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111TH CONGRESS
2^D SESSION

H. R. 3377

[Report No. 111-562]

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation's disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2009

Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. MARIO DIAZ-BALART of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JULY 22, 2010

Additional sponsors: Mr. FILNER, Mr. BOSWELL, Mr. TAYLOR, Ms. HIRONO, Mr. HARE, Mr. CUMMINGS, Mr. MICHAUD, Mr. COHEN, Ms. SHEA-PORTER, and Mr. LARSEN of Washington

JULY 22, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 29, 2009]

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation's disaster preparedness, response, recovery, and mitigation capabilities, 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.**

4 *This Act may be cited as the “Disaster Response, Re-*
 5 *covery, and Mitigation Enhancement Act of 2009”.*

6 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

Sec. 2. Table of contents.

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1 **TITLE I—MAJOR DISASTER AND**
2 **EMERGENCY ASSISTANCE AD-**
3 **MINISTRATION**

4 **SEC. 101. PRE-DISASTER HAZARD MITIGATION.**

5 *(a) ALLOCATION OF FUNDS.—Section 203(f) of the*
6 *Robert T. Stafford Disaster Relief and Emergency Assist-*
7 *ance Act (42 U.S.C. 5133(f)) is amended to read as follows:*

8 *“(f) ALLOCATION OF FUNDS.—*

9 *“(1) IN GENERAL.—The President shall award*
10 *financial assistance under this section on a competi-*
11 *tive basis and in accordance with the criteria in sub-*
12 *section (g).*

13 *“(2) MINIMUM AND MAXIMUM AMOUNTS.—In*
14 *providing financial assistance under this section, the*
15 *President shall ensure that the amount of financial*
16 *assistance made available to a State (including*
17 *amounts made available to local governments of the*
18 *State) for a fiscal year—*

19 *“(A) is not less than the lesser of—*

20 *“(i) \$575,000; or*

21 *“(ii) the amount that is equal to one*
22 *percent of the total funds appropriated to*
23 *carry out this section for the fiscal year;*
24 *and*

1 “(B) does not exceed the amount that is
2 equal to 15 percent of the total funds appro-
3 priated to carry out this section for the fiscal
4 year.”.

5 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
6 203(m) of such Act (42 U.S.C. 5133(m)) is amended to read
7 as follows:

8 “(m) *AUTHORIZATION OF APPROPRIATIONS.*—There is
9 authorized to be appropriated to carry out this section
10 \$250,000,000 for each of fiscal years 2010, 2011, and
11 2012.”.

12 (c) *REFERENCES.*—Section 203 of such Act (42 U.S.C.
13 5133) is amended—

14 (1) in the section heading by striking
15 “**PREDISASTER**” and inserting “**PRE-DISASTER**”;

16 (2) in the subsection heading for subsection (i)
17 by striking “*PREDISASTER*” and inserting “*PRE-DIS-*
18 *ASTER*”;

19 (3) by striking “*Predisaster*” each place it ap-
20 pears and inserting “*Pre-Disaster*”; and

21 (4) by striking “*predisaster*” each place it ap-
22 pears and inserting “*pre-disaster*”.

1 **SEC. 102. HEALTH BENEFITS FOR TEMPORARY EMPLOYEES.**

2 *Section 306 of the Robert T. Stafford Disaster Relief*
3 *and Emergency Assistance Act (42 U.S.C. 5149) is amend-*
4 *ed by adding at the end the following:*

5 “(c) *HEALTH BENEFITS.*—

6 “(1) *IN GENERAL.*—*Notwithstanding any provi-*
7 *sion of title 5, United States Code, or related regula-*
8 *tions limiting or prohibiting the provision of health*
9 *benefits for temporary or intermittent employees, per-*
10 *sonnel appointed under subsection (b)(1) shall be eli-*
11 *gible to enroll in the Federal Employees Health Bene-*
12 *fits plan or any successor health benefits plan ap-*
13 *proved and administered by the Office of Personnel*
14 *Management under terms and conditions set by the*
15 *agency appointing the temporary personnel.*

16 “(2) *ANNUAL REPORT.*—*Not later than one year*
17 *after the date of enactment of this subsection, and an-*
18 *nually thereafter, the President shall submit to the*
19 *Committee on Transportation and Infrastructure of*
20 *the House of Representatives and the Committee on*
21 *Homeland Security and Governmental Affairs of the*
22 *Senate a report on the implementation of this sub-*
23 *section.”.*

1 **SEC. 103. DISPOSAL OF EXCESS PROPERTY TO ASSIST**
2 **OTHER DISASTER SURVIVORS.**

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

6 **“SEC. 327. DISPOSAL OF EXCESS MATERIALS, SUPPLIES,**
7 **AND EQUIPMENT.**

8 *“(a) IN GENERAL.—Notwithstanding any other provi-*
9 *sion of law, if the President determines that materials, sup-*
10 *plies, or equipment acquired by the President pursuant to*
11 *title IV or V for response or recovery efforts in connection*
12 *with a major disaster or emergency is in excess of the*
13 *amount needed for those efforts, the President may transfer*
14 *the excess materials, supplies, or equipment, by sale, at a*
15 *price that is fair and equitable, directly to a State, local*
16 *government, or relief or disaster assistance organization for*
17 *the purpose of—*

18 *“(1) assisting disaster survivors in other major*
19 *disasters and emergencies; and*

20 *“(2) assisting survivors in incidents caused by a*
21 *hazard that do not result in a declaration of a major*
22 *disaster or emergency if—*

23 *“(A) the Governor of the affected State cer-*
24 *tifies that—*

25 *“(i) there is an urgent need for the ma-*
26 *terials, supplies, or equipment; and*

1 “(ii) the State is unable to provide the
2 materials, supplies, or equipment in a time-
3 ly manner; and

4 “(B) the President determines that the ma-
5 terials, supplies, or equipment is not readily
6 available from commercial sources, except that
7 this subparagraph shall not apply in the case of
8 a transfer of perishable supplies.

9 “(b) *DEPOSIT OF PROCEEDS.*—Notwithstanding any
10 other provision of law, any proceeds received under sub-
11 section (a) shall be deposited in the appropriate Disaster
12 Relief Fund account.

13 “(c) *HAZARD DEFINED.*—In this section, the term
14 ‘hazard’ has the meaning given that term by section 602.”.

15 **SEC. 104. NATIONAL URBAN SEARCH AND RESCUE RE-**
16 **SPONSE SYSTEM.**

17 “(a) *IN GENERAL.*—Title III of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act (42 U.S.C.
19 5141 et seq.) is further amended by adding at the end the
20 following:

21 **“SEC. 328. NATIONAL URBAN SEARCH AND RESCUE RE-**
22 **SPONSE SYSTEM.**

23 “(a) *DEFINITIONS.*—In this section, the following defi-
24 nitions apply:

1 “(1) *ADMINISTRATOR.*—*The term ‘Adminis-*
2 *trator’ means the Administrator of the Federal Emer-*
3 *gency Management Agency.*

4 “(2) *AGENCY.*—*The term ‘Agency’ means the*
5 *Federal Emergency Management Agency.*

6 “(3) *HAZARD.*—*The term ‘hazard’ has the mean-*
7 *ing given that term by section 602.*

8 “(4) *NON-EMPLOYEE SYSTEM MEMBER.*—*The*
9 *term ‘non-employee System member’ means a System*
10 *member not employed by a sponsoring agency or par-*
11 *ticipating agency.*

12 “(5) *PARTICIPATING AGENCY.*—*The term ‘par-*
13 *ticipating agency’ means a State or local government,*
14 *nonprofit organization, or private organization that*
15 *has executed an agreement with a sponsoring agency*
16 *to participate in the System.*

17 “(6) *SPONSORING AGENCY.*—*The term ‘spon-*
18 *soring agency’ means a State or local government*
19 *that is the sponsor of a task force designated by the*
20 *Administrator to participate in the System.*

21 “(7) *SYSTEM.*—*The term ‘System’ means the Na-*
22 *tional Urban Search and Rescue Response System to*
23 *be administered under this section.*

24 “(8) *SYSTEM MEMBER.*—*The term ‘System mem-*
25 *ber’ means an individual who is not a full-time em-*

