

106TH CONGRESS
1ST SESSION

S. 1691

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

OCTOBER 5, 1999

Mr. INHOFE (for himself, Mr. GRAHAM, and Mr. VOINOVICH) 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 1999”.

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. Predisaster hazard mitigation.
 Sec. 103. Maximum contribution for mitigation costs.
 Sec. 104. Natural disaster mitigation zones.
 Sec. 105. Interagency task force.
 Sec. 106. Conforming amendment.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

- Sec. 201. Insurance.
 Sec. 202. Management costs.
 Sec. 203. Assistance to repair, restore, reconstruct, or replace damaged facilities.
 Sec. 204. Federal assistance to households.
 Sec. 205. State administration of hazard mitigation grant program.
 Sec. 206. Study regarding cost reduction.
 Sec. 207. Fire management assistance.
 Sec. 208. Public comment requirement.
 Sec. 209. Community disaster loans.

TITLE III—MISCELLANEOUS

- Sec. 301. Technical correction of short title.
 Sec. 302. Definitions.
 Sec. 303. Public safety officer benefits for certain Federal and State employees.
 Sec. 304. Inspector General.
 Sec. 305. National Urban Search and Rescue Response System.

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

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

4 (a) FINDINGS.—Congress finds that—

5 (1) natural disasters, including earthquakes,
 6 tsunamis, tornadoes, hurricanes, and flooding, pose
 7 great danger to human life and to property through-
 8 out the United States;

9 (2) greater emphasis needs to be placed on—

1 (A) identifying and assessing the risks to
2 States and local communities from natural dis-
3 asters;

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

6 (C) ensuring that the critical infrastruc-
7 ture and facilities of communities will continue
8 to function after a natural disaster;

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

12 (4) in the expenditure of Federal funds under
13 the Robert T. Stafford Disaster Relief and Emer-
14 gency Assistance Act (42 U.S.C. 5121 et seq.), high
15 priority should be given to mitigation of hazards to
16 existing and new construction at the local level; and

17 (5) with a unified effort of economic incentives,
18 awareness and education, technical assistance, and
19 demonstrated Federal support, States and local com-
20 munities will be able to—

21 (A) form effective community-based part-
22 nerships for hazard mitigation purposes;

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

1 (C) ensure continued functionality of the
2 critical infrastructure of communities;

3 (D) leverage additional non-Federal re-
4 sources in meeting natural disaster resistance
5 goals; and

6 (E) make commitments to long-term haz-
7 ard mitigation efforts to be applied to new and
8 existing construction.

9 (b) PURPOSE.—The purpose of this Act is to estab-
10 lish a national disaster hazard mitigation program—

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

15 (2) to provide a source of predisaster hazard
16 mitigation funding that will assist States and local
17 governments in implementing effective hazard miti-
18 gation measures that are designed to ensure the con-
19 tinued functionality of critical infrastructure and fa-
20 cilities after a natural disaster.

21 **SEC. 102. PREDISASTER HAZARD MITIGATION.**

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

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

2 “(a) IN GENERAL.—The Director of the Federal
3 Emergency Management Agency (referred to in this sec-
4 tion as the ‘Director’) may establish a program to provide
5 technical and financial assistance to States and local gov-
6 ernments to assist in the implementation of predisaster
7 hazard mitigation measures designed to reduce injuries,
8 loss of life, and damage and destruction of property, in-
9 cluding damage to critical infrastructure and facilities
10 under the jurisdiction of the States or local governments.

11 “(b) APPROVAL BY DIRECTOR.—If the Director de-
12 termines that a State or local government has identified
13 all natural disaster hazards in areas under its jurisdiction
14 and has demonstrated the ability to form effective public-
15 private natural disaster hazard mitigation partnerships,
16 the Director, using amounts in the National Predisaster
17 Mitigation Fund established under subsection (e) (referred
18 to in this section as the ‘Fund’), may provide technical
19 and financial assistance to the State or local government
20 to be used in accordance with subsection (c).

21 “(c) USES OF TECHNICAL AND FINANCIAL ASSIST-
22 ANCE.—Technical and financial assistance provided under
23 subsection (b)—

24 “(1) shall be used by States and local govern-
25 ments principally to implement predisaster hazard

1 mitigation measures described in proposals approved
2 by the Director under this section; and

3 “(2) may be used—

4 “(A) to support effective public-private
5 natural disaster hazard mitigation partnerships;

6 “(B) to ensure that new development and
7 construction is resistant to natural disasters;

8 “(C) to improve the assessment of a com-
9 munity’s vulnerability to natural hazards; or

10 “(D) to establish hazard mitigation prior-
11 ities, and an appropriate hazard mitigation
12 plan, for a community.

13 “(d) CRITERIA FOR ASSISTANCE AWARDS.—In deter-
14 mining whether to provide technical and financial assist-
15 ance to a State or local government under subsection (a),
16 the Director shall take into account—

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

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

22 “(3) the degree of commitment by the State or
23 local government to support ongoing non-Federal
24 support for the hazard mitigation measures to be

1 carried out using the technical and financial assist-
2 ance.

