

Calendar No. 569

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2361**

[Report No. 105-326]

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## **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.

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SEPTEMBER 11, 1998

Reported with amendments

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2<sup>D</sup> SESSION**S. 2361****[Report No. 105-326]**

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**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

SEPTEMBER 11, 1998

Reported by Mr. CHAFEE, with amendments

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

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**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,*

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

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

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 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~~ *grant* 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.  
Sec. 210. *Fire suppression assistance.*

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.  
Sec. 302. ~~Definition of State.~~ *Definitions.*  
Sec. 303. *Public safety officer benefits for certain Federal and State employees.*

6 **TITLE I—PREDISASTER HAZARD**  
7 **MITIGATION**

8 **SEC. 101. FINDINGS AND PURPOSE.**

9 (a) FINDINGS.—Congress finds that—

10 (1) greater emphasis needs to be placed on  
11 identifying and assessing the risks to States and

1 local communities and implementing adequate meas-  
2 ures to reduce losses from natural disasters and to  
3 ensure that critical facilities and public infrastruc-  
4 ture will continue to function after a disaster;

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

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

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

18 (A) form effective community-based part-  
19 nerships for mitigation purposes;

20 (B) implement effective natural disaster  
21 mitigation measures that reduce the risk of fu-  
22 ture damage, hardship, and suffering;

23 (C) ensure continued functioning of critical  
24 facilities and public infrastructure;

1 (D) leverage additional non-Federal re-  
2 sources into meeting disaster resistance goals;  
3 and

4 (E) make commitments to long-term disas-  
5 ter mitigation efforts for new and existing  
6 structures.

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

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

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

18 **SEC. 102. STATE MITIGATION PROGRAM.**

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

22 (1) in paragraph (1), by striking “and” at the  
23 end;

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

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

2           “(3) set forth, with the ongoing cooperation of  
3           local governments and consistent with section 409, a  
4           comprehensive and detailed State program for miti-  
5           gating emergencies and major disasters, including  
6           provisions for prioritizing mitigation measures.”.

7 **SEC. 103. DISASTER ASSISTANCE PLANS.**

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

12          “(d) GRANTS FOR DISASTER ASSISTANCE AND HAZ-  
13          ARD IDENTIFICATION.—The President may make grants  
14          for—

15                 “(1) not to exceed 50 percent of the cost of im-  
16                 proving, maintaining, and updating State disaster  
17                 assistance plans, including, consistent with section  
18                 409, evaluation of natural hazards and development  
19                 of the programs and actions required to mitigate  
20                 natural hazards; and

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

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

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

6 **SEC. 104. PREDISASTER HAZARD MITIGATION.**

7           (a) IN GENERAL.—Title II of the Robert T. Stafford  
8           Disaster Relief and Emergency Assistance Act (42 U.S.C.  
9           5131 et seq.) is amended by adding at the end the follow-  
10          ing:

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

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

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

1       “(c) PURPOSE OF ASSISTANCE.—A State, local gov-  
2 ernment, or other entity that receives financial assistance  
3 under this section shall use the assistance for funding ac-  
4 tivities that exhibit long-term, cost-effective benefits and  
5 substantially reduce the risk of future damage, hardship,  
6 or suffering from a major disaster.

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

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

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

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

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

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

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

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

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

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

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

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

22          “(f) STATE NOMINATIONS.—

23                  “(1) IN GENERAL.—

24                          “(A) RECOMMENDATIONS BY GOV-  
25                          ERNOR.—The Governor of each State may rec-

1           commend to the President not fewer than 5 local  
2           governments or other entities to receive assist-  
3           ance under this section.

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

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

14          “(2) USE.—

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

21                 “(B) SELECTION OF ADDITIONAL ENTI-  
22                 TIES.—On the request of a local government,  
23                 the President may select additional entities if  
24                 the President determines that special cir-  
25                 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 *of the State* or  
8           other entities ~~of the State~~ to receive assistance  
9           under this section.