1 *ployee of the Federal Government, who serves on a*
2 *task force or on a System management or other tech-*
3 *nical team.*

4 “(9) *TASK FORCE.*—*The term ‘task force’ means*
5 *an urban search and rescue team designated by the*
6 *Administrator to participate in the System.*

7 “(b) *GENERAL AUTHORITY.*—*Subject to the require-*
8 *ments of this section, the Administrator shall continue to*
9 *administer the emergency response system known as the Na-*
10 *tional Urban Search and Rescue Response System.*

11 “(c) *FUNCTIONS.*—*In administering the System, the*
12 *Administrator shall provide for a national network of*
13 *standardized search and rescue resources to assist States*
14 *and local governments in responding to hazards.*

15 “(d) *TASK FORCES.*—

16 “(1) *DESIGNATION.*—*The Administrator shall*
17 *designate task forces to participate in the System. The*
18 *Administrator shall determine the criteria for such*
19 *participation.*

20 “(2) *SPONSORING AGENCIES.*—*Each task force*
21 *shall have a sponsoring agency. The Administrator*
22 *shall enter into an agreement with the sponsoring*
23 *agency of each task force with respect to the partici-*
24 *pation of the task force in the System.*

25 “(3) *COMPOSITION.*—

1 “(A) *PARTICIPATING AGENCIES.*—A task
2 force may include, at the discretion of the spon-
3 soring agency of the task force, one or more par-
4 ticipating agencies. The sponsoring agency of a
5 task force shall enter into an agreement with
6 each participating agency of the task force with
7 respect to the participation of the participating
8 agency on the task force.

9 “(B) *OTHER INDIVIDUALS.*—A task force
10 may also include, at the discretion of the spon-
11 soring agency of the task force, other individuals
12 not otherwise associated with the sponsoring
13 agency or a participating agency of the task
14 force. The sponsoring agency of a task force may
15 enter into a separate agreement with each such
16 individual with respect to the participation of
17 the individual on the task force.

18 “(e) *MANAGEMENT AND TECHNICAL TEAMS.*—The Ad-
19 ministrators shall maintain such management teams and
20 other technical teams as the Administrator determines are
21 necessary to administer the System.

22 “(f) *APPOINTMENT OF SYSTEM MEMBERS INTO FED-*
23 *ERAL SERVICE.*—

24 “(1) *IN GENERAL.*—The Administrator may ap-
25 point a System member into Federal service for a pe-

1 *riod of service to provide for the participation of the*
2 *System member in exercises, preincident staging,*
3 *major disaster and emergency response activities, and*
4 *training events sponsored or sanctioned by the Ad-*
5 *ministrator.*

6 “(2) *NONAPPLICABILITY OF CERTAIN CIVIL SERV-*
7 *ICE LAWS.*—*The Administrator may make appoint-*
8 *ments under paragraph (1) without regard to the pro-*
9 *visions of title 5, United States Code, governing ap-*
10 *pointments in the competitive service.*

11 “(3) *RELATIONSHIP TO OTHER AUTHORITIES.*—
12 *The authority of the Administrator to make appoint-*
13 *ments under this subsection shall not affect any other*
14 *authority of the Administrator under this Act.*

15 “(4) *LIMITATION.*—*A System member who is ap-*
16 *pointed into Federal service under paragraph (1)*
17 *shall not be deemed an employee of the United States*
18 *for purposes other than those specifically set forth in*
19 *this section.*

20 “(g) *COMPENSATION.*—

21 “(1) *PAY OF SYSTEM MEMBERS.*—*Subject to such*
22 *terms and conditions as the Administrator may im-*
23 *pose by regulation, the Administrator shall make pay-*
24 *ments to the sponsoring agency of a task force—*

1 “(A) to reimburse each employer of a Sys-
2 tem member on the task force for compensation
3 paid by the employer to the System member for
4 any period during which the System member is
5 appointed into Federal service under subsection
6 (f)(1); and

7 “(B) to make payments directly to a non-
8 employee System member on the task force for
9 any period during which the non-employee Sys-
10 tem member is appointed into Federal service
11 under subsection (f)(1).

12 “(2) REIMBURSEMENT FOR EMPLOYEES FILLING
13 POSITIONS OF SYSTEM MEMBERS.—

14 “(A) IN GENERAL.—Subject to such terms
15 and conditions as the Administrator may impose
16 by regulation, the Administrator shall make pay-
17 ments to the sponsoring agency of a task force to
18 reimburse each employer of a System member on
19 the task force for compensation paid by the em-
20 ployer to an employee filling a position normally
21 filled by the System member for any period dur-
22 ing which the System member is appointed into
23 Federal service under subsection (f)(1).

24 “(B) LIMITATION.—Costs incurred by an
25 employer shall be eligible for reimbursement

1 *under subparagraph (A) only to the extent that*
2 *the costs are in excess of the costs that would*
3 *have been incurred by the employer had the Sys-*
4 *tem member not been appointed into Federal*
5 *service under subsection (f)(1).*

6 “(3) *METHOD OF PAYMENT.*—*A System member*
7 *shall not be entitled to pay directly from the Agency*
8 *for a period during which the System member is ap-*
9 *pointed into Federal service under subsection (f)(1).*

10 “(h) *PERSONAL INJURY, ILLNESS, DISABILITY, OR*
11 *DEATH.*—

12 “(1) *IN GENERAL.*—*A System member who is*
13 *appointed into Federal service under subsection (f)(1)*
14 *and who suffers personal injury, illness, disability, or*
15 *death as a result of a personal injury sustained while*
16 *acting in the scope of such appointment shall, for the*
17 *purposes of subchapter I of chapter 81 of title 5,*
18 *United States Code, be treated as though the member*
19 *were an employee (as defined by section 8101 of that*
20 *title) who had sustained the injury in the perform-*
21 *ance of duty.*

22 “(2) *ELECTION OF BENEFITS.*—

23 “(A) *IN GENERAL.*—*If a System member*
24 *(or, in the case of the death of the System mem-*

1 *ber, the System member's dependent) is enti-*
2 *tled—*

3 *“(i) under paragraph (1) to receive*
4 *benefits under subchapter I of chapter 81 of*
5 *title 5, United States Code, by reason of*
6 *personal injury, illness, disability, or death,*
7 *and*

8 *“(ii) to receive benefits from a State or*
9 *local government by reason of the same per-*
10 *sonal injury, illness, disability, or death,*
11 *the System member or dependent shall elect to*
12 *receive either the benefits referred to in clause (i)*
13 *or (ii).*

14 *“(B) DEADLINE.—A System member or de-*
15 *pendent shall make an election of benefits under*
16 *subparagraph (A) not later than one year after*
17 *the date of the personal injury, illness, disability,*
18 *or death that is the reason for the benefits or*
19 *until such later date as the Secretary of Labor*
20 *may allow for reasonable cause shown.*

21 *“(C) EFFECT OF ELECTION.—An election of*
22 *benefits made under this paragraph is irrev-*
23 *ocable unless otherwise provided by law.*

24 *“(3) REIMBURSEMENT FOR STATE OR LOCAL*
25 *BENEFITS.—Subject to such terms and conditions as*

1 *the Administrator may impose by regulation, in the*
2 *event that a System member or dependent elects bene-*
3 *fits from a State or local government under para-*
4 *graph (2)(A), the Administrator shall reimburse the*
5 *State or local government for the value of those bene-*
6 *fits.*

7 *“(i) LIABILITY.—A System member appointed into*
8 *Federal service under subsection (f)(1), while acting within*
9 *the scope of the appointment, is deemed an employee of the*
10 *Government under section 1346(b) of title 28, United States*
11 *Code, and chapter 171 of that title, relating to tort claims*
12 *procedure.*

13 *“(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—*
14 *With respect to a System member who is not a regular full-*
15 *time employee of a sponsoring agency or participating*
16 *agency, the following terms and conditions apply:*

17 *“(1) Service as a System member shall be*
18 *deemed ‘service in the uniformed services’ for purposes*
19 *of chapter 43 of title 38, United States Code, relating*
20 *to employment and reemployment rights of individ-*
21 *uals who have performed service in the uniformed*
22 *services (regardless of whether the individual receives*
23 *compensation for such participation). All rights and*
24 *obligations of such persons and procedures for assist-*

