEC. 206. STREAMLINING OF DAMAGED FACILITIES PRO-**
16 **GRAM.**

17 (a) PILOT PROGRAM.—In consultation and coordina-
18 tion with States and local governments, the President shall
19 conduct a pilot program for the purpose of streamlining
20 the assistance program established by section 406 of the
21 Robert T. Stafford Disaster Relief and Emergency Assist-
22 ance Act (42 U.S.C. 5172).

23 (b) STATE PARTICIPATION.—

24 (1) CRITERIA.—The President, in consultation
25 and coordination with States and local governments,

1 the Robert T. Stafford Disaster Relief and Emergency As-
2 sistance Act (42 U.S.C. 5170).

3 (b) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Comptroller General shall
5 submit to Congress a report on the results of the study.

6 **SEC. 209. STUDY REGARDING DECLARATIONS.**

7 (a) STUDY.—The Comptroller General of the United
8 States shall conduct an analytical study that—

9 (1) examines major disasters and emergencies
10 that have been declared under the Robert T. Staf-
11 ford Disaster Relief and Emergency Assistance Act
12 (42 U.S.C. 5121 et seq.) since January 1, 1974; and

13 (2) describes the criteria for making the dec-
14 larations and how the criteria have changed over
15 time.

16 (b) REPORT.—Not later than 3 years after the date
17 of enactment of this Act, the Comptroller General shall
18 submit to Congress a report on the results of the study.

19 **TITLE III—MISCELLANEOUS**

20 **SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.**

21 The first section of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42 U.S.C. 5121
23 note) is amended to read as follows:

1 **“SECTION 1. SHORT TITLE.**

2 “**This Act may be cited as the ‘Robert T. Stafford**
3 **Disaster Relief and Emergency Assistance Act’.**”.

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

5 Section 102 of the Robert T. Stafford Disaster Relief
6 and Emergency Assistance Act (42 U.S.C. 5122) is
7 amended in each of paragraphs (3) and (4) by striking
8 “the Northern” and all that follows through “Pacific Is-
9 lands” and inserting “and the Commonwealth of the
10 Northern Mariana Islands”.

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