3 “(e) NATIONAL PREDISASTER MITIGATION FUND.—

4 “(1) ESTABLISHMENT.—The Director may es-
5 tablish in the Treasury of the United States a fund
6 to be known as the ‘National Predisaster Mitigation
7 Fund’, to be used in carrying out this section.

8 “(2) TRANSFERS TO FUND.—There shall be de-
9 posited in the Fund—

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

13 “(B) sums available from gifts, bequests,
14 or donations of services or property received by
15 the Director for the purpose of predisaster haz-
16 ard mitigation.

17 “(3) EXPENDITURES FROM FUND.—Upon re-
18 quest by the Director, the Secretary of the Treasury
19 shall transfer from the Fund to the Director such
20 amounts as the Director determines are necessary to
21 provide technical and financial assistance under this
22 section.

23 “(4) INVESTMENT OF AMOUNTS.—

24 “(A) IN GENERAL.—The Secretary of the
25 Treasury shall invest such portion of the Fund

1 as is not, in the judgment of the Secretary of
2 the Treasury, required to meet current with-
3 drawals. Investments may be made only in in-
4 terest-bearing obligations of the United States.

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

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

10 “(ii) by purchase of outstanding obli-
11 gations at the market price.

12 “(C) SALE OF OBLIGATIONS.—Any obliga-
13 tion acquired by the Fund may be sold by the
14 Secretary of the Treasury at the market price.

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

19 “(E) TRANSFERS OF AMOUNTS.—

20 “(i) IN GENERAL.—The amounts re-
21 quired to be transferred to the Fund under
22 this subsection shall be transferred at least
23 monthly from the general fund of the
24 Treasury to the Fund on the basis of esti-

1 (b) APPLICABILITY.—The amendment made by sub-
2 section (a) shall apply to each major disaster declared
3 under the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5121 et seq.) after the
5 date of enactment of this Act.

6 **SEC. 104. NATURAL DISASTER MITIGATION ZONES.**

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

11 **“SEC. 204. NATURAL DISASTER MITIGATION ZONES.**

12 “(a) DESIGNATION.—

13 “(1) IN GENERAL.—In consultation with States,
14 local governments, and appropriate Federal agencies,
15 the President shall designate as a natural disaster
16 mitigation zone each area in which commonly recur-
17 ring natural hazards (including flooding, hurricanes
18 and severe winds, seismic events, and other hazards)
19 create a substantial likelihood of disasters that may
20 require assistance under this Act.

21 “(2) FLOOD AND WIND ZONES.—At a min-
22 imum, the President shall designate as a natural dis-
23 aster mitigation zone each coastal flood zone identi-
24 fied on a map prepared under the national flood in-
25 surance program established under chapter 1 of the

1 National Flood Insurance Act of 1968 (42 U.S.C.
2 4011 et seq.) that is also within a wind zone that
3 is identified by the American Society of Civil Engi-
4 neers under ASCE 7-98 (or a successor document)
5 and that has commonly recurring winds in excess of
6 90 miles per hour.

7 “(3) INTEGRATION AND DEVELOPMENT OF ALL-
8 HAZARD MAPS.—

9 “(A) IN GENERAL.—To carry out para-
10 graphs (1) and (2), the President shall direct
11 all appropriate Federal agencies that gather in-
12 formation relating to natural resources and nat-
13 ural and technological hazards to integrate, or
14 develop and maintain, comprehensive all-hazard
15 maps using global information systems tech-
16 nology.

17 “(B) COORDINATOR.—The President shall
18 designate the Director of the Federal Emer-
19 gency Management Agency to serve as coordi-
20 nator of the activities carried out under sub-
21 paragraph (A).

22 “(C) AVAILABILITY TO THE PUBLIC.—The
23 maps and other resources developed under sub-
24 paragraph (A) shall be made available to the
25 public.

1 “(b) DISASTER MITIGATION POLICIES.—

2 “(1) IN GENERAL.—In order to reduce the like-
3 lihood or severity of damage from the hazards antici-
4 pated to occur in natural disaster mitigation zones,
5 the President may identify disaster mitigation poli-
6 cies for implementation in the zones, comparable to
7 Executive Order No. 11988 (42 U.S.C. 4321 note;
8 relating to flood-prone areas) and Executive Order
9 No. 12699 (55 Fed. Reg. 835; relating to seismic
10 hazards), including recommended voluntary min-
11 imum building codes, test methods, and specifica-
12 tions established by—

13 “(A) the American Society of Civil Engi-
14 neers;

15 “(B) the American Society for Testing and
16 Materials; or

17 “(C) any other voluntary consensus stand-
18 ard setting organization.

19 “(2) WIND IMPACT STANDARDS.—Disaster
20 mitigation policies identified by the President under
21 paragraph (1) shall include, with respect to any nat-
22 ural disaster mitigation zone designated under sub-
23 section (a)(2), wind impact standards contained in
24 the American Society for Testing and Materials

1 Standards E1886 and 1996 (or successor stand-
2 ards).

3 “(c) CONDITIONS ON FEDERAL FUNDING OF NEW
4 FEDERAL BUILDINGS.—Each Federal agency responsible
5 for the design and construction of any new Federal build-
6 ing in a natural disaster mitigation zone shall ensure that
7 the building is designed and constructed in accordance
8 with the voluntary minimum building codes, test methods,
9 and specifications and other mitigation policies identified
10 under subsection (b).