1 *ance, enforcement, and investigation shall be as pro-*
2 *vided for in such chapter.*

3 *“(2) Preclusion of giving notice of service by ne-*
4 *cessity of appointment under this section shall be*
5 *deemed preclusion by ‘military necessity’ for purposes*
6 *of section 4312(b) of title 38, United States Code, per-*
7 *taining to giving notice of absence from a position of*
8 *employment. A determination of such necessity shall*
9 *be made by the Administrator and shall not be subject*
10 *to judicial review.*

11 *“(k) LICENSES AND PERMITS.—If a System member*
12 *holds a valid license, certificate, or other permit issued by*
13 *any State or other governmental jurisdiction evidencing the*
14 *member’s qualifications in any professional, mechanical, or*
15 *other skill or type of assistance required by the System, the*
16 *System member shall be deemed to be performing a Federal*
17 *activity when rendering aid involving such skill or assist-*
18 *ance during a period of appointment into Federal service*
19 *under subsection (f)(1).*

20 *“(l) ADVISORY COMMITTEE.—*

21 *“(1) IN GENERAL.—The Administrator shall es-*
22 *tablish and maintain an advisory committee to pro-*
23 *vide expert recommendations to the Administrator in*
24 *order to assist the Administrator in administering the*
25 *System.*

1 “(2) *COMPOSITION.*—*The advisory committee*
2 *shall be composed of members from geographically di-*
3 *verse areas, and shall include—*

4 “(A) *the chief officer or senior executive*
5 *from at least 3 sponsoring agencies;*

6 “(B) *the senior emergency manager from at*
7 *least 2 States that include sponsoring agencies;*
8 *and*

9 “(C) *at least one representative rec-*
10 *ommended by the leaders of the task forces.*

11 “(3) *INAPPLICABILITY OF TERMINATION RE-*
12 *QUIREMENT.*—*Section 14(a)(2) of the Federal Advi-*
13 *sory Committee Act (5 U.S.C. App.) shall not apply*
14 *to the advisory committee under this subsection.*

15 “(m) *PREPAREDNESS COOPERATIVE AGREEMENTS.*—

16 “(1) *IN GENERAL.*—*Subject to the availability of*
17 *appropriations for such purpose, the Administrator*
18 *shall enter into an annual preparedness cooperative*
19 *agreement with each sponsoring agency. Amounts*
20 *made available to a sponsoring agency under such a*
21 *preparedness cooperative agreement shall be for the*
22 *following purposes:*

23 “(A) *Training and exercises, including*
24 *training and exercises with other Federal, State,*
25 *and local government response entities.*

1 “(B) *Acquisition and maintenance of equip-*
2 *ment, including interoperable communications*
3 *and personal protective equipment.*

4 “(C) *Medical monitoring required for re-*
5 *sponder safety and health in anticipation of and*
6 *following a major disaster, emergency, or other*
7 *hazard, as determined by the Administrator.*

8 “(2) *AVAILABILITY OF APPROPRIATIONS.—Not-*
9 *withstanding section 1552(b) of title 31, United*
10 *States Code, amounts made available for cooperative*
11 *agreements under this subsection that are not ex-*
12 *pende*d shall be deposited in an Agency account and
13 shall remain available for such agreements without
14 fiscal year limitation.

15 “(n) *RESPONSE COOPERATIVE AGREEMENTS.—The*
16 *Administrator shall enter into a response cooperative agree-*
17 *ment with each sponsoring agency, as appropriate, under*
18 *which the Administrator agrees to reimburse the sponsoring*
19 *agency for costs incurred by the sponsoring agency in re-*
20 *sponding to a major disaster or emergency.*

21 “(o) *OBLIGATIONS.—The Administrator may incur all*
22 *necessary obligations consistent with this section in order*
23 *to ensure the effectiveness of the System.*

24 “(p) *AUTHORIZATION OF APPROPRIATIONS.—*

1 “(1) *IN GENERAL.*—*There is authorized to be ap-*
2 *propriated to carry out this section \$52,000,000 for*
3 *each of fiscal years 2010, 2011, and 2012. Such sums*
4 *shall be in addition to amounts made available from*
5 *the Disaster Relief Fund for response cooperative*
6 *agreements entered into under subsection (n).*”

7 “(2) *ADMINISTRATIVE EXPENSES.*—*The Admin-*
8 *istrator may use not to exceed 6 percent of the funds*
9 *appropriated for a fiscal year pursuant to paragraph*
10 *(1) for salaries, expenses, and other administrative*
11 *costs incurred by the Administrator in carrying out*
12 *this section.*”.

13 **(b) CONFORMING AMENDMENTS.**—

14 (1) *APPLICABILITY OF TITLE 5, UNITED STATES*
15 *CODE.*—*Section 8101(1) of title 5, United States*
16 *Code, is amended—*

17 (A) *in subparagraph (D) by striking “and”*
18 *at the end;*

19 (B) *by moving subparagraph (F) to appear*
20 *after subparagraph (E);*

21 (C) *in subparagraph (F) by adding “and”*
22 *at the end; and*

23 (D) *by inserting after subparagraph (F) the*
24 *following:*

1 “(G) *an individual who is a System mem-*
2 *ber of the National Urban Search and Rescue*
3 *Response System during a period of appoint-*
4 *ment into Federal service pursuant to section*
5 *328 of the Robert T. Stafford Disaster Relief and*
6 *Emergency Assistance Act;”.*

7 (2) *INCLUSION AS PART OF UNIFORMED SERV-*
8 *ICES FOR PURPOSES OF USERRA.*—Section 4303 of
9 *title 38, United States Code, is amended—*

10 (A) *in paragraph (13) by inserting “, a pe-*
11 *riod for which a System member of the National*
12 *Urban Search and Rescue Response System is*
13 *absent from a position of employment due to an*
14 *appointment into Federal service under section*
15 *328 of the Robert T. Stafford Disaster Relief and*
16 *Emergency Assistance Act” before “, and a pe-*
17 *riod”; and*

18 (B) *in paragraph (16) by inserting after*
19 *“Public Health Service,” the following: “System*
20 *members of the National Urban Search and Res-*
21 *cue Response System during a period of appoint-*
22 *ment into Federal service under section 328 of*
23 *the Robert T. Stafford Disaster Relief and Emer-*
24 *gency Assistance Act;”.*

1 **SEC. 105. DISASTER RELIEF FUND.**

2 *Title III of the Robert T. Stafford Disaster Relief and*
3 *Emergency Assistance Act (42 U.S.C. 5141 et seq.) is fur-*
4 *ther amended by adding at the end the following:*

5 **“SEC. 329. DISASTER RELIEF FUND.**

6 *“(a) IN GENERAL.—There is in the Treasury a fund*
7 *known as the Disaster Relief Fund.*

8 *“(b) DEPOSITS AND CREDITS.—The Fund shall consist*
9 *of amounts appropriated and credited to the Fund pursu-*
10 *ant to this Act.*

11 *“(c) ELIGIBLE USES OF FUND.—Amounts in the Fund*
12 *shall be available to the President, as provided in advance*
13 *in appropriations Acts—*

14 *“(1) to provide assistance in response to a major*
15 *disaster or emergency pursuant to titles IV and V;*
16 *and*

17 *“(2) for programs and activities of the Federal*
18 *Emergency Management Agency that support the pro-*
19 *vision of such assistance, including readiness and*
20 *other programs and activities that are not readily at-*
21 *tributable to a single major disaster or emergency.*

22 *“(d) LIMITATION.—Amounts made available from the*
23 *Fund for programs and activities referred to in subsection*
24 *(c)(2) may not exceed \$350,000,000 in any fiscal year.*

25 *“(e) ANNUAL REPORT.—On or before the date on which*
26 *the President submits the budget of the United States to*

1 *the Congress under section 1105 of title 31, United States*
 2 *Code, the President shall submit each year to the Committee*
 3 *on Transportation and Infrastructure of the House of Rep-*
 4 *resentatives and the Committee on Homeland Security and*
 5 *Governmental Affairs of the Senate a report on the uses of*
 6 *the Fund in the previous fiscal year.*

