

Union Calendar No. 130

115TH CONGRESS
1ST SESSION

H. R. 2548

[Report No. 115–191, Part I]

To reauthorize the programs and activities of the Federal Emergency
Management Agency.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2017

Mr. BARLETTA (for himself, Mr. JOHNSON of Georgia, Mr. SHUSTER, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 23, 2017

Reported from the Committee on Transportation and Infrastructure with an
amendment

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

JUNE 23, 2017

The Committees on Natural Resources and Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 19, 2017]

A BILL

To reauthorize the programs and activities of the Federal
Emergency Management Agency.

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 “FEMA Reauthorization*
 5 *Act of 2017”.*

6 **SEC. 2. REAUTHORIZATION OF FEDERAL EMERGENCY MAN-**
 7 **AGEMENT AGENCY.**

8 *Section 699 of the Post-Katrina Emergency Manage-*
 9 *ment Reform Act of 2006 (Public Law 109–295; 6 U.S.C.*
 10 *811) is amended—*

11 *(1) by striking “administration and operations”*
 12 *each place it appears and inserting “management*
 13 *and administration”;*

14 *(2) in paragraph (2), by striking “; and”;*

15 *(3) in paragraph (3), by striking the period and*
 16 *inserting “; and”; and*

17 *(4) by adding at the end the following:*

18 *“(4) for fiscal year 2018, \$1,049,000,000;*

19 *“(5) for fiscal year 2019, \$1,065,784,000; and*

20 *“(6) for fiscal year 2020, \$1,082,836,544.”.*

21 **SEC. 3. COMPREHENSIVE STUDY OF DISASTER COSTS AND**
 22 **LOSSES.**

23 *(a) ESTABLISHMENT.—Not later than 30 days after*
 24 *the date of enactment of this Act, the Administrator shall*
 25 *begin, acting through the National Advisory Council, a*

1 *comprehensive study relating to disaster costs and losses*
2 *and Federal disaster assistance.*

3 (b) *ADDITIONAL MEMBERSHIP.*—*For the purposes of*
4 *the comprehensive study required under subsection (a), as*
5 *soon as practicable after the date of enactment of this Act,*
6 *the Administrator shall appoint the following members to*
7 *the National Advisory Council:*

8 (1) *Individuals who have the requisite technical*
9 *knowledge and expertise on issues related to disaster*
10 *costs and losses.*

11 (2) *Representatives of the insurance industry.*

12 (3) *Experts in and representatives of the con-*
13 *struction and building industry.*

14 (4) *Individuals nominated by national organiza-*
15 *tions representing State, local, and tribal governments*
16 *and personnel.*

17 (5) *Academic experts.*

18 (6) *Representatives of the private industry, such*
19 *as vendors, developers, and manufacturers of systems,*
20 *facilities, equipment, and capabilities for emergency*
21 *management services.*

22 (7) *Other members, as the Administrator con-*
23 *siders appropriate.*

24 (c) *CONSULTATION WITH NONMEMBERS.*—*For the*
25 *purposes of the comprehensive study required under sub-*

1 *section (a), the National Advisory Council shall consult*
2 *with other relevant agencies and entities that are not rep-*
3 *resented on the National Advisory Council to consider re-*
4 *search, data, findings, recommendations, innovative tech-*
5 *nologies and developments, including—*

6 *(1) entities engaged in federally funded research;*
7 *and*

8 *(2) academic institutions engaged in relevant*
9 *work and research.*

10 *(d) STUDY REQUIREMENTS.—Not later than 120 days*
11 *after the date of enactment of this Act, the National Advi-*
12 *sory Council shall convene to evaluate disaster costs and*
13 *losses and Federal disaster assistance, including consider-*
14 *ation of the following:*

15 *(1) TRENDS AND CONTRIBUTING FACTORS.—An*
16 *assessment of trends, and factors contributing to such*
17 *trends (such as shifting demographics and aging in-*
18 *frastructure), in disaster costs and losses and Federal*
19 *disaster assistance, including the following:*

20 *(A) Loss of life and injury.*

21 *(B) Property damage and other costs to in-*
22 *dividuals, the private sector, and each level of*
23 *government.*

24 *(C) Presidentially declared disasters.*

1 (D) *Disaster assistance available from all*
2 *Federal sources.*

3 (2) *DISASTER ROLES AND RESPONSIBILITY.*—
4 *Fundamental principles that drive national disaster*
5 *assistance decision making, including the appropriate*
6 *roles for each level of government, the private sector,*
7 *and individuals.*

8 (e) *RECOMMENDATIONS.*—*The National Advisory*
9 *Council shall develop recommendations to reduce disaster*
10 *costs and losses in the United States and to more efficiently*
11 *and effectively deliver Federal disaster assistance, including*
12 *consideration of the following:*

13 (1) *Actions to enhance national disaster assist-*
14 *ance decision making.*

15 (2) *Incentives, including tax incentives, to reduce*
16 *disaster costs and losses and promote a more efficient*
17 *and effective use of Federal disaster assistance.*