11 “(d) INCENTIVES.—

12 “(1) IN GENERAL.—The President may provide
13 incentives—

14 “(A) to encourage owners of buildings lo-
15 cated in a natural disaster mitigation zone that
16 are not subject to subsection (c) to implement
17 the mitigation policies identified under sub-
18 section (b); and

19 “(B) to encourage the owners of buildings
20 located in a natural disaster mitigation zone to
21 build or modify the buildings in a manner that
22 is likely to produce more hazard mitigation ben-
23 efits than the minimum requirements of the
24 mitigation policies identified under subsection
25 (b).

1 “(2) TYPES OF INCENTIVES.—Incentives pro-
2 vided under paragraph (1) may include—

3 “(A) lower premiums for Federal flood in-
4 surance under chapter 1 of the National Flood
5 Insurance Act of 1968 (42 U.S.C. 4011 et
6 seq.);

7 “(B) more favorable financing through
8 Federal loans, loan guarantees, and insured
9 loans; and

10 “(C) other incentives within the authority
11 of the President or any Federal agency to pro-
12 vide.

13 “(e) IMPLEMENTATION.—Not later than 18 months
14 after the date of enactment of this section, each Federal
15 agency that provides financing, insurance, or other assist-
16 ance for the construction, modification, or acquisition of
17 buildings in natural disaster mitigation zones shall issue
18 regulations to carry out this section.”.

19 **SEC. 105. INTERAGENCY TASK FORCE.**

20 Title II of the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as
22 amended by section 104) is amended by adding at the end
23 the following:

1 **“SEC. 205. INTERAGENCY TASK FORCE.**

2 “(a) IN GENERAL.—The President shall establish a
3 Federal interagency task force for the purpose of coordi-
4 nating the implementation of predisaster hazard mitiga-
5 tion programs 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 and the Red Cross.”.

12 **SEC. 106. CONFORMING AMENDMENT.**

13 Title II of the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is
15 amended by striking the title heading and inserting the
16 following:

1 **“TITLE II—DISASTER PREPARED-**
2 **NESS AND MITIGATION AS-**
3 **SISTANCE”**

4 **TITLE II—DISASTER PREPARED-**
5 **NESS AND MITIGATION AS-**
6 **SISTANCE**

7 **SEC. 201. INSURANCE.**

8 Section 311(a)(2) of the Robert T. Stafford Disaster
9 Relief and Emergency Assistance Act (42 U.S.C.
10 5154(a)(2)) is amended—

11 (1) by striking “In” and inserting the following:

12 “(A) IN GENERAL.—In”; and

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

14 “(B) REQUIRED INSURANCE OR SELF-IN-
15 SURANCE.—The President shall promulgate
16 regulations under which States, communities,
17 and other applicants subject to paragraph (1)
18 shall be required to protect property through
19 adequate levels of insurance or self-insurance
20 if—

21 “(i) the appropriate State insurance
22 commissioner makes the certification de-
23 scribed in subparagraph (A); and

1 “(ii) the President determines that
2 the property is not adequately protected
3 against natural or other disasters.

4 “(C) REGULATIONS.—In promulgating any
5 new regulation requiring public structures to be
6 insured to be eligible for assistance, the Presi-
7 dent shall—

8 “(i) include in the regulation—

9 “(I) definitions relating to insur-
10 ance that are expressed in known and
11 generally accepted terms;

12 “(II) a definition of ‘adequate in-
13 surance’;

14 “(III) the specific criteria for a
15 waiver of any insurance eligibility re-
16 quirement under the regulation;

17 “(IV) a definition of ‘self-insur-
18 ance’ that is sufficiently flexible to
19 take into consideration alternative
20 risk financing;

21 “(V) available market research
22 used in determining the availability of
23 insurance; and

24 “(VI) a cost-benefit analysis; and

25 “(ii) consider—

1 “(I) alternative risk-financing
2 mechanisms, including risk sharing
3 pools and self-insurance; and

4 “(II) the use of independent in-
5 surance experts to assist in developing
6 the proposed regulation.”.

7 **SEC. 202. MANAGEMENT COSTS.**

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

12 **“SEC. 322. MANAGEMENT COSTS.**

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

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

1 “(c) REVIEW.—The President shall review the man-
2 agement cost rates established under subsection (b) 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 regulations 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 subsection (b) of that section, section 406(f)
17 of the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act (42 U.S.C. 5172(f)) shall be
19 used for establishing the rates.