7 “(f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 8 *authorized to be appropriated to the Fund such sums as*
 9 *may be necessary.*

10 “(g) *AVAILABILITY OF AMOUNTS.—Amounts in the*
 11 *Fund shall remain available until expended.*”

12 **TITLE II—MAJOR DISASTER AND**
 13 **EMERGENCY ASSISTANCE**
 14 **PROGRAMS**

15 **SEC. 201. ADDITIONAL MITIGATION ASSISTANCE.**

16 “(a) *IN GENERAL.—Section 404 of the Robert T. Staf-*
 17 *ford Disaster Relief and Emergency Assistance Act (42*
 18 *U.S.C. 5170c) is amended by adding at the end the fol-*
 19 *lowing:*

20 “(d) *ADDITIONAL MITIGATION ASSISTANCE.—*

21 “(1) *IN GENERAL.—If, as of the date of the dec-*
 22 *laration of a major disaster, the Governor of the af-*
 23 *ected State has submitted to the President a certifi-*
 24 *cation under paragraph (2), and the State is in com-*
 25 *pliance with updating procedures established under*

1 *paragraph (3), the President may increase the maximum*
2 *total of contributions under this section for the*
3 *major disaster, as specified in subsection (a) and section*
4 *322(e), by an amount equal to 4 percent of the*
5 *estimated aggregate amount of grants to be made (less*
6 *any associated administrative costs) under this Act*
7 *with respect to the major disaster.*

8 “(2) *SUBMISSION OF CERTIFICATION.*—*To be eligible*
9 *for increased contributions under paragraph (1),*
10 *a State shall submit to the President, subject to the*
11 *approval of the President, a certification that the*
12 *State’s building code—*

13 “(A) *is consistent with the most recent*
14 *version of a nationally recognized model building*
15 *code;*

16 “(B) *has been adopted by the State within*
17 *6 years of the most recent version of the nationally*
18 *recognized model building code;*

19 “(C) *uses the nationally recognized model*
20 *building code as a minimum standard; and*

21 “(D) *is being actively enforced by the State.*

22 “(3) *PERIODIC UPDATES.*—

23 “(A) *IN GENERAL.*—*A Governor of a State*
24 *that has submitted a certification under paragraph*
25 *(2) shall update the State’s building code*

1 *and resubmit a certification under paragraph*
2 *(2) at least once every 6 years.*

3 “(B) *DEADLINES.*—*The President shall*
4 *issue regulations establishing procedures for*
5 *State compliance with the requirements of sub-*
6 *paragraph (A). The procedures shall be con-*
7 *sistent with requirements related to mitigation*
8 *planning under section 322.*

9 “(4) *DEFINITIONS.*—*In this subsection, the fol-*
10 *lowing definitions apply:*

11 “(A) *ACTIVELY ENFORCE.*—*The term ‘ac-*
12 *tively enforce’ means jurisdictional execution of*
13 *all phases of a State building code in the process*
14 *of examination and approval of construction*
15 *plans, specifications, and technical data and the*
16 *inspection of new construction or renovation*
17 *with respect to natural hazards.*

18 “(B) *NATIONALLY RECOGNIZED MODEL*
19 *BUILDING CODE.*—*The term ‘nationally recog-*
20 *nized model building code’ means a building*
21 *code for residential and commercial construction*
22 *and construction materials that—*

23 *“(i) has been developed and published*
24 *by a code organization in an open con-*

1 *sensus type forum with input from national*
2 *experts; and*

3 “(ii) *is based on national structural*
4 *design standards that establish minimum*
5 *acceptable criteria for the design, construc-*
6 *tion, and maintenance of residential and*
7 *commercial buildings for the purpose of pro-*
8 *tecting the health, safety, and general wel-*
9 *fare of the building’s users against natural*
10 *disasters.*

11 “(C) *STATE BUILDING CODE.—The term*
12 *‘State building code’ means requirements and as-*
13 *sociated standards for residential and commer-*
14 *cial construction and construction materials that*
15 *are implemented on a statewide basis by ordi-*
16 *nance, resolution, law, housing or building code,*
17 *or zoning ordinance. At a minimum, such re-*
18 *quirements and associated standards shall*
19 *apply—*

20 “(i) *to construction-related activities of*
21 *residential building contractors applicable*
22 *to single-family and 2-family residential*
23 *structures; and*

24 “(ii) *to construction-related activities*
25 *of engineers, architects, designers, and com-*

1 *mercial building contractors applicable to*
2 *the structural safety, design, and construc-*
3 *tion of commercial, industrial, and multi-*
4 *family structures.*

5 “(5) *REGULATIONS.—The President, acting*
6 *through the Administrator of the Federal Emergency*
7 *Management Agency, shall issue such regulations as*
8 *may be necessary to carry out this subsection.”.*

9 (b) *CRITERIA FOR ASSISTANCE AWARDS.—Section*
10 *203(g) of such Act (42 U.S.C. 5133(g)) is amended—*

11 (1) *by striking “and” at the end of paragraph*
12 (9);

13 (2) *by redesignating paragraph (10) as para-*
14 *graph (11); and*

15 (3) *by inserting after paragraph (9) the fol-*
16 *lowing:*

17 “(10) *in the case of a State, whether the State*
18 *has in effect and is actively enforcing a State build-*
19 *ing code in a manner consistent with section 404(d);*
20 *and”.*

21 **SEC. 202. TEMPORARY MORTGAGE AND RENTAL PAYMENTS.**

22 *Section 408(c) of the Robert T. Stafford Disaster Relief*
23 *and Emergency Assistance Act (42 U.S.C. 5174(c)) is*
24 *amended by adding at the end the following:*

1 “(5) *TEMPORARY MORTGAGE AND RENTAL PAY-*
2 *MENTS.—The President may provide assistance on a*
3 *temporary basis in the form of mortgage or rental*
4 *payments to or on behalf of individuals and families*
5 *who, as a result of financial hardship caused by a*
6 *major disaster, are at imminent risk of dispossession*
7 *or eviction from a residence by reason of foreclosure*
8 *of any mortgage or lien, cancellation of any contract*
9 *for sale, or termination of any lease, entered into*
10 *prior to such disaster. Such assistance shall be pro-*
11 *vided for the duration of the period of financial hard-*
12 *ship, but not to exceed 18 months of assistance or the*
13 *maximum amount of assistance that is authorized to*
14 *be provided pursuant to subsection (h).”.*

15 **SEC. 203. CLARIFICATION OF GRANT AUTHORITY.**

16 (a) *SECTION 418.—Section 418 of the Robert T. Staf-*
17 *ford Disaster Relief and Emergency Assistance Act (42*
18 *U.S.C. 5185) is amended—*

19 (1) *by striking the section heading and all that*
20 *follows though “The President” and inserting the fol-*
21 *lowing:*

22 **“SEC. 418. EMERGENCY COMMUNICATIONS.**

23 “(a) *IN GENERAL.—The President”;*

1 (2) by inserting “to provide assistance, including
2 *financial assistance, equipment, supplies, and per-*
3 *sonnel, in order*” before “to establish”; and

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

5 “(b) *FEDERAL SHARE.—The Federal share of assist-*
6 *ance under this section shall be not less than 75 percent*
7 *of the eligible cost of such assistance.*”.

8 (b) *SECTION 419.—Section 419 of such Act (42 U.S.C.*
9 *5186) is amended—*

10 (1) by striking the section heading and all that
11 follows through “The President” inserting the fol-
12 lowing:

13 **“SEC. 419. EMERGENCY PUBLIC TRANSPORTATION.**

14 “(a) *IN GENERAL.—The President*”;

15 (2) by inserting “to provide assistance to a State
16 or local government, including financial assistance,
17 equipment, supplies, and personnel, in order” before
18 “to provide” the first place it appears;

19 (3) by striking “a major” and inserting “an
20 emergency or major”; and

21 (4) by adding at the end the following:

22 “(b) *FEDERAL SHARE.—The Federal share of assist-*
23 *ance under this section shall be not less than 75 percent*
24 *of the eligible cost of such assistance.*”.