18 (3) *Mechanisms to promote disaster cost and loss*
19 *reduction, mitigation, and resiliency.*

20 (4) *Legislative proposals, including proposals for*
21 *implementing the recommendations in the report com-*
22 *puted pursuant to the requirement in section 1111 of*
23 *the Sandy Recovery Improvement Act of 2013 (Public*
24 *Law 113–2; 127 Stat. 49).*

1 (5) *Legal, societal, geographic, technological, and*
 2 *other challenges to implementation of recommenda-*
 3 *tions.*

4 (6) *Projected dollar savings and efficiencies, in-*
 5 *cluding measures of effectiveness, from recommenda-*
 6 *tions.*

7 (f) *REPORT TO ADMINISTRATOR AND CONGRESS.—Not*
 8 *later than 1 year after the National Advisory Council con-*
 9 *venes under subsection (d), the National Advisory Council*
 10 *shall submit a report containing the data, analysis, and*
 11 *recommendations developed under subsections (d) and (e)*
 12 *to—*

13 (1) *the Administrator;*

14 (2) *the Committee on Transportation and Infra-*
 15 *structure of the House of Representatives; and*

16 (3) *the Committee on Homeland Security and*
 17 *Governmental Affairs of the Senate.*

18 (g) *AVAILABILITY OF INFORMATION.—The Adminis-*
 19 *trator shall make the data collected pursuant to this section*
 20 *publicly available on the website of the Agency.*

21 **SEC. 4. NATIONAL DOMESTIC PREPAREDNESS CONSOR-**
 22 **TIUM.**

23 *Section 1204 of the Implementing Recommendations*
 24 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is*
 25 *amended—*

1 (1) in subsection (d) by striking paragraphs (1)
2 and (2) and inserting the following:

3 “(1) for the Center for Domestic Preparedness—

4 “(A) \$63,939,000 for fiscal year 2018;

5 “(B) \$64,962,024 for fiscal year 2019; and

6 “(C) \$66,001,416 for fiscal year 2020; and

7 “(2) for the members referred to in paragraphs
8 (2) through (7) of subsection (b)—

9 “(A) \$101,000,000 for fiscal year 2018;

10 “(B) \$102,606,000 for fiscal year 2019; and

11 “(C) \$104,247,856 for fiscal year 2020.”;

12 and

13 (2) in subsection (e) in the matter preceding
14 paragraph (1), by striking “2007” and inserting
15 “2015”.

16 **SEC. 5. NATIONAL PREPARATION AND RESPONSE EFFORTS**
17 **RELATING TO EARTHQUAKES AND TSUNAMIS.**

18 *The Administrator of the Federal Emergency Manage-*
19 *ment Agency shall be responsible for the Nation’s efforts to*
20 *reduce the loss of life and property, and to protect the Na-*
21 *tion, from an earthquake, tsunami, or combined earthquake*
22 *and tsunami event by developing the ability to prepare and*
23 *plan for, mitigate against, respond to, recover from, and*
24 *more successfully adapt to such an event.*

1 **SEC. 6. AUTHORITIES.**

2 *Notwithstanding any other provision of law, the non-*
3 *federally funded actions of private parties, State, local, or*
4 *Tribal governments, on State, local, Tribal, and private*
5 *land, and the effects of those actions, shall not be attributed*
6 *to the Federal Emergency Management Agency's actions*
7 *under the National Flood Insurance Act of 1968 (42 U.S.C.*
8 *4001 et seq.), the Flood Disaster Protection Act of 1973 (42*
9 *U.S.C. 4002 et seq.), the Biggert-Waters Flood Insurance*
10 *Reform Act of 2012 (subtitle A of title II of division F of*
11 *Public Law 112–141; 126 Stat. 916), and the Homeowner*
12 *Flood Insurance Affordability Act of 2014 (Public Law*
13 *113–89; 128 Stat. 1020) for the purposes of section 7 (16*
14 *U.S.C. 1536) and section 9 (16 U.S.C. 1538) of the Endan-*
15 *gered Species Act. Actions taken under the National Flood*
16 *Insurance Act of 1968, the Flood Disaster Protection Act*
17 *of 1973, the Biggert Waters Flood Insurance Reform Act*
18 *of 2012, and the Homeowner Flood Insurance Affordability*
19 *Act of 2014, that may influence private actions do not cre-*
20 *ate a Federal nexus for the purpose of applying the require-*
21 *ments of section 7 of the Endangered Species Act of 1973*
22 *(16 U.S.C. 1536).*

1 **SEC. 7. TECHNICAL AMENDMENTS TO NATIONAL EMER-**
2 **GENCY MANAGEMENT.**

3 (a) *HOMELAND SECURITY ACT OF 2002*.—Title V of
4 the *Homeland Security Act of 2002* (6 U.S.C. 501 et seq.)
5 is amended—

6 (1) in section 501(8) (6 U.S.C. 311(8))—

7 (A) by striking “National Response Plan”
8 each place it appears and inserting “National
9 Response Framework”; and

10 (B) by striking “502(a)(6)” and inserting
11 “504(a)(6)”;