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

1 **SEC. 203. ASSISTANCE TO REPAIR, RESTORE, RECON-**
2 **STRUCT, OR REPLACE DAMAGED FACILITIES.**

3 (a) CONTRIBUTIONS.—Section 406 of the Robert T.
4 Stafford Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5172) is amended by striking subsection (a)
6 and inserting the following:

7 “(a) CONTRIBUTIONS.—

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

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

15 “(B) subject to paragraph (2), to a person
16 that owns or operates a private nonprofit facil-
17 ity damaged or destroyed by a major disaster
18 for the repair, restoration, reconstruction, or re-
19 placement of the facility and for associated ex-
20 penses incurred by the person.

21 “(2) CONDITIONS FOR ASSISTANCE FOR PRI-
22 VATE NONPROFIT FACILITIES.—

23 “(A) CONDITIONS.—The President may
24 make contributions for a private nonprofit facil-
25 ity under paragraph (1)(B) only if—

1 “(i) the facility provides critical infra-
2 structure in the event of a major disaster;

3 “(ii) the person that owns or operates
4 the facility—

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

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

10 “(iii) the person that owns or operates
11 the facility has obtained such a loan in the
12 maximum amount for which the Small
13 Business Administration determines the fa-
14 cility is eligible.

15 “(B) DETERMINATION OF WHETHER TO
16 DECLARE A MAJOR DISASTER.—In determining
17 whether to declare under this Act that a major
18 disaster exists, the President shall not take into
19 account the amount of any disaster loan under
20 section 7(b) of the Small Business Act (15
21 U.S.C. 636(b)) that is made to a person that
22 owns or operates a private nonprofit facility
23 damaged or destroyed by the major disaster.

24 “(C) DETERMINATION OF AMOUNT OF
25 CONTRIBUTIONS.—In determining the amount

1 of a contribution under paragraph (1)(B) to a
2 person that owns or operates a private non-
3 profit facility damaged or destroyed by a major
4 disaster and that has obtained a disaster loan
5 under section 7(b) of the Small Business Act
6 (15 U.S.C. 636(b)) with respect to the facility
7 and the major disaster, the President shall not
8 take into account the amount of the loan.”.

9 (b) FEDERAL SHARE.—Section 406 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5172) is amended by striking subsection (b)
12 and inserting the following:

13 “(b) FEDERAL SHARE.—

14 “(1) MINIMUM FEDERAL SHARE.—Except as
15 provided in paragraph (2), the Federal share of as-
16 sistance under this section shall be not less than 75
17 percent of the eligible cost of repair, restoration, re-
18 construction, or replacement carried out under this
19 section.

20 “(2) REDUCED FEDERAL SHARE.—The Presi-
21 dent shall promulgate regulations to reduce the Fed-
22 eral share of assistance under this section in the
23 case of the repair, restoration, reconstruction, or re-
24 placement of any eligible public or private nonprofit
25 facility—

1 “(A) that has previously been damaged, on
2 more than 1 occasion, by the same type of
3 event; and

4 “(B) the owner of which has failed to im-
5 plement mitigation measures to address the
6 hazard that caused the damage to the facility.”.

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

11 “(c) LARGE IN-LIEU CONTRIBUTIONS.—

12 “(1) FOR PUBLIC FACILITIES.—

13 “(A) IN GENERAL.—In any case in which
14 a State or local government determines that the
15 public welfare would not be best served by re-
16 pairing, restoring, reconstructing, or replacing
17 any public facility owned or controlled by the
18 State or local government, the State or local
19 government may elect to receive, in lieu of a
20 contribution under subsection (a)(1)(A), a con-
21 tribution in an amount equal to 75 percent of
22 the Federal share of the cost of repairing, re-
23 storing, reconstructing, or replacing the facility
24 and of management costs, as estimated by the
25 President.

1 “(B) USE OF FUNDS.—

2 “(i) IN GENERAL.—Subject to clause
3 (ii), funds made available to a State or
4 local government under this paragraph
5 may be used to repair, restore, or expand
6 other eligible public facilities, to construct
7 new facilities, or to fund hazard mitigation
8 measures, that the State or local govern-
9 ment determines to be necessary to meet a
10 need for governmental services and func-
11 tions in the area affected by the major dis-
12 aster.

13 “(ii) LIMITATIONS.—Funds made
14 available to a State or local government
15 under this paragraph may not be used
16 for—

17 “(I) any public facility located in
18 a regulatory floodway (as defined in
19 section 59.1 of title 44, Code of Fed-
20 eral Regulations (or a successor regu-
21 lation)); or

22 “(II) any uninsured public facil-
23 ity located in a special flood hazard
24 area identified by the Director of the
25 Federal Emergency Management

1 Agency under the National Flood In-
2 surance Act of 1968 (42 U.S.C. 4001
3 et seq.).

4 “(2) FOR PRIVATE NONPROFIT FACILITIES.—

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

17 “(B) USE OF FUNDS.—

18 “(i) IN GENERAL.—Subject to clause
19 (ii), funds made available to a person
20 under this paragraph may be used to re-
21 pair, restore, or expand other eligible pri-
22 vate nonprofit facilities owned or operated
23 by the person, to construct new private
24 nonprofit facilities owned or operated by
25 the person, or to fund hazard mitigation

1 measures, that the person determines to be
 2 necessary to meet a need for services and
 3 functions in the area affected by the major
 4 disaster.