1 (c) *SECTION 309.*—*Section 309(b) of such Act (42*
2 *U.S.C. 5152(b)) is amended by inserting “, including grant*
3 *agreements,” after “agreements”.*

4 ***SEC. 204. CASE MANAGEMENT SERVICES.***

5 (a) *CASE MANAGEMENT SERVICES.*—*Section 426 of*
6 *the Robert T. Stafford Disaster Relief and Emergency As-*
7 *sistance Act (42 U.S.C. 5189d) is amended—*

8 (1) *by striking “qualified private organizations”*
9 *and inserting “qualified relief or disaster assistance*
10 *organizations”;* and

11 (2) *by striking “services, to victims” and insert-*
12 *ing “services to survivors”.*

13 (b) *CASE MANAGEMENT PLAN.*—

14 (1) *IN GENERAL.*—*Not later than one year after*
15 *the date of enactment of this Act, the Administrator*
16 *of the Federal Emergency Management Agency shall*
17 *implement a plan to ensure that the Federal Emer-*
18 *gency Management Agency is the lead Federal agency*
19 *in coordinating and managing case management*
20 *services referred to in section 426 of the Robert T.*
21 *Stafford Disaster Relief and Emergency Assistance*
22 *Act (42 U.S.C. 5189d) for survivors of a major dis-*
23 *aster. To assist in providing such case management*
24 *services, the Administrator may use State or local*

1 *government agencies or qualified relief or disaster as-*
2 *sistance organizations.*

3 (2) *REPORT.*—*Not later than 30 days after the*
4 *date of enactment of this Act, the Administrator shall*
5 *submit to the Committee on Transportation and In-*
6 *frastructure of the House of Representatives and the*
7 *Committee on Homeland Security and Governmental*
8 *Affairs of the Senate a report that reviews in detail*
9 *the actions the Administrator is taking—*

10 (A) *to ensure that the Federal Emergency*
11 *Management Agency is the lead agency in co-*
12 *ordinating and managing case management*
13 *services for survivors of a major disaster; and*

14 (B) *to involve qualified relief or disaster as-*
15 *sistance organizations referred to in section 426*
16 *of the Robert T. Stafford Disaster Relief and*
17 *Emergency Assistance Act (42 U.S.C. 5189d) to*
18 *assist in providing case management services.*

19 **SEC. 205. HOUSEHOLD PETS AND SERVICE ANIMALS.**

20 (a) *EMERGENCY ASSISTANCE.*—*Section 502(a) of the*
21 *Robert T. Stafford Disaster Relief and Emergency Assist-*
22 *ance Act (42 U.S.C. 5192(a)) is amended—*

23 (1) *by striking “and” at the end of paragraph*
24 *(7);*

1 (2) *by striking the period at the end of para-*
2 *graph (8) and inserting “; and”; and*

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

4 “(9) *provide assistance for rescue, care, shelter,*
5 *and essential needs—*

6 “(A) *to individuals with household pets and*
7 *service animals; and*

8 “(B) *to such pets and animals.”.*

9 (b) *TECHNICAL CORRECTIONS.—Section 403(a)(3) of*
10 *such Act (42 U.S.C. 5170b(a)(3)) is amended—*

11 (1) *in subparagraph (B) by striking “medical*
12 *equipment,” and inserting “medical equipment,”;*
13 *and*

14 (2) *by striking the second subparagraph (J), as*
15 *added by section 4 of Public Law 109–308 (120 Stat.*
16 *1726).*

17 **SEC. 206. STORAGE, SALE, TRANSFER, AND DISPOSAL OF**
18 **HOUSING UNITS.**

19 (a) *DEFINITIONS.—In this section, the following defi-*
20 *initions apply:*

21 (1) *ADMINISTRATOR.—The term “Adminis-*
22 *trator” means the Administrator of FEMA.*

23 (2) *EMERGENCY; MAJOR DISASTER.—The terms*
24 *“emergency” and “major disaster” have the meanings*

1 *given such terms in section 102 of the Stafford Act*
2 *(42 U.S.C. 5122).*

3 (3) *FEMA.*—*The term “FEMA” means the Fed-*
4 *eral Emergency Management Agency.*

5 (4) *HAZARD.*—*The term “hazard” has the mean-*
6 *ing given such term in section 602 of the Stafford Act*
7 *(42 U.S.C. 5195a).*

8 (5) *SUITABLE CONDITION.*—*The term “suitable*
9 *condition” means, with respect to a temporary hous-*
10 *ing unit, a unit that satisfies, as determined by the*
11 *Administrator, the criteria of disposal condition code*
12 *1, 4, or 7 under section 102–36.240 of title 41, Code*
13 *of Federal Regulations, as in effect on the date of en-*
14 *actment of this Act.*

15 (6) *STAFFORD ACT.*—*The term “Stafford Act”*
16 *means the Robert T. Stafford Disaster Relief and*
17 *Emergency Assistance Act (42 U.S.C. 5121 et seq.).*

18 (b) *NEEDS ASSESSMENT; ESTABLISHMENT OF CRI-*
19 *TERIA.*—*Not later than 3 months after the date of enact-*
20 *ment of this Act, the Administrator shall—*

21 (1) *complete an assessment to determine the*
22 *number of temporary housing units that FEMA needs*
23 *to maintain in stock to respond appropriately to*
24 *emergencies or major disasters occurring after the*
25 *date of enactment of this Act; and*

1 (2) *establish criteria for determining whether the*
2 *individual temporary housing units stored by FEMA*
3 *are in suitable condition.*

4 (c) *PLAN.—*

5 (1) *IN GENERAL.—Not later than 6 months after*
6 *the date of enactment of this Act, the Administrator*
7 *shall establish a plan for—*

8 (A) *storing the number of temporary hous-*
9 *ing units that FEMA needs to maintain in*
10 *stock, as determined by the Administrator under*
11 *subsection (b)(1);*

12 (B) *selling, transferring, donating, or other-*
13 *wise disposing of the temporary housing units in*
14 *the inventory of FEMA, as of the date of enact-*
15 *ment of this Act, that—*

16 (i) *are in excess of the number of tem-*
17 *porary housing units that FEMA needs to*
18 *maintain in stock, as determined by the Ad-*
19 *ministrator under subsection (b)(1); and*

20 (ii) *are in suitable condition, as deter-*
21 *mined by the Administrator based on the*
22 *criteria established under subsection (b)(2);*
23 *and*

24 (C) *disposing of temporary housing units in*
25 *the inventory of FEMA, as of the date of enact-*

1 *ment of this Act, that the Administrator deter-*
2 *mines are not in suitable condition, as deter-*
3 *mined by the Administrator based on the criteria*
4 *established under subsection (b)(2).*

5 (2) *METHOD FOR DISPOSAL OF TEMPORARY*
6 *HOUSING UNITS THAT ARE NOT IN SUITABLE CONDI-*
7 *TION.—Disposals of temporary housing units pursu-*
8 *ant to paragraph (1)(C) shall be made by the Admin-*
9 *istrator of General Services in a manner that ensures*
10 *that the trailers are not able to be used for housing*
11 *and are salvaged or scraped.*

12 (3) *IMPLEMENTATION.—*

13 (A) *IN GENERAL.—Not later than 9 months*
14 *after the date of enactment of this Act, the Ad-*
15 *ministrator shall begin to implement the plan es-*
16 *tablished under paragraph (1).*

17 (B) *COMPLETION OF DISPOSAL OF UNITS.—*
18 *Not later than 2 years after the date of enact-*
19 *ment of this Act, the sale, transfer, donation, or*
20 *other disposal of all units under paragraphs*
21 *(1)(B) and (1)(C) that the Administrator has de-*
22 *termined are not necessary to maintain in stock*
23 *shall be completed.*

24 (4) *REPORT.—*

1 (A) *IN GENERAL.*—Not later than 6 months
2 after the date of enactment of this Act, and every
3 3 months thereafter until the sale, transfer, dona-
4 tion, or other disposal of all units under para-
5 graphs (1)(B) and (1)(C) is complete, the Ad-
6 ministrators shall submit to the Committee on
7 Transportation and Infrastructure of the House
8 of Representatives and the Committee on Home-
9 land Security and Governmental Affairs of the
10 Senate a report on the actions that the Adminis-
11 trator has taken to establish and implement the
12 plan established under paragraph (1).