12 (2) in section 503(b)(2)(A) (6 U.S.C. 313) by in-
13 serting “and incidents impacting critical infrastruc-
14 ture” before the semicolon;

15 (3) in section 504(a) (6 U.S.C. 314(a))—

16 (A) in paragraph (3) by striking “, includ-
17 ing—” and inserting “(that includes incidents
18 impacting critical infrastructure), including—”;

19 (B) in paragraph (4) by inserting “, in-
20 cluding incidents impacting critical infrastruc-
21 ture” before the semicolon;

22 (C) in paragraph (5) by striking “and
23 local” and inserting “local, and tribal”;

24 (D) in paragraph (6) by striking “national
25 response plan” and inserting “national response

1 *framework, which shall be reviewed and updated*
2 *as required but not less than every 5 years”;*

3 *(E) by redesignating paragraphs (7)*
4 *through (21) as paragraphs (8) through (22), re-*
5 *spectively;*

6 *(F) by inserting after paragraph (6) the fol-*
7 *lowing:*

8 *“(7) developing integrated frameworks, to in-*
9 *clude consolidating existing Government plans ad-*
10 *dressing prevention, protection, mitigation, and re-*
11 *covery with such frameworks reviewed and updated as*
12 *required, but not less than every 5 years;”;* and

13 *(G) in paragraph (14), as redesignated, by*
14 *striking “National Response Plan” each place it*
15 *appears and inserting “National Response*
16 *Framework”;*

17 *(4) in section 507 (6 U.S.C. 317)—*

18 *(A) in subsection (c)—*

19 *(i) in paragraph (2)(E), by striking*
20 *“National Response Plan” and inserting*
21 *“National Response Framework”; and*

22 *(ii) in paragraph (3)(A), by striking*
23 *“National Response Plan” and inserting*
24 *“National Response Framework”; and*

1 (B) in subsection (f)(1)(G), by striking “Na-
2 tional Response Plan” and inserting “National
3 Response Framework”;

4 (5) in section 508 (6 U.S.C. 318)—

5 (A) in subsection (b)(1), by striking “Na-
6 tional Response Plan” and inserting “National
7 Response Framework”; and

8 (B) in subsection (d)(2)(A), by striking
9 “The Deputy Administrator, Protection and Na-
10 tional Preparedness” and inserting “A Deputy
11 Administrator”;

12 (6) in section 509 (6 U.S.C. 319)—

13 (A) in subsection (b)—

14 (i) in paragraph (1)—

15 (I) by striking “National Re-
16 sponse Plan” and inserting “National
17 Response Framework, National Protec-
18 tion Framework, National Prevention
19 Framework, National Mitigation
20 Framework, National Recovery Frame-
21 work”;

22 (II) by striking “successor” and
23 inserting “successors”; and

1 (III) by striking “plan” at the
2 end of that paragraph and inserting
3 “framework”; and

4 (ii) in paragraph (2), by striking “Na-
5 tional Response Plan” each place it appears
6 and inserting “National Response Frame-
7 work”; and

8 (B) in subsection (c)(1)—

9 (i) in subparagraph (A)—

10 (I) by striking “NATIONAL RE-
11 SPONSE PLAN” in the header and in-
12 serting “NATIONAL RESPONSE FRAME-
13 WORK”; and

14 (II) by striking “National Re-
15 sponse Plan” in the text and inserting
16 “National Response Framework”; and

17 (ii) in subparagraph (B), by striking
18 “National Response Plan” and inserting
19 “National Response Framework”;

20 (7) in section 510 (6 U.S.C. 320)—

21 (A) in subsection (a), by striking “enter
22 into a memorandum of understanding” and in-
23 serting “partner”;

1 (B) in subsection (b)(1)(A), by striking
2 “National Response Plan” and inserting “Na-
3 tional Response Framework”; and

4 (C) in subsection (c), by striking “National
5 Response Plan” and inserting “National Re-
6 sponse Framework”;

7 (8) in section 515(c)(1) (6 U.S.C. 321d(c)(1)), by
8 striking “and local” each place it appears and insert-
9 ing “, local, and tribal”;

10 (9) by striking section 524 (6 U.S.C. 321m); and

11 (10) in section 525(a) (6 U.S.C. 321n), by strik-
12 ing “Secretary” and inserting “Administrator”.

13 (b) *POST-KATRINA EMERGENCY MANAGEMENT RE-*
14 *FORM ACT OF 2006.*—

15 (1) *CITATION CORRECTION.*—Section 602(13) of
16 the *Post-Katrina Emergency Management Reform Act*
17 of 2006 (6 U.S.C. 701(13)) is amended by striking
18 “502(a)(6)” and inserting “504(a)(6)”.

19 (2) *CHANGE OF REFERENCE.*—Chapter 1 of sub-
20 title C of title VI of the *Post-Katrina Emergency*
21 *Management Reform Act of 2006* (Public Law 109–
22 295) is amended by striking “National Response
23 Plan” each place it appears and inserting “National
24 Response Framework”.

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