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

8 “(I) any private nonprofit facility
 9 located in a regulatory floodway (as
 10 defined in section 59.1 of title 44,
 11 Code of Federal Regulations (or a
 12 successor regulation)); or

13 “(II) any uninsured private non-
 14 profit facility located in a special flood
 15 hazard area identified by the Director
 16 of the Federal Emergency Manage-
 17 ment Agency under the National
 18 Flood Insurance Act of 1968 (42
 19 U.S.C. 4001 et seq.).”.

20 (d) ELIGIBLE COST.—

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

25 “(e) ELIGIBLE COST.—

1 “(1) DETERMINATION.—

2 “(A) IN GENERAL.—For the purposes of
3 this section, the President shall estimate the eli-
4 gible cost of repairing, restoring, recon-
5 structing, or replacing a public facility or pri-
6 vate nonprofit facility—

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

10 “(ii) in conformity with current appli-
11 cable codes, specifications, and standards
12 (including floodplain management and haz-
13 ard mitigation criteria required by the
14 President or under the Coastal Barrier Re-
15 sources Act (16 U.S.C. 3501 et seq.)).

16 “(B) COST ESTIMATION PROCEDURES.—

17 “(i) IN GENERAL.—Subject to para-
18 graph (2), the President shall use the cost
19 estimation procedures developed under
20 paragraph (3) to determine the eligible
21 cost under this subsection.

22 “(ii) APPLICABILITY.—The proce-
23 dures specified in this paragraph and para-
24 graph (2) shall apply only to projects the

1 eligible cost of which is equal to or greater
2 than the amount specified in section 422.

3 “(2) MODIFICATION OF ELIGIBLE COST.—

4 “(A) ACTUAL COST OVER 100 BUT LESS
5 THAN OR EQUAL TO 120 PERCENT OF ESTI-
6 MATED COST.—If, after the date on which a
7 cost estimate under paragraph (1) is made, ad-
8 ditional disaster-related damage is discovered
9 and the total actual cost of the eligible repair,
10 restoration, reconstruction, or replacement of
11 the facility is greater than 100 but less than or
12 equal to 120 percent of the cost estimated
13 under paragraph (1), the President shall deter-
14 mine that the eligible cost shall be the actual
15 cost of the repair, restoration, reconstruction,
16 or replacement described in paragraph (1)(A).

17 “(B) ACTUAL COST EXCEEDS 120 PERCENT
18 OF ESTIMATED COST.—If, after the date on
19 which a cost estimate under paragraph (1) is
20 made, additional disaster-related damage is dis-
21 covered and the total actual cost of the eligible
22 repair, restoration, reconstruction, or replace-
23 ment of the facility exceeds 120 percent of the
24 cost estimated under paragraph (1), the Presi-
25 dent may determine that the eligible cost shall

1 be the actual cost of the repair, restoration, re-
2 construction, or replacement described in para-
3 graph (1)(A).

4 “(3) EXPERT PANEL.—Not later than 18
5 months after the date of enactment of this para-
6 graph, the President, acting through the Director of
7 the Federal Emergency Management Agency, shall
8 establish an expert panel, which shall include rep-
9 resentatives from the construction industry and
10 State and local government, to develop procedures
11 for estimating the cost of repairing, restoring, recon-
12 structing, or replacing a facility consistent with in-
13 dustry practices.

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

23 “(2) EFFECTIVE DATE.—The amendment made
24 by paragraph (1) shall take effect on the date of en-
25 actment of this Act, except that paragraph (1) of

1 section 406(e) of the Robert T. Stafford Disaster
2 Relief and Emergency Assistance Act (as amended
3 by paragraph (1)) shall take effect on the date on
4 which the procedures developed under paragraph (3)
5 of that section take effect.

6 (e) DEFINITION OF CRITICAL INFRASTRUCTURE.—
7 Section 102 of the Robert T. Stafford Disaster Relief and
8 Emergency Assistance Act (42 U.S.C. 5122) is amended
9 by adding at the end the following:

10 “(10) CRITICAL INFRASTRUCTURE.—The term
11 ‘critical infrastructure’ has the meaning given the
12 term by the President, but includes, at a minimum,
13 the provision of power, water, sewer, wastewater
14 treatment, communications, and emergency medical
15 care.”.

16 **SEC. 204. FEDERAL ASSISTANCE TO HOUSEHOLDS.**

17 (a) IN GENERAL.—Section 408 of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5174) is amended to read as follows:

20 **“SEC. 408. FEDERAL ASSISTANCE TO 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 house-
25 holds that—

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 or other financial assist-
6 ance from the Small Business Administration or an-
7 other Federal agency, except that households apply-
8 ing for assistance under subsection (c)(2) shall not
9 be required to demonstrate an inability to meet nec-
10 essary expenses and serious needs through loan or
11 other financial assistance from the Small Business
12 Administration or another Federal agency.

13 “(b) HOUSING ASSISTANCE.—

14 “(1) ELIGIBILITY.—The President may provide
15 financial or other assistance under this section to
16 households to respond to the disaster-related hous-
17 ing needs of households—

18 “(A) that are displaced from their
19 predisaster primary residences; or

20 “(B) the predisaster primary residences of
21 which are rendered uninhabitable as a result of
22 damage caused by a major disaster.

23 “(2) DETERMINATION OF APPROPRIATE TYPES
24 OF ASSISTANCE.—

1 “(A) IN GENERAL.—The President shall
2 determine appropriate types of housing assist-
3 ance to be provided to disaster victims under
4 this section based on considerations of cost ef-
5 fectiveness, convenience to disaster victims, and
6 such other factors as the President considers to
7 be appropriate.

8 “(B) MULTIPLE TYPES.—One or more
9 types of housing assistance may be provided,
10 based on the suitability and availability of the
11 types of assistance, to meet the needs of dis-
12 aster victims in a particular disaster situation.

13 “(c) TYPES OF HOUSING ASSISTANCE.—

14 “(1) MAXIMUM DURATION.—Federal financial
15 or direct assistance under this subsection shall be
16 provided for a period of not longer than 18 months
17 after the date of the declaration by the President of
18 the major disaster with respect to which the assist-
19 ance is provided, unless the President determines
20 that it is in the public interest to extend the 18-
21 month period.

22 “(2) TEMPORARY HOUSING.—

23 “(A) FINANCIAL ASSISTANCE.—

24 “(i) IN GENERAL.—The President
25 may provide financial assistance under this

1 section to households to rent alternate
2 housing accommodations, existing rental
3 units, manufactured housing, recreational
4 vehicles, or other readily fabricated dwell-
5 ings.

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

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

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

15 “(B) DIRECT ASSISTANCE.—

16 “(i) IN GENERAL.—Under this sec-
17 tion, the President may directly provide
18 housing units, acquired by purchase or
19 lease, to households that, because of a lack
20 of available housing resources, would be
21 unable to make use of the assistance pro-
22 vided under subparagraph (A).

23 “(ii) COLLECTION OF RENT.—After
24 the end of the 18-month period described
25 in paragraph (1), the President may

1 charge fair market rent for a housing unit
2 provided under clause (i).

3 “(3) REPAIRS.—

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

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

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

19 “(ii) does not exceed \$5,000, as ad-
20 justed annually to reflect changes in the
21 Consumer Price Index for All Urban Con-
22 sumers published by the Department of
23 Labor.

24 “(4) PERMANENT HOUSING CONSTRUCTION.—

25 The President may provide financial assistance or

1 direct assistance under this section to households to
2 construct permanent housing in insular areas out-
3 side the continental United States and in other re-
4 mote locations in cases in which—

5 “(A) no alternative housing resources are
6 available;

7 “(B) the types of temporary housing as-
8 sistance described in paragraph (2) are unavail-
9 able, infeasible, or not cost effective; and

10 “(C) the household has applied for and has
11 been determined to be ineligible for a disaster
12 loan under section 7(b) of the Small Business
13 Act (15 U.S.C. 636(b)).

14 “(d) TERMS AND CONDITIONS RELATING TO HOUS-
15 ING ASSISTANCE.—

16 “(1) SITES.—

17 “(A) IN GENERAL.—Any readily fabricated
18 dwelling provided under this section shall,
19 whenever practicable, be located on a site
20 that—

21 “(i) is provided by the State or local
22 government; and

23 “(ii) is complete with utilities provided
24 by the State or local government, by the

1 owner of the site, or by the occupant that
2 was displaced by the major disaster.

3 “(B) SITES PROVIDED BY THE PRESI-
4 DENT.—Readily fabricated dwellings may be lo-
5 cated on sites provided by the President if the
6 President determines that the sites would be
7 more economical or accessible.

8 “(2) DISPOSAL OF UNITS.—

9 “(A) SALE TO OCCUPANTS.—

10 “(i) IN GENERAL.—Notwithstanding
11 any other provision of law, a temporary
12 housing unit purchased under this section
13 by the President for the purpose of hous-
14 ing disaster victims may be sold directly to
15 the household that is occupying the unit if
16 the household needs permanent housing.

17 “(ii) SALES PRICE.—Sales of tem-
18 porary housing units under clause (i) shall
19 be accomplished at prices that are fair and
20 equitable.

21 “(iii) DEPOSIT OF PROCEEDS.—Not-
22 withstanding any other provision of law,
23 the proceeds of a sale under clause (i) shall
24 be deposited into the appropriate Disaster
25 Relief Fund account.

1 “(iv) USE OF GENERAL SERVICES AD-
2 MINISTRATION SERVICES.—The President
3 may use the services of the General Serv-
4 ices Administration to accomplish a sale
5 under clause (i).

6 “(B) OTHER METHODS OF DISPOSAL.—

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

12 “(ii) DISPOSAL TO GOVERNMENT EN-
13 TITIES AND VOLUNTARY ORGANIZA-
14 TIONS.—A temporary housing unit de-
15 scribed in clause (i) may be sold, trans-
16 ferred, donated, or otherwise made avail-
17 able directly to a State or other govern-
18 ment entity or to a voluntary organization,
19 giving priority to State and local govern-
20 ments, for the sole purpose of providing
21 temporary housing to victims of major dis-
22 asters and emergencies if, as a condition of
23 the sale, transfer, donation, or other mak-
24 ing available, the State, other government
25 entity, or voluntary organization agrees—

1 “(I) to comply with the non-
2 discrimination provisions of section
3 308; and

4 “(II) to obtain and maintain haz-
5 ard and flood insurance on the hous-
6 ing unit.

7 “(e) TEMPORARY MORTGAGE OR RENTAL PAYMENT
8 ASSISTANCE.—

9 “(1) IN GENERAL.—The President may provide
10 assistance on a temporary basis in the form of mort-
11 gage or rental payments on behalf of individuals or
12 families who, as a result of financial hardship caused
13 by a major disaster, are at risk of dispossession or
14 eviction from a residence by reason of a foreclosure
15 of a mortgage or lien, cancellation of a contract or
16 sale, or termination of a lease, entered into before
17 the major disaster.

18 “(2) DURATION OF FINANCIAL ASSISTANCE.—
19 Assistance under paragraph (1) shall be provided for
20 the period of the financial hardship but not to ex-
21 ceed 18 months.

22 “(f) FINANCIAL ASSISTANCE TO ADDRESS OTHER
23 NEEDS.—

24 “(1) MEDICAL, DENTAL, AND FUNERAL EX-
25 PENSES.—The President, in consultation and coordi-

1 nation with the Governor of the affected State, may
2 provide financial assistance under this section to a
3 household adversely affected by a major disaster to
4 meet disaster-related medical, dental, and funeral
5 expenses.

6 “(2) PERSONAL PROPERTY, TRANSPORTATION,
7 AND OTHER EXPENSES.—The President, in con-
8 sultation and coordination with the Governor of the
9 affected State, may provide financial assistance
10 under this section to a household described in para-
11 graph (1) to address personal property, transpor-
12 tation, and other necessary expenses or serious
13 needs resulting from the major disaster.

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

17 “(h) MAXIMUM AMOUNT OF ASSISTANCE.—The max-
18 imum amount of financial assistance that a household may
19 receive under this section with respect to a single major
20 disaster shall be \$25,000, as adjusted annually to reflect
21 changes in the Consumer Price Index for All Urban Con-
22 sumers published by the Department of Labor.

23 “(i) REGULATIONS.—The President shall promulgate
24 regulations to carry out the program established by this

1 section, including criteria, standards, and procedures for
2 determining eligibility for assistance.”.

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

7 (c) REPEAL OF INDIVIDUAL AND FAMILY GRANT
8 PROGRAMS.—

9 (1) IN GENERAL.—Section 411 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance
11 Act (42 U.S.C. 5178) is repealed.

12 (2) CONFORMING AMENDMENT.—Section 204
13 of the Omnibus Insular Areas Act of 1992 (42
14 U.S.C. 5204e) is amended by striking “408, and
15 411” and inserting “, and 408”.

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

19 **SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION**
20 **GRANT PROGRAM.**

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

24 “(c) PROGRAM ADMINISTRATION BY STATES.—

1 “(1) IN GENERAL.—A State desiring to admin-
2 ister the hazard mitigation grant program estab-
3 lished by this section with respect to hazard mitiga-
4 tion assistance in the State may submit to the Presi-
5 dent an application for the delegation of the author-
6 ity.

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

12 “(A) the demonstrated ability of the State
13 to manage the grant program under this sec-
14 tion;

15 “(B) submission of the plan required under
16 section 201(c); and

17 “(C) a demonstrated commitment to miti-
18 gation activities.

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

22 “(4) WITHDRAWAL OF APPROVAL.—If, after
23 approving an application of a State submitted under
24 paragraph (1), the President determines that the
25 State is not administering the hazard mitigation

1 grant program established by this section in a man-
2 ner satisfactory to the President, the President shall
3 withdraw the approval.

4 “(5) AUDITS.—The President shall provide for
5 periodic audits of the hazard mitigation grant pro-
6 grams administered by States under this sub-
7 section.”.

8 **SEC. 206. STUDY REGARDING COST REDUCTION.**

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

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

16 **SEC. 207. FIRE MANAGEMENT ASSISTANCE.**

17 (a) IN GENERAL.—Section 420 of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5187) is amended to read as follows:

20 **“SEC. 420. FIRE MANAGEMENT ASSISTANCE.**

21 “(a) IN GENERAL.—The President is authorized to
22 provide assistance, including grants, equipment, supplies,
23 and personnel, to any State or local government for the
24 management and control of any fire on public or private

1 forest land or grassland with urban interface that threat-
2 ens such destruction as would constitute a major disaster.

3 “(b) ESSENTIAL ASSISTANCE.—In providing assist-
4 ance under this section, the President may use the author-
5 ity provided under section 403.

6 “(c) RULES AND REGULATIONS.—The President
7 shall prescribe such rules and regulations as are necessary
8 to carry out this section.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) takes effect 1 year after the date of enact-
11 ment of this Act.