13 (B) *REQUIRED INFORMATION.*—In each re-
14 port submitted under subparagraph (A), the Ad-
15 ministrators shall document the number of tem-
16 porary housing units remaining in the inventory
17 of FEMA and the number of units sold, trans-
18 ferred, donated, and otherwise disposed of pursu-
19 ant to this section.

20 (5) *UPDATE.*—The Administrator shall update
21 the plan established under paragraph (1) as necessary
22 to ensure that the Administrator maintains in the in-
23 ventory of FEMA only those temporary housing units
24 that—

1 (A) are needed to respond appropriately to
2 emergencies or major disasters; and

3 (B) are in suitable condition.

4 (d) *TRANSFER OF TEMPORARY HOUSING UNITS TO*
5 *STATES.*—

6 (1) *IN GENERAL.*—Notwithstanding section
7 408(d)(2) of the Stafford Act (42 U.S.C. 5174(d)(2)),
8 and subject to the requirements of paragraph (2), the
9 Administrator may transfer or donate to States, on a
10 priority basis, pursuant to subsection (c)(1)(B), excess
11 temporary housing units in the inventory of FEMA
12 that are in suitable condition.

13 (2) *STATE REQUESTS.*—

14 (A) *IN GENERAL.*—Not later than 6 months
15 after the date of enactment of this Act, a State
16 may submit to the Administrator a request to re-
17 ceive excess temporary housing units under
18 paragraph (1).

19 (B) *ELIGIBILITY.*—A State shall be eligible
20 to receive excess temporary housing units under
21 paragraph (1) if the State agrees—

22 (i) to use the units to provide tem-
23 porary housing to survivors of incidents
24 that are caused by hazards and that the

1 *Governor of the State determines require*
2 *State assistance;*

3 *(ii) to pay to store and maintain the*
4 *units in suitable condition;*

5 *(iii) to test the units for formaldehyde;*

6 *(iv) to ensure that the formaldehyde*
7 *levels of the units do not exceed the thresh-*
8 *old determined acceptable by the State be-*
9 *fore making the units available to house*
10 *survivors of an incident;*

11 *(v) in the event of a major disaster or*
12 *emergency declared for the State by the*
13 *President under the Stafford Act, to make*
14 *the units available to the President or to use*
15 *the units to provide housing directly to sur-*
16 *vivors of the major disaster or emergency in*
17 *the State;*

18 *(vi) to comply with the nondiscrimina-*
19 *tion provisions of section 308 of the Stafford*
20 *Act (42 U.S.C. 5151); and*

21 *(vii) to obtain and maintain hazard*
22 *and flood insurance on the units.*

23 *(C) INCIDENTS.—The incidents referred to*
24 *in subparagraph (B)(i) may include incidents*
25 *that do not result in a declaration of a major*

1 *disaster or emergency by the President under the*
2 *Stafford Act.*

3 (3) *DISTRIBUTION.*—

4 (A) *ESTABLISHMENT OF PROCESS.*—*The*
5 *Administrator shall establish a process—*

6 (i) *to review requests submitted by*
7 *States under paragraph (2); and*

8 (ii) *to distribute excess temporary*
9 *housing units that are in the inventory of*
10 *FEMA that are in suitable condition.*

11 (B) *ALLOCATION.*—*If the number of tem-*
12 *porary housing units requested by States under*
13 *paragraph (2) exceeds the number of excess tem-*
14 *porary housing units available, the Adminis-*
15 *trator shall allocate the available units among*
16 *the States that have submitted a request.*

17 (4) *REMAINING TEMPORARY HOUSING UNITS.*—
18 *Temporary housing units that are not transferred or*
19 *donated under the process established under para-*
20 *graph (1) shall be sold, transferred, donated, or other-*
21 *wise disposed of subject to the requirements of section*
22 *408(d)(2) of the Stafford Act (42 U.S.C. 5174(d)(2))*
23 *and other applicable provisions of law.*

24 (5) *LIMITATION ON STATUTORY CONSTRUC-*
25 *TION.*—*Nothing in this section shall be construed to*

1 *affect section 689k of the Post-Katrina Emergency*
2 *Management Reform Act of 2006 (120 Stat. 1456).*
3 *For purposes of that section, a transfer or donation*
4 *to a State of a temporary housing unit under para-*
5 *graph (1) shall be treated as a disposal to house indi-*
6 *viduals or households under section 408 of the Staf-*
7 *ford Act (42 U.S.C. 5174).*

8 **SEC. 207. OTHER METHODS OF DISPOSAL.**

9 *Section 408(d)(2)(B) of the Robert T. Stafford Disaster*
10 *Relief and Emergency Assistance Act (42 U.S.C.*
11 *5174(d)(2)(B)) is amended—*

12 *(1) in clause (i) by striking “or”;*

13 *(2) in clause (ii) by striking the period at the*
14 *end and inserting “; or”; and*

15 *(3) by adding at the end the following:*

16 *“(iii) may be sold directly to a State*
17 *or other governmental entity or to a vol-*
18 *untary organization for the sole purpose of*
19 *providing temporary housing to disaster*
20 *victims in disasters and incidents caused by*
21 *a hazard (as such term is defined in section*
22 *602) that do not result in a declaration of*
23 *a major disaster or emergency if, as a con-*
24 *dition of the sale, the State, other govern-*

1 *mental agency, or voluntary organization*
2 *agrees—*

3 *“(I) to comply with the non-*
4 *discrimination provisions of section*
5 *308; and*

6 *“(II) to obtain and maintain haz-*
7 *ard and flood insurance in the housing*
8 *units.”.*

9 **SEC. 208. ESTABLISHMENT OF CRITERIA RELATING TO AD-**
10 **MINISTRATION OF HAZARD MITIGATION AS-**
11 **SISTANCE BY STATES.**

12 *Not later than 180 days after the date of enactment*
13 *of this Act, the President shall establish the criteria required*
14 *under section 404(c)(2) of the Robert T. Stafford Disaster*
15 *Relief and Emergency Assistance Act (42 U.S.C.*
16 *5170c(c)(2)).*

17 **SEC. 209. USE OF FINANCIAL ASSISTANCE TO DISSEMINATE**
18 **INFORMATION REGARDING COST-EFFECTIVE**
19 **MITIGATION TECHNOLOGIES.**

20 *Section 203(e)(2) of the Robert T. Stafford Disaster*
21 *Relief and Emergency Assistance Act (42 U.S.C.*
22 *5133(e)(2)) is amended by inserting after “10 percent” the*
23 *following: “(or up to 15 percent if approved by the Presi-*
24 *dent)”.*

1 **TITLE III—OTHER MATTERS**

2 **SEC. 301. EMERGENCY MANAGEMENT ASSISTANCE COM-**
3 **PACT GRANTS.**

4 (a) *IN GENERAL.*—*Subtitle A of title VI of the Robert*
5 *T. Stafford Disaster Relief and Emergency Assistance Act*
6 *(42 U.S.C. 5196 et seq.) is amended by adding at the end*
7 *the following:*

8 **“SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COM-**
9 **PACT GRANTS.**

10 “(a) *IN GENERAL.*—*The Administrator may make*
11 *grants to provide for implementation of the Emergency*
12 *Management Assistance Compact consented to by Congress*
13 *in the joint resolution entitled ‘Joint resolution granting*
14 *the consent of Congress to the Emergency Management As-*
15 *sistance Compact’ (Public Law 104–321; 110 Stat. 3877).*

16 “(b) *ELIGIBLE GRANT RECIPIENTS.*—*States and the*
17 *Administrator of the Emergency Management Assistance*
18 *Compact shall be eligible to receive grants under subsection*
19 *(a).*

20 “(c) *USE OF FUNDS.*—*A grant received under this sec-*
21 *tion shall be used—*

22 “(1) *to carry out recommendations identified in*
23 *the Emergency Management Assistance Compact*
24 *after-action reports for the 2004 and 2005 hurricane*
25 *seasons;*

1 “(2) to administer compact operations on behalf
2 of States, as such term is defined in the compact, that
3 have enacted the compact;

4 “(3) to continue coordination with the Agency
5 and appropriate Federal agencies;

6 “(4) to continue coordination with States and
7 local governments and their respective national orga-
8 nizations; and

9 “(5) to assist State and local governments, emer-
10 gency response providers, and organizations rep-
11 resenting such providers with credentialing the pro-
12 viders and the typing of emergency response resources.