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)~~ (b)  
3 not later than 3 years after the date of establishment of  
4 the 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) CONTRIBUTIONS.—The President may make con-~~  
 12 ~~tributions—~~

13 ~~“(A) (1) to a State or local government for the~~  
 14 ~~repair, restoration, reconstruction, or replacement of~~  
 15 ~~a public facility that is damaged or destroyed by a~~  
 16 ~~major disaster and for management costs incurred~~  
 17 ~~by the government; and~~

18 ~~“(B) (2) to a person that owns or operates a~~  
 19 ~~private nonprofit facility damaged or destroyed by a~~  
 20 ~~major disaster for the repair, restoration, recon-~~  
 21 ~~struction, or replacement of the facility and for man-~~  
 22 ~~agement costs incurred by the person.~~

23 ~~“(b) MINIMUM FEDERAL SHARE.—The Federal~~

24 ~~“(b) FEDERAL SHARE.—~~

25 ~~“(1) MINIMUM FEDERAL SHARE.—Except as pro-~~  
 26 ~~vided in paragraph (2), the Federal share of assist-~~

1       ance under this section shall be not less than 75 per-  
2       cent of the eligible cost of repair, restoration, recon-  
3       struction, or replacement carried out under this sec-  
4       tion.

5               “(2) *DECREASED FEDERAL SHARE.*—*In the case*  
6       *of a State or local government that is unable or un-*  
7       *willing to take appropriate steps promptly and effi-*  
8       *ciently to complete the processing of claims for assist-*  
9       *ance under this section, the President, after the end*  
10       *of the 3-year period beginning on the date of declara-*  
11       *tion of the major disaster, may reduce the Federal*  
12       *share of assistance under this section to a share of less*  
13       *than 75 percent, but greater than or equal to 50 per-*  
14       *cent, of the eligible cost of repair, restoration, recon-*  
15       *struction, or replacement carried out under this sec-*  
16       *tion with respect to the major disaster.*

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

18               “(1) *FOR PUBLIC FACILITIES.*—

19               “(A) *IN GENERAL.*—*In any case in which*  
20       *a State or local government determines that the*  
21       *public welfare would not be best served by re-*  
22       *pairing, restoring, reconstructing, or replacing*  
23       *any public facility owned or controlled by the*  
24       *State or local government, the State or local*  
25       *government may elect to receive, in lieu of a*

1 contribution under subsection ~~(a)(1)(A)~~ (a)(1),  
2 a contribution in an amount equal to 75 per-  
3 cent of the Federal share of the cost of repair-  
4 ing, restoring, reconstructing, or replacing the  
5 facility and of management costs, as estimated  
6 by the President.

7 “(B) USE OF FUNDS.—Funds made avail-  
8 able to a State or local government under this  
9 paragraph may be used to repair, restore, or ex-  
10 pand other eligible public facilities, to construct  
11 new facilities, or to fund hazard mitigation  
12 measures, that the State or local government  
13 determines to be necessary to meet a need for  
14 governmental services and functions in the area  
15 affected by the major disaster.

16 “(2) FOR PRIVATE NONPROFIT FACILITIES.—

17 “(A) IN GENERAL.—In any case in which  
18 a person that owns or operates a private non-  
19 profit facility determines that the public welfare  
20 would not be best served by repairing, restor-  
21 ing, reconstructing, or replacing the facility, the  
22 person may elect to receive, in lieu of a con-  
23 tribution under subsection ~~(a)(1)(B)~~ (a)(2), a  
24 contribution in an amount equal to 75 percent  
25 of the Federal share of the cost of repairing, re-

1 storing, reconstructing, or replacing the facility  
2 and of management costs, as estimated by the  
3 President.

4 “(B) USE OF FUNDS.—Funds made avail-  
5 able to a person under this paragraph may be  
6 used to repair, restore, or expand other eligible  
7 private nonprofit facilities owned or operated by  
8 the person, to construct new private nonprofit  
9 facilities to be owned or operated by the person,  
10 or to fund hazard mitigation measures, that the  
11 person determines to be necessary to meet a  
12 need for its services and functions in the area  
13 affected by the major disaster.

14 “(3) MODIFICATION OF FEDERAL SHARE TO  
15 ENCOURAGE USE OF FUNDS FOR MITIGATION AC-  
16 TIVITIES.—

17 “(A) IN GENERAL.—Subject to subpara-  
18 graph (B), the President shall modify the Fed-  
19 eral share of the cost estimate provided in para-  
20 graphs (1) and (2) with respect to a large in-  
21 lieu contribution if the President determines  
22 that the large in-lieu contribution will be used  
23 for mitigation activities consistent with the  
24 State plan under section 201(c).