12 **SEC. 208. PUBLIC COMMENT REQUIREMENT.**

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

17 **“SEC. 323. PUBLIC COMMENT REQUIREMENT.**

18 “(a) IN GENERAL.—The President shall provide an
19 opportunity for public comment before adopting any new
20 or modified policy governing implementation of the public
21 assistance program administered by the Federal Emer-
22 gency Management Agency under this Act.

23 “(b) CONSULTATION.—

24 “(1) IN GENERAL.—The President, to the max-
25 imum extent practicable, shall solicit the views and

1 recommendations of grantees under the program
2 concerning any potential policy to be implemented
3 under the program if the policy is likely—

4 “(A) to have a significant financial impact
5 on the victims of a major disaster or emergency
6 declared under this Act; or

7 “(B) to change the terms of a written
8 agreement concerning a declaration of a major
9 disaster or emergency under this Act.

10 “(2) NO LEGAL RIGHT OF ACTION.—Nothing in
11 paragraph (1) confers a legal right of action on any
12 party.

13 “(c) RETROACTIVE APPLICATION OF POLICIES.—The
14 President may not adopt any new or modified policy that
15 would reduce retroactively the amount of assistance pro-
16 vided to a State or local government under this Act.”.

17 **SEC. 209. COMMUNITY DISASTER LOANS.**

18 Section 417(a) of the Robert T. Stafford Disaster Re-
19 lief and Emergency Assistance Act (42 U.S.C. 5184(a))
20 is amended—

21 (1) by striking “(a) The President” and insert-
22 ing the following:

23 “(a) IN GENERAL.—The President”;

24 (2) by striking “The amount” and inserting the
25 following:

1 “(b) AMOUNT.—The amount”;

2 (3) by striking “Repayment” and inserting the
3 following:

4 “(c) REPAYMENT.—

5 “(1) CANCELLATION.—Repayment”;

6 (4) in subsection (b) (as designated by para-
7 graph (2))—

8 (A) by striking “and shall” and inserting
9 “shall”; and

10 (B) by inserting before the period at the
11 end the following: “, and shall not exceed
12 \$5,000,000”; and

13 (5) in subsection (c) (as designated by para-
14 graph (3)), by adding at the end the following:

15 “(2) CONDITION ON CONTINUING ELIGI-
16 BILITY.—A local government shall not be eligible for
17 further assistance under this section during any pe-
18 riod in which the local government is in arrears with
19 respect to a required repayment of a loan under this
20 section.”.

21 **TITLE III—MISCELLANEOUS**

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

23 The first section of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C. 5121
25 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. DEFINITIONS.**

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”.

11 **SEC. 303. PUBLIC SAFETY OFFICER BENEFITS FOR CER-**
12 **TAIN FEDERAL AND STATE EMPLOYEES.**

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

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

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

23 “(B) an employee of the Federal Emer-
24 gency Management Agency who is performing
25 official duties of the Agency in an area, if those
26 official duties—

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

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

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

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

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

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) applies only to employees described in sub-
25 paragraphs (B) and (C) of section 1204(7) of the Omni-

1 bus Crime Control and Safe Streets Act of 1968 (as
2 amended by subsection (a)) who are injured or who die
3 in the line of duty on or after the date of enactment of
4 this Act.

5 **SEC. 304. INSPECTOR GENERAL.**

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

9 **“SEC. 705. INSPECTOR GENERAL.**

10 “(a) STATUTE OF LIMITATIONS.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), no administrative action to recover any
13 payment made to a State or local government for
14 emergency or disaster assistance under this Act shall
15 be initiated in any forum after the date that is 3
16 years after the date of transmission of the final ex-
17 penditure report for the emergency or disaster.

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

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

23 “(1) IN GENERAL.—In any dispute arising
24 under this section, there shall be a presumption that
25 accounting records were maintained that adequately

1 identify the source and application of funds provided
2 for financially assisted activities.

3 “(2) AFFIRMATIVE EVIDENCE.—The presump-
4 tion described in paragraph (1) may be rebutted
5 only on production of affirmative evidence that the
6 State or local government did not maintain docu-
7 mentation described in that paragraph.

8 “(3) INABILITY TO PRODUCE DOCUMENTA-
9 TION.—The inability of the Federal, State, or local
10 government to produce source documentation sup-
11 porting expenditure reports later than 3 years after
12 the date of the transmission of the final expenditure
13 report shall not constitute evidence to rebut the pre-
14 sumption described in paragraph (1).

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

21 “(c) AUDIT STANDARDS.—A State or local govern-
22 ment shall not be liable for reimbursement or any other
23 penalty for any payment made under this Act if—

24 “(1) the payment was authorized by an ap-
25 proved agreement specifying the costs;

1 “(2) the costs were reasonable; and

2 “(3) the purpose of the grant was accom-
3 plished.”.

4 **SEC. 305. NATIONAL URBAN SEARCH AND RESCUE RE-**
5 **SPONSE SYSTEM.**

6 Texas Task Force 1, located in College Station,
7 Texas, is designated as a federally recognized member of
8 the National Urban Search and Rescue Response System.

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