13 “(d) COORDINATION.—The Administrator shall consult
14 with the Administrator of the Emergency Management As-
15 sistance Compact to ensure effective coordination of efforts
16 in responding to requests for assistance.

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$4,000,000 for each of fiscal years 2010, 2011, and 2012.
20 Such sums shall remain available until expended.”.

21 (b) REPEAL.—Section 661 of the Post-Katrina Emer-
22 gency Management Reform Act of 2006 (6 U.S.C. 761) is
23 repealed.

1 **SEC. 302. AUTHORITY TO ACCEPT AND USE GIFTS.**

2 *The first sentence of section 701(b) of the Robert T.*
3 *Stafford Disaster Relief and Emergency Assistance Act (42*
4 *U.S.C. 5201(b)) is amended by inserting “, through any*
5 *means including grants,” before “bequests”.*

6 **SEC. 303. INDIVIDUAL ASSISTANCE FACTORS.**

7 *In order to provide more objective criteria for evalu-*
8 *ating the need for assistance to individuals and to speed*
9 *a declaration of a major disaster or emergency under the*
10 *Robert T. Stafford Disaster Relief and Emergency Assist-*
11 *ance Act (42 U.S.C. 5121 et seq.), not later than one year*
12 *after the date of enactment of this Act, the Administrator*
13 *of the Federal Emergency Management Agency, in coopera-*
14 *tion with representatives of State and local emergency man-*
15 *agement agencies, shall review, update, and revise through*
16 *rulemaking the factors considered under section 206.48 of*
17 *title 44, Code of Federal Regulations, to measure the sever-*
18 *ity, magnitude, and impact of a disaster.*

19 **SEC. 304. TECHNICAL CORRECTIONS TO REFERENCES.**

20 *The Robert T. Stafford Disaster Relief and Emergency*
21 *Assistance Act (42 U.S.C. 5121 et seq.) is amended—*

22 *(1) by redesignating the second section 425 (as*
23 *added by section 607 of the Security and Account-*
24 *ability for Every Port Act of 2006 (120 Stat. 1941))*
25 *as section 427;*

1 (2) in section 602(a) by striking paragraph (7)
2 and inserting the following:

3 “(7) *ADMINISTRATOR.*—*The term ‘Adminis-*
4 *trator’ means the Administrator of the Federal Emer-*
5 *gency Management Agency.’; and*

6 (3) by striking “*Director*” each place it appears
7 and inserting “*Administrator*”, except—

8 (A) the second and fourth places it appears
9 in section 622(c); and

10 (B) in section 626(b).

11 **SEC. 305. FUNCTIONS OF FEDERAL COORDINATING OFFI-**
12 **CER.**

13 Section 302(b) of the Robert T. Stafford Disaster Relief
14 and Emergency Assistance Act (42 U.S.C. 5143(b)) is
15 amended—

16 (1) in paragraph (3) by striking “and” at the
17 end;

18 (2) by redesignating paragraph (4) as para-
19 graph (6); and

20 (3) by inserting after paragraph (3) the fol-
21 lowing:

22 “(4) not later than one month after the date of
23 the declaration of a major disaster or emergency,
24 make an initial appraisal of the types of recovery as-
25 sistance needed that incorporates, as appropriate, rec-

1 *ommendations of the Federal interagency disaster re-*
2 *covery task force established under section 330;*

3 *“(5) coordinate with State government officials*
4 *the establishment of detailed short-term and long-term*
5 *recovery plans and methods for implementation of*
6 *such plans; and”.*

7 **SEC. 306. FEDERAL INTERAGENCY DISASTER RECOVERY**

8 **TASK FORCE.**

9 *Title III of the Robert T. Stafford Disaster Relief and*
10 *Emergency Assistance Act (42 U.S.C. 5141 et seq.), as*
11 *amended by this Act, is further amended by adding at the*
12 *end the following:*

13 **“SEC. 330. FEDERAL INTERAGENCY DISASTER RECOVERY**

14 **TASK FORCE.**

15 *“(a) ESTABLISHMENT.—The President shall establish*
16 *a Federal interagency disaster recovery task force (herein-*
17 *after referred to in this section as the ‘task force’) to carry*
18 *out the following:*

19 *“(1) Identify, maintain a catalogue of, and sub-*
20 *mit to the Committee on Transportation and Infra-*
21 *structure of the House of Representatives and the*
22 *Committee on Homeland Security and Governmental*
23 *Affairs of the Senate at least annually a report de-*
24 *scribing the Federal programs that may be used to as-*
25 *sist in recovery efforts after a major disaster or emer-*

1 *gency and make such report available to the public on*
2 *the Internet.*

3 *“(2) Ensure ongoing communication between the*
4 *Federal departments and agencies determined by the*
5 *President to administer the Federal programs referred*
6 *to in paragraph (1) to enhance and expedite the re-*
7 *covery efforts of the Federal Government with respect*
8 *to a major disaster or emergency.*

9 *“(b) CHAIRPERSON.—The Administrator of the Fed-*
10 *eral Emergency Management Agency shall serve as the*
11 *chairperson of the task force.*

12 *“(c) MEMBERSHIP.—The task force shall include a*
13 *representative of each Federal department and agency de-*
14 *termined by the President to administer a program that*
15 *may be used to assist in recovery efforts after a major dis-*
16 *aster or emergency.*

17 *“(d) MEETING FREQUENCY.—The task force shall meet*
18 *at least once each year.”.*

19 **SEC. 307. DEBRIS REMOVAL.**

20 *Section 407(d) of the Robert T. Stafford Disaster Relief*
21 *and Emergency Assistance Act (42 U.S.C. 5173(d)) is*
22 *amended by adding at the end the following: “The Federal*
23 *share shall be increased by 5 percent for States and local*
24 *governments that (1) have a debris management plan ap-*
25 *proved by the Administrator of the Federal Emergency*

1 *Management Agency; and (2) have prequalified 2 or more*
2 *debris and wreckage removal contractors before the date of*
3 *declaration of the major disaster. To qualify for the in-*
4 *creased Federal share under the preceding sentence, a debris*
5 *management plan shall be resubmitted to the Administrator*
6 *for approval every 4 years.”.*

7 **SEC. 308. REVIEW OF REGULATIONS AND POLICIES.**

8 *(a) IN GENERAL.—Not later than one year after the*
9 *date of enactment of this Act, the President shall review*
10 *regulations and policies relating to Federal disaster assist-*
11 *ance to eliminate regulations the President determines are*
12 *no longer relevant, to harmonize contradictory regulations,*
13 *and to simplify and expedite disaster recovery and assist-*
14 *ance.*

15 *(b) REPORT.—Not later than 18 months after the date*
16 *of enactment of this Act, the President shall transmit to*
17 *the Committee on Transportation and Infrastructure of the*
18 *House of Representatives and the Committee on Homeland*
19 *Security and Governmental Affairs of the Senate a report*
20 *describing changes made to regulations as a result of the*
21 *review required under subsection (a), together with any leg-*
22 *islative recommendations relating thereto.*

1 **SEC. 309. APPEALS PROCESS.**

2 *Section 423(b) of the Robert T. Stafford Disaster Relief*
3 *and Emergency Assistance Act (42 U.S.C. 5189a(b)) is*
4 *amended to read as follows:*

5 “(b) *PERIOD FOR DECISION.*—

6 “(1) *IN GENERAL.*—*A decision regarding an ap-*
7 *peal under subsection (a) shall be rendered within 60*
8 *days after the date on which the Federal official des-*
9 *ignated to administer such appeal receives notice of*
10 *such appeal.*

11 “(2) *FAILURE TO SATISFY DEADLINE.*—*If the*
12 *Federal official fails to satisfy the requirement under*
13 *paragraph (1), the Federal official shall provide a*
14 *written explanation of such failure to the applicant.*
15 *The President shall transmit quarterly to the Com-*
16 *mittee on Transportation and Infrastructure of the*
17 *House of Representatives and the Committee on*
18 *Homeland Security and Governmental Affairs of the*
19 *Senate a report on such failures.”*