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

6           (b) ELIGIBLE COST.—

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

11          “(e) ELIGIBLE COST.—

12           “(1) DETERMINATION.—

13           “(A) IN GENERAL.—For the purposes of  
14           this section, the President shall estimate the eli-  
15           gible cost of repairing, restoring, reconstruct-  
16           ing, or replacing a public facility or private non-  
17           profit facility—

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

21           “(ii) in conformity with current appli-  
22           cable codes, specifications, and standards  
23           (including floodplain management and haz-  
24           ard mitigation criteria required by the

1           President or under the Coastal Barrier Re-  
2           sources Act (16 U.S.C. 3501 et seq.)).

3           “(B) COST ESTIMATION PROCEDURES.—  
4           Subject to paragraph (2), the President shall  
5           use the cost estimation procedures developed  
6           under paragraph (3) to make the estimate  
7           under subparagraph (A).

8           “(2) MODIFICATION OF ELIGIBLE COST.—If the  
9           actual cost of repairing, restoring, reconstructing, or  
10          replacing a facility under this section is more than  
11          120 percent or less than 80 percent of the cost esti-  
12          mated under paragraph (1), the President may de-  
13          termine that the eligible cost shall be the actual cost  
14          of the repair, restoration, reconstruction, or replace-  
15          ment.

16          “(3) EXPERT PANEL.—Not later than 18  
17          months after the date of enactment of this para-  
18          graph, the President, acting through the Director of  
19          the Federal Emergency Management Agency, shall  
20          establish an expert panel, which shall include rep-  
21          resentatives from the construction industry, to de-  
22          velop procedures for estimating the cost of repairing,  
23          restoring, reconstructing, or replacing a facility con-  
24          sistent with industry practices.

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

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

18           (c) ASSOCIATED EXPENSES.—

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

23           (2) OTHER ELIGIBLE COSTS.—Section 406(e)  
24 of the Robert T. Stafford Disaster Relief and Emer-  
25 gency Assistance Act (42 U.S.C. 5172(e)) (as

1 amended by subsection (b)) is amended by adding  
2 at the end the following:

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

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

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

15 “(C) OTHER LABOR COSTS.—Base and  
16 overtime wages for an applicant’s employees  
17 and extra hires performing eligible work plus  
18 fringe benefits on the wages to the extent that  
19 the benefits were being paid before the major  
20 disaster.”.

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

23 (A) take effect on the date on which the  
24 President establishes management cost rates  
25 under section 322 of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act  
2 (as added by section 201(a)); and

3 (B) apply only to a major disaster declared  
4 by the President under that Act on or after the  
5 date on which the President establishes the  
6 management cost rates.

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

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

12 **“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND**  
13 **HOUSEHOLDS.**

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

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

21 “(2) are unable to meet the necessary expenses  
22 and serious needs through other means, including  
23 insurance proceeds or loan assistance from the Small  
24 Business Administration.

25 “(b) HOUSING ASSISTANCE.—

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

9           “(2) DETERMINATION OF APPROPRIATE TYPES  
10 OF ASSISTANCE.—The President shall determine ap-  
11 propriate types of housing assistance to be provided  
12 to disaster victims under this section based on con-  
13 siderations of cost effectiveness, convenience to dis-  
14 aster victims, and such other factors as the Presi-  
15 dent considers to be appropriate. One or more types  
16 of housing assistance may be made available, based  
17 on the suitability and availability of the types of as-  
18 sistance, to meet the needs of disaster victims in a  
19 particular disaster situation.

20           “(c) TYPES OF HOUSING ASSISTANCE.—

21           “(1) TEMPORARY HOUSING.—

22           “(A) FINANCIAL ASSISTANCE.—

23           “(i) IN GENERAL.—The President  
24 may provide financial assistance under this  
25 section to individuals or households to rent

1 alternate housing accommodations, existing  
2 rental units, manufactured housing, rec-  
3 reational vehicles, or other readily fab-  
4 ricated dwellings.

5 “(ii) AMOUNT.—The amount of as-  
6 sistance under clause (i) shall be based on  
7 the sum of—

8 “(I) the fair market rent for the  
9 accommodation being provided; and

10 “(II) the cost of any transpor-  
11 tation, utility hookups, or unit instal-  
12 lation not being directly provided by  
13 the President.

14 “(B) DIRECT ASSISTANCE.—

15 “(i) IN GENERAL.—The President  
16 may directly provide under this section  
17 housing units, acquired by purchase or  
18 lease, to individuals or households who, be-  
19 cause of a lack of available housing re-  
20 sources, would be unable to make use of  
21 the assistance provided under subpara-  
22 graph (A).

23 “(ii) PERIOD OF ASSISTANCE.—

24 “(I) IN GENERAL.—Subject to  
25 subclause (II), the President may not

1 provide direct assistance under clause  
2 (i) with respect to a major disaster  
3 after the expiration of the 18-month  
4 period beginning on the date of the  
5 declaration of the major disaster by  
6 the President.

7 “(II) EXTENSION OF PERIOD.—

8 The President may extend the period  
9 under subclause (I) if the President  
10 determines that due to extraordinary  
11 circumstances an extension would be  
12 in the public interest.

13 “(iii) COLLECTION OF RENTAL

14 CHARGES.—After the expiration of the 18-  
15 month period referred to in clause (ii), the  
16 President may charge fair market rent for  
17 the accommodation being provided.

18 “(2) REPAIRS.—

19 “(A) IN GENERAL.—The President may  
20 provide financial assistance for the repair of  
21 owner-occupied primary residences, utilities,  
22 and residential infrastructure (such as private  
23 access routes) damaged by a major disaster to  
24 a habitable or functioning condition.

1           “(B) EMERGENCY REPAIRS.—To be eligi-  
2           ble to receive assistance under subparagraph  
3           (A), a recipient shall not be required to dem-  
4           onstrate that the recipient is unable to meet the  
5           need for the assistance through other means,  
6           except insurance proceeds, if the assistance—

7                   “(i) is used for emergency repairs to  
8                   make a private primary residence habit-  
9                   able; and

10                   “(ii) does not exceed \$5,000, as ad-  
11                   justed annually to reflect changes in the  
12                   Consumer Price Index as reported by the  
13                   Bureau of Labor Statistics of the Depart-  
14                   ment of Labor.

15           “(3) PERMANENT HOUSING CONSTRUCTION.—

16           The President may provide financial assistance or  
17           direct assistance under this section to individuals or  
18           households to construct permanent housing in insu-  
19           lar areas outside the continental United States and  
20           other remote locations in cases in which—

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

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

1       “(d) TERMS AND CONDITIONS RELATING TO HOUS-  
2   ING ASSISTANCE.—

3           “(1) SITES.—

4               “(A) IN GENERAL.—Any readily fabricated  
5               dwelling provided under this section shall,  
6               whenever practicable, be located on a site  
7               that—

8                   “(i) is provided by the State or local  
9                   government; and

10                   “(ii) is complete with utilities provided  
11                   by the State or local government, by the  
12                   owner of the site, or by the occupant who  
13                   was displaced by the major disaster.

14               “(B) SITES PROVIDED BY THE PRESI-  
15               DENT.—Readily fabricated dwellings may be lo-  
16               cated on sites provided by the President if the  
17               President determines that the sites would be  
18               more economical or accessible.

19           “(2) DISPOSAL OF UNITS.—

20               “(A) SALE TO OCCUPANTS.—

21                   “(i) IN GENERAL.—Notwithstanding  
22                   any other provision of law, a temporary  
23                   housing unit purchased under this section  
24                   by the President for the purpose of hous-  
25                   ing disaster victims may be sold directly to

1 the individual or household who is occupy-  
2 ing the unit if the individual or household  
3 needs permanent housing.

4 “(ii) SALES PRICE.—Sales of tem-  
5 porary housing units under clause (i) shall  
6 be accomplished at prices that are fair and  
7 equitable.

8 “(iii) DEPOSIT OF PROCEEDS.—Not-  
9 withstanding any other provision of law,  
10 the proceeds of a sale under clause (i) shall  
11 be deposited into the appropriate Disaster  
12 Relief Fund account.

13 “(iv) USE OF GSA SERVICES.—The  
14 President may use the services of the Gen-  
15 eral Services Administration to accomplish  
16 a sale under clause (i).

17 “(B) OTHER METHODS OF DISPOSAL.—

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

23 “(ii) DISPOSAL TO GOVERNMENTS  
24 AND VOLUNTARY ORGANIZATIONS.—A tem-  
25 porary housing unit described in clause (i)

1           may be sold, transferred, donated, or oth-  
2           erwise made available directly to a State or  
3           other governmental entity or to a voluntary  
4           organization for the sole purpose of provid-  
5           ing temporary housing to disaster victims  
6           in major disasters and emergencies if, as a  
7           condition of the sale, transfer, donation, or  
8           other making available, the State, other  
9           governmental agency, or voluntary organi-  
10          zation agrees—

11                           “(I) to comply with the non-  
12                           discrimination provisions of section  
13                           308; and

14                           “(II) to obtain and maintain haz-  
15                           ard and flood insurance on the hous-  
16                           ing unit.

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

19                           “(1) MEDICAL, DENTAL, AND FUNERAL EX-  
20          PENSES.—The President, in consultation and coordi-  
21          nation with the Governor of the affected State, may  
22          provide financial assistance under this section to an  
23          individual or household adversely affected by a  
24          major disaster to meet disaster-related medical, den-  
25          tal, and funeral expenses.

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

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

12          “(g) MAXIMUM AMOUNT OF ASSISTANCE.—The max-  
13          imum amount of financial assistance that an individual  
14          or household may receive under this section with respect  
15          to a single major disaster shall be \$25,000, as adjusted  
16          annually to reflect changes in the Consumer Price Index  
17          for all Urban Consumers published by the Department of  
18          Labor.

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

23          (b) CONFORMING AMENDMENT.—Section 502(a)(6)  
24          of the Robert T. Stafford Disaster Relief and Emergency

1 Assistance Act (42 U.S.C. 5192(a)(6)) is amended by  
 2 striking “temporary housing”.

3 (c) REPEAL OF INDIVIDUAL AND FAMILY GRANT  
 4 PROGRAMS.—Section 411 of the Robert T. Stafford Dis-  
 5 aster Relief and Emergency Assistance Act (42 U.S.C.  
 6 5178) is repealed.

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

10 **SEC. 204. REPEALS.**

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

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

17 **SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION**  
 18 **ASSISTANCE GRANT PROGRAM.**

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

22 “(c) PROGRAM ADMINISTRATION BY STATES.—

23 “(1) IN GENERAL.—A State desiring to admin-  
 24 ister the hazard mitigation ~~assistance~~ *grant* program  
 25 established by this section with respect to hazard

1 mitigation assistance in the State may submit to the  
2 President an application for the delegation of the  
3 authority.

4 “(2) CRITERIA.—The President, in consultation  
5 and coordination with States and local governments,  
6 shall establish criteria for the approval of applica-  
7 tions submitted under paragraph (1). The criteria  
8 shall include, at a minimum—

9 “(A) the demonstrated ability of the State  
10 to manage the grant program under this sec-  
11 tion;

12 “(B) submission of the plan required under  
13 section 201(c); and

14 “(C) a demonstrated commitment to miti-  
15 gation activities.

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

19 “(4) WITHDRAWAL OF APPROVAL.—If, after  
20 approving an application of a State submitted under  
21 paragraph (1), the President determines that the  
22 State is not administering the hazard mitigation as-  
23 sistance *grant* program established by this section in  
24 a manner satisfactory to the President, the Presi-  
25 dent shall withdraw the approval.



1 program conducted under subsection (a), including identi-  
2 fying any administrative or financial benefits.

3 **SEC. 207. STUDY REGARDING COST REDUCTION.**

4 (a) STUDY.—The Comptroller General of the United  
5 States shall conduct a study to estimate the reduction in  
6 Federal disaster assistance that has resulted and is likely  
7 to result from the enactment of this Act.

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

11 **SEC. 208. STUDY REGARDING DISASTER INSURANCE FOR**  
12 **PUBLIC INFRASTRUCTURE.**

13 (a) STUDY.—The Comptroller General of the United  
14 States shall conduct a study to determine the current and  
15 future expected availability of disaster insurance for public  
16 infrastructure eligible for assistance under section 406 of  
17 the Robert T. Stafford Disaster Relief and Emergency As-  
18 sistance Act (42 U.S.C. 5170).

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

22 **SEC. 209. STUDY REGARDING DECLARATIONS.**

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

1           (1) examines major disasters and emergencies  
2           that have been declared under the Robert T. Staf-  
3           ford Disaster Relief and Emergency Assistance Act  
4           (42 U.S.C. 5121 et seq.) since January 1, 1974; and

5           (2) describes the criteria for making the dec-  
6           larations and how the criteria have changed over  
7           time.

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

11       **SEC. 210. FIRE SUPPRESSION ASSISTANCE.**

12          (a) *IN GENERAL.*—Section 420 of the Robert T. Staf-  
13       *ford Disaster Relief and Emergency Assistance Act (42*  
14       *U.S.C. 5187) is amended to read as follows:*

15       **“SEC. 420. FIRE SUPPRESSION ASSISTANCE.**

16          “(a) *IN GENERAL.*—*The President is authorized to*  
17       *provide assistance, including grants, equipment, supplies,*  
18       *and personnel, to any State or local government for the sup-*  
19       *pression of any fire on a publicly or privately owned forest*  
20       *or grassland that threatens such destruction as would con-*  
21       *stitute a major disaster.*

22          “(b) *ESSENTIAL ASSISTANCE.*—*In providing assist-*  
23       *ance under this section, the President may use the authority*  
24       *provided under section 403.*

1           “(c) *RULES AND REGULATIONS.*—*The President shall*  
 2 *prescribe such rules and regulations as are necessary to*  
 3 *carry out this section.*”.

4           “(b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 5 *section (a) takes effect 1 year after the date of enactment*  
 6 *of this Act.*”.

## 7           **TITLE III—MISCELLANEOUS**

### 8           **SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.**

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

#### 12           **“SECTION 1. SHORT TITLE.**

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

#### 15           **SEC. 302. DEFINITION OF STATE.**

16           ~~Section 102 of the Robert T. Stafford Disaster Relief~~  
 17 ~~and Emergency Assistance Act (42 U.S.C. 5122) is~~  
 18 ~~amended in each of paragraphs (3) and (4) by striking~~  
 19 ~~“the Northern” and all that follows through “Pacific Is-~~  
 20 ~~lands” and inserting “and the Commonwealth of the~~  
 21 ~~Northern Mariana Islands”.~~

#### 22           **SEC. 302. DEFINITIONS.**

23           *Section 102 of the Robert T. Stafford Disaster Relief*  
 24 *and Emergency Assistance Act (42 U.S.C. 5122) is amend-*  
 25 *ed—*

1           (1) in each of paragraphs (3) and (4), by strik-  
 2           ing “the Northern” and all that follows through “Pa-  
 3           cific Islands” and inserting “and the Commonwealth  
 4           of the Northern Mariana Islands”; and

5           (2) in paragraph (8)—

6           (A) in subparagraph (C), by inserting be-  
 7           fore the period at the end the following: “, but  
 8           excluding any golf course”; and

9           (B) in subparagraph (D), by inserting be-  
 10          fore the period at the end the following: “, ex-  
 11          cluding any golf course”.

12 **SEC. 303. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN**  
 13 **FEDERAL AND STATE EMPLOYEES.**

14          (a) *IN GENERAL.*—Section 1204 of the Omnibus Crime  
 15 *Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)*  
 16 *is amended by striking paragraph (7) and inserting the fol-*  
 17 *lowing:*

18           “(7) ‘public safety officer’ means—

19           “(A) an individual serving a public agency  
 20           in an official capacity, with or without com-  
 21           pensation, as a law enforcement officer, as a fire-  
 22           fighter, or as a member of a rescue squad or am-  
 23           bulance crew;

24           “(B) a permanent employee of the Federal  
 25           Emergency Management Agency who is perform-

1            *ing official duties of the Agency in an area, if*  
2            *those official duties—*

3            *“(i) are related to a major disaster or*  
4            *emergency that has been, or is later, de-*  
5            *clared to exist with respect to the area*  
6            *under the Robert T. Stafford Disaster Relief*  
7            *and Emergency Assistance Act (42 U.S.C.*  
8            *5121 et seq.); and*

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

12           *“(C) an employee of a State or local emer-*  
13           *gency management or civil defense agency who is*  
14           *performing official duties in cooperation with*  
15           *the Federal Emergency Management Agency in*  
16           *an area, if those official duties—*

17           *“(i) are related to a major disaster or*  
18           *emergency that has been, or is later, de-*  
19           *clared to exist with respect to the area*  
20           *under the Robert T. Stafford Disaster Relief*  
21           *and Emergency Assistance Act (42 U.S.C.*  
22           *5121 et seq.); and*

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

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