20 **SEC. 310. REPAIR, RESTORATION, AND REPLACEMENT OF**
21 **DAMAGED FACILITIES.**

22 (a) *AMOUNT REGARDING NOTIFICATION AND RE-*
23 *PORTS.*—*Section 406(a) of the Robert T. Stafford Disaster*
24 *Relief and Emergency Assistance Act (42 U.S.C. 5172(a))*
25 *is amended—*

1 (1) *in paragraph (4) by striking “\$20,000,000”*
2 *and inserting “\$5,000,000”; and*

3 (2) *by adding at the end the following:*

4 “(5) *CONTRIBUTION STATUS REPORTS.—Not less*
5 *frequently than every 180 days, the President shall*
6 *transmit to the Committee on Transportation and In-*
7 *frastructure of the House of Representatives and the*
8 *Committee on Homeland Security and Governmental*
9 *Affairs of the Senate a report on the status of appli-*
10 *cations, obligations, and contributions under this sec-*
11 *tion with respect to each major disaster for which, on*
12 *the date of the transmission of such report, a con-*
13 *tribution is eligible to be requested or made under this*
14 *section.”.*

15 (b) *ISSUANCE OF REGULATIONS RELATING TO ELIGI-*
16 *BLE COSTS.—Not later than 180 days after the date of en-*
17 *actment of this Act, the President shall issue and begin to*
18 *implement the regulations required by section 406(e)(3)(C)*
19 *of the Robert T. Stafford Disaster Relief and Emergency*
20 *Assistance Act (42 U.S.C. 5172(e)(3)(C)) to provide for cost*
21 *estimation procedures that expedite recovery and to reduce*
22 *the costs and time for completion of recovery projects*
23 *through the creation of financial and performance incen-*
24 *tives*

1 **SEC. 311. SPECIAL PROCEDURES FOR WIDESPREAD DAM-**
2 **AGE.**

3 (a) *IN GENERAL.*—Section 406 of the Robert T. Staf-
4 ford Disaster Relief and Emergency Assistance Act (42
5 U.S.C. 5172) is further amended by adding at the end the
6 following:

7 “(f) *SPECIAL PROCEDURES FOR WIDESPREAD DAM-*
8 *AGE.*—

9 “(1) *IN GENERAL.*—If, at the request of the Gov-
10 ernor of a State, the President makes a determination
11 that a major disaster has caused extensive and wide-
12 spread damage and destruction in the State and that
13 utilizing special procedures to expedite the repair, res-
14 toration, reconstruction, or replacement of eligible fa-
15 cilities under this section is in the public interest, the
16 President may provide assistance under this section
17 in connection with the major disaster utilizing the
18 special procedures.

19 “(2) *CONDITIONS FOR ASSISTANCE.*—

20 “(A) *IN GENERAL.*—In providing assistance
21 under the special procedures authorized by this
22 subsection, the President may provide such as-
23 sistance subject to any limitations or other con-
24 ditions the President establishes by regulation.

25 “(B) *FACILITY RECOVERY SPENDING*
26 *PLAN.*—To be eligible for assistance under the

1 *special procedures authorized by this subsection,*
2 *a State shall submit to the President a facility*
3 *recovery spending plan. Receipt of assistance*
4 *under the special procedures shall be conditioned*
5 *on a determination by the President that the*
6 *plan is consistent with the requirements under*
7 *this section.*

8 “(3) *PLANNING ASSISTANCE.*—

9 “(A) *IN GENERAL.*—*Not later than 10 days*
10 *after the date the President makes an affirmative*
11 *determination, at the request of a State, under*
12 *paragraph (1) (or at a later date if requested by*
13 *the Governor of the State), the President shall*
14 *provide the State with assistance to develop a*
15 *plan under paragraph (2)(B).*

16 “(B) *TYPES OF ASSISTANCE.*—

17 “(i) *FINANCIAL ASSISTANCE.*—*The*
18 *President may provide financial assistance*
19 *to a State to assist the development of a*
20 *plan under paragraph (2)(B).*

21 “(ii) *TECHNICAL ASSISTANCE.*—*The*
22 *President may provide, as appropriate,*
23 *technical assistance to a State to assist the*
24 *development of a plan under paragraph*
25 *(2)(B).*

1 “(iii) *EMERGENCY MANAGEMENT AS-*
2 *SISTANCE COMPACT.*—*Assistance to develop*
3 *a plan under paragraph (2)(B) may in-*
4 *clude assistance through the Emergency*
5 *Management Assistance Compact described*
6 *in section 617.*

7 “(4) *LARGE IN-LIEU CONTRIBUTIONS.*—*In pro-*
8 *viding assistance under the special procedures author-*
9 *ized by this subsection, notwithstanding the percent-*
10 *ages specified in subsections (c)(1)(A) and (c)(2)(A),*
11 *the President may make a contribution to a State or*
12 *local government or person that owns or operates a*
13 *private nonprofit facility for the purposes described*
14 *in such subsections in an amount up to 100 percent*
15 *of the Federal share of the Federal estimate of the cost*
16 *of repairing, restoring, reconstructing, or replacing a*
17 *facility if the President determines a contribution in*
18 *that amount is in the public interest.”.*

19 “(b) *REGULATIONS.*—

20 “(1) *INTERIM FINAL RULE.*—*Not later than 180*
21 *days after the date of enactment of this Act, the Ad-*
22 *ministrator of the Federal Emergency Management*
23 *Agency shall issue an interim final rule to establish*
24 *special procedures under section 406(f) of the Robert*
25 *T. Stafford Disaster Relief and Emergency Assistance*

1 *Act, as added by subsection (a). To the extent prac-*
2 *ticable, the Administrator shall consult with State*
3 *and local emergency management agencies during the*
4 *development of the interim final rule.*

5 (2) *FINAL RULE.*—*Not later than 2 years after*
6 *the date the interim final rule described in paragraph*
7 *(1) takes effect, the President shall issue a final rule*
8 *to establish special procedures under section 406(f) of*
9 *such Act, as added by subsection (a). In issuing the*
10 *final rule, the President shall consider public com-*
11 *ments, including the comments of State and local*
12 *emergency management agencies, and the findings of*
13 *the Inspector General under subsection (c).*

14 (3) *SPECIAL PROCEDURES.*—*In developing the*
15 *regulations under this subsection, the Administrator*
16 *shall consider, at a minimum, the following:*

17 (A) *The authority and procedures used by*
18 *the Administrator to carry out sections 406(c),*
19 *406(e)(1), and 422 of the Robert T. Stafford Dis-*
20 *aster Relief and Emergency Assistance Act (42*
21 *U.S.C. 5172(c), 5172(e)(1), and 5189).*

22 (B) *Whether modifications of or alternatives*
23 *to procedures under section 406 of such Act are*
24 *warranted in the event of widespread and exten-*
25 *sive damage and destruction to expedite the re-*

1 *pair, restoration, reconstruction, or replacement*
2 *of eligible facilities and to assist a State in im-*
3 *plementing a plan under subsection (f)(2)(B) of*
4 *such section, as added by subsection (a).*

5 *(c) INSPECTOR GENERAL REPORT.—Not later than 90*
6 *days after the date the interim final rule issued under sub-*
7 *section (b)(1) takes effect, the Inspector General of the De-*
8 *partment of Homeland Security shall submit to the Admin-*
9 *istrator of the Federal Emergency Management Agency a*
10 *report on the implementation of section 406(f) of the Robert*
11 *T. Stafford Disaster Relief and Emergency Assistance Act,*
12 *as added by subsection (a). The Inspector General may sub-*
13 *mit additional reports, as appropriate, including reports*
14 *after the President utilizes the authority under such section.*
15 *The reports shall include, as appropriate, recommendations*
16 *on improved implementation of such section and any rec-*
17 *ommendations for legislation.*

Union Calendar No. 322

11TH CONGRESS
2^D SESSION

H. R. 3377

[Report No. 111-562]

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation's disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes.

JULY 22, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed