

115TH CONGRESS
1ST SESSION

H. R. 4008

Making additional supplemental appropriations for disaster relief requirements for the fiscal year ending September 30, 2018, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2017

Mr. FRELINGHUYSEN introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, 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

A BILL

Making additional supplemental appropriations for disaster relief requirements for the fiscal year ending September 30, 2018, 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 That the following sums are hereby appropriated, out of
4 any money in the Treasury not otherwise appropriated,
5 and out of applicable corporate or other revenues, receipts,
6 and funds, for the several departments, agencies, corpora-
7 tions, and other organizational units of Government for
8 fiscal year 2018, and for other purposes, namely:

1 TITLE I
2 DEPARTMENT OF HOMELAND SECURITY
3 FEDERAL EMERGENCY MANAGEMENT AGENCY
4 DISASTER RELIEF FUND
5 (INCLUDING TRANSFERS OF FUNDS)
6 For an additional amount for “Disaster Relief Fund”
7 for major disasters declared pursuant to the Robert T.
8 Stafford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5121 et seq.), \$18,670,000,000, to remain
10 available until expended, of which \$10,000,000 shall be
11 transferred to the Department of Homeland Security Of-
12 fice of Inspector General for audits and investigations re-
13 lated to disasters: *Provided*, That the Administrator of the
14 Federal Emergency Management Agency shall publish on
15 the Agency’s website not later than 5 days after an award
16 of a public assistance grant under section 406 of the Rob-
17 ert T. Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5172) that is in excess of \$1,000,000, the
19 specifics of each such grant award: *Provided further*, That
20 for any mission assignment or mission assignment task
21 order to another Federal department or agency regarding
22 a major disaster in excess of \$1,000,000, not later than
23 5 days after the issuance of such mission assignment or
24 mission assignment task order, the Administrator shall
25 publish on the Agency’s website the following: the name

1 of the impacted State, the disaster declaration for such
2 State, the assigned agency, the assistance requested, a de-
3 scription of the disaster, the total cost estimate, and the
4 amount obligated: *Provided further*, That not later than
5 10 days after the last day of each month until a mission
6 assignment or mission assignment task order described in
7 the preceding proviso is completed and closed out, the Ad-
8 ministrator shall update any changes to the total cost esti-
9 mate and the amount obligated: *Provided further*, That for
10 a disaster declaration related to Hurricane Harvey, Hurri-
11 cane Irma, or Hurricane Maria, the Administrator shall
12 submit to the Committees on Appropriations of the House
13 of Representatives and the Senate, not later than 5 days
14 after the first day of each month beginning after the date
15 of enactment of this Act, and shall publish on the Agency's
16 website, not later than 10 days after the first day of each
17 such month, an estimate or actual amount, if available,
18 for the current fiscal year of the cost of the following cat-
19 egories of spending: public assistance, individual assist-
20 ance, operations, mitigation, administrative, and any other
21 relevant category (including emergency measures and dis-
22 aster resources): *Provided further*, That not later than 10
23 days after the first day of each month, the Administrator
24 shall publish on the Agency's website the report (referred

1 to as the Disaster Relief Monthly Report) as required by
2 Public Law 114–4.

3 Of the amounts provided in this Act for the Disaster
4 Relief Fund, up to \$4,900,000,000 may be transferred to
5 the Disaster Assistance Direct Loan Program Account for
6 the cost of direct loans as authorized under section 417
7 of the Robert T. Stafford Disaster Relief and Emergency
8 Assistance Act (42 U.S.C. 5184) to be used to assist local
9 governments in providing essential services as a result of
10 Hurricanes Harvey, Irma, or Maria: *Provided further*,
11 That such amounts may subsidize gross obligations for the
12 principal amount of direct loans not to exceed
13 \$4,900,000,000 under section 417 of the Stafford Act:
14 *Provided further*, That notwithstanding section 417 of the
15 Stafford Act, a territory or possession, and instrumental-
16 ities and local governments thereof, of the United States
17 shall be deemed to be a local government for purposes of
18 this paragraph: *Provided further*, That notwithstanding
19 section 417(b) of the Stafford Act, the amount of any such
20 loan issued to a territory or possession, and instrumental-
21 ities and local governments thereof, may be based on the
22 projected loss of tax and other revenues and on projected
23 cash outlays not previously budgeted for a period not to
24 exceed 180 days from the date of the major disaster, and
25 may exceed \$5,000,000: *Provided further*, That notwith-

1 standing any other provision of law or the constitution of
2 a territory or possession that limits the issuance of debt,
3 a territory or possession, and instrumentalities and local
4 governments thereof, may each receive more than one loan
5 with repayment provisions and other terms specific to the
6 type of lost tax and other revenues and on projected
7 unbudgeted cash outlays for which the loan is provided:
8 *Provided further*, That notwithstanding section 417(c)(1)
9 of the Stafford Act, loans to a territory or possession, and
10 instrumentalities and local governments thereof, may be
11 canceled in whole or in part only at the discretion of the
12 Secretary of Homeland Security in consultation with the
13 Secretary of the Treasury: *Provided further*, That notwith-
14 standing any other provision of law, the Secretary of
15 Homeland Security, in consultation with the Secretary of
16 the Treasury, shall determine the terms, conditions, eligi-
17 ble uses, and timing and amount of Federal disbursements
18 of loans issued to a territory or possession, and instrumen-
19 talities and local governments thereof: *Provided further*,
20 That such costs, including the cost of modifying such
21 loans, shall be as defined in section 502 of the Congres-
22 sional Budget Act of 1974 (2 U.S.C. 661a): *Provided fur-*
23 *ther*, That FEMA may transfer up to 1.5 percent of the
24 amount under this paragraph to the Disaster Assistance
25 Direct Loan Program Account for administrative expenses

1 to carry out under this paragraph the direct loan program,
2 as authorized by section 417 of the Stafford Act: *Provided*
3 *further*, That of the amount provided under this paragraph
4 for transfer, up to \$150,000,000 may be transferred to
5 the Disaster Assistance Direct Loan Program Account for
6 the cost to lend a territory or possession of the United
7 States that portion of assistance for which the territory
8 or possession is responsible under the cost-sharing provi-
9 sions of the major disaster declaration for Hurricanes
10 Irma or Maria, as authorized under section 319 of the
11 Robert T. Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5162): *Provided further*, That of the
13 amount provided under this paragraph for transfer, up to
14 \$1,000,000 may be transferred to the Disaster Assistance
15 Direct Loan Program Account for administrative expenses
16 to carry out the Advance of Non-Federal Share program,
17 as authorized by section 319 of the Stafford Act.

18 The amount provided under this heading is des-
19 ignated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

1 TITLE II
2 DEPARTMENT OF AGRICULTURE
3 FOREST SERVICE
4 WILDLAND FIRE MANAGEMENT
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for “Wildland Fire Man-
7 agement”, \$184,500,000, to remain available through
8 September 30, 2021, for urgent wildland fire suppression
9 operations: *Provided*, That such funds shall be solely avail-
10 able to be transferred to and merged with other appropria-
11 tions accounts from which funds were previously trans-
12 ferred for wildland fire suppression in fiscal year 2017 to
13 fully repay those amounts: *Provided further*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 FLAME WILDFIRE SUPPRESSION RESERVE FUND
19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for “FLAME Wildfire
21 Suppression Reserve Fund”, \$342,000,000, to remain
22 available through September 30, 2021, for necessary ex-
23 penses for large wildland fire suppression operations of the
24 Department of Agriculture and as a reserve fund for sup-
25 pression and Federal emergency response activities: *Pro-*

1 *vided*, That notwithstanding the FLAME Act of 2009 (43
 2 U.S.C. 1748a(e)), such funds shall be solely available to
 3 be transferred to and merged with other appropriations
 4 accounts from which funds were previously transferred for
 5 wildland fire suppression in fiscal year 2017 to fully repay
 6 those amounts: *Provided further*, That such amount is des-
 7 ignated by the Congress as being for an emergency re-
 8 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 9 anced Budget and Emergency Deficit Control Act of 1985.

10 DEPARTMENT OF THE INTERIOR

11 DEPARTMENT-WIDE PROGRAMS

12 WILDLAND FIRE MANAGEMENT

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Wildland Fire Man-
 15 agement”, \$50,000,000, to remain available until ex-
 16 pended, for urgent wildland fire suppression activities and
 17 funds necessary to repay any transfers needed for these
 18 costs: *Provided*, That such funds may be available to be
 19 transferred to and merged with other appropriations ac-
 20 counts to fully repay amounts previously transferred for
 21 wildland fire suppression: *Provided further*, That such
 22 amount is designated by the Congress as being for an
 23 emergency requirement pursuant to section
 24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 25 Deficit Control Act of 1985.

1 TITLE III

2 GENERAL PROVISIONS

3 SEC. 301. Each amount appropriated or made avail-
4 able by this Act is in addition to amounts otherwise appro-
5 priated for the fiscal year involved.

6 SEC. 302. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly so provided herein.

9 SEC. 303. The terms and conditions applicable to the
10 funds provided in this Act, including those provided by
11 this title, shall also apply to the funds made available in
12 division B of Public Law 115–56.

13 SEC. 304. Each amount designated in this Act by the
14 Congress as being for an emergency requirement pursuant
15 to section 251(b)(2)(A)(i) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985 shall be available
17 only if the President subsequently so designates all such
18 amounts and transmits such designations to the Congress.

19 SEC. 305. (a)(1) Not later than December 31, 2017,
20 in accordance with criteria to be established by the Direc-
21 tor of the Office of Management and Budget (referred to
22 in this section as “OMB”), each Federal agency shall sub-
23 mit to OMB, the Government Accountability Office, the
24 respective Inspector General of each agency, and the Com-
25 mittees on Appropriations of the House of Representatives

1 and the Senate internal control plans for funds provided
2 by this Act and division B of Public Law 115–56.

3 (2) Not later than March 31, 2018, the Government
4 Accountability Office shall review for the Committees on
5 Appropriations of the House of Representatives and the
6 Senate the design of the internal control plans required
7 by paragraph (1).

8 (b) All programs and activities receiving funds under
9 this Act shall be deemed to be “susceptible to significant
10 improper payments” for purposes of the Improper Pay-
11 ments Information Act of 2002 (31 U.S.C. 3321 note),
12 notwithstanding section 2(a) of such Act.

13 (c) Funds for grants provided by this Act or division
14 B of Public Law 115–56 shall be expended by the grantees
15 within the 24-month period following the agency’s obliga-
16 tion of funds for the grant, unless, in accordance with
17 guidance to be issued by the Director of OMB, the Direc-
18 tor waives this requirement for a particular grant program
19 and submits a written justification for such waiver to the
20 Committees on Appropriations of the House of Represent-
21 atives and the Senate. In the case of such grants, the
22 agency shall include a term in the grant that requires the
23 grantee to return to the agency any funds not expended
24 within the 24-month period.

1 SEC. 306. (a) The first proviso under the heading
2 “Department of Housing and Urban Development—Com-
3 munity Planning and Development—Community Develop-
4 ment Fund” in division B of Public Law 115–56 is
5 amended by striking “State or unit of general local gov-
6 ernment” and inserting “State, unit of general local gov-
7 ernment, or Indian tribe (as such term is defined in sec-
8 tion 102 of the Housing and Community Development Act
9 of 1974 (42 U.S.C. 5302))”.

10 (b) Amounts repurposed pursuant to subsection (a)
11 that were previously designated by the Congress as an
12 emergency requirement pursuant to the Balanced Budget
13 and Emergency Deficit Control Act of 1985 are des-
14 ignated by the Congress as being for an emergency re-
15 quirement pursuant to section 251(b)(2)(A)(i) of such
16 Act.

17 SEC. 307. Section 101(a)(7) of division D of Public
18 Law 115–56 is amended to read as follows:

19 “(7) The Department of the Interior, Environ-
20 ment, and Related Agencies Appropriations Act,
21 2017 (division G of Public Law 115–31), except the
22 language under the heading ‘FLAME Wildfire Sup-
23 pression Reserve Fund’ in the Departments of Agri-
24 culture and the Interior.”.

1 SEC. 308. (a) Notwithstanding sections 1309, 1310,
2 and 1310a of the National Flood Insurance Act of 1968
3 (42 U.S.C. 4016–4017a) and section 15(e) of the Federal
4 Flood Insurance Act of 1956 (42 U.S.C. 2414(e)), and
5 any borrowing agreement entered into between the De-
6 partment of the Treasury and the Federal Emergency
7 Management Agency, of the indebtedness of the Adminis-
8 trator under any notes or other obligations issued pursu-
9 ant to section 1309(a) of the National Flood Insurance
10 Act of 1968 (42 U.S.C. 4016(a)) and section 15(e) of the
11 Federal Insurance Act of 1956 (42 U.S.C. 2414(e)) that
12 is outstanding as of the date of the enactment of this Act,
13 an amount of \$16,000,000,000 is hereby canceled. To the
14 extent of the amount canceled, the Administrator and the
15 National Flood Insurance Fund are relieved of all liability
16 to the Secretary of the Treasury under any such notes
17 or other obligations, including for any interest due under
18 such notes and any other fees and charges payable in con-
19 nection with such notes, and the total amount of notes
20 and obligations issued by the Administrator pursuant to
21 such sections shall be considered to be reduced by such
22 amount for the purposes of the limitation on such total
23 amount under such section 1309(a).

1 (b) The amount of the indebtedness canceled under
2 subsection (a) may be treated as public debt of the United
3 States.

4 (c)(1) This section is designated as an emergency re-
5 quirement pursuant to section 4(g) of the Statutory Pay-
6 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

7 (2) The amount provided in this section is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 SEC. 309. Notwithstanding section 19(a)(2)(B) of the
12 Food and Nutrition Act of 2008 (7 U.S.C. 2028), not to
13 exceed \$1,270,000,000 of funds made available for the
14 contingency reserve under the heading “Supplemental Nu-
15 trition Assistance Program” of division A of Public Law
16 114–113 shall be available for the Secretary to provide
17 a grant to the Commonwealth of Puerto Rico for disaster
18 nutrition assistance in response to the Presidentially de-
19 clared major disasters and emergencies: *Provided*, That
20 funds made available to Puerto Rico under this section
21 shall remain available for obligation by the Commonwealth
22 until September 30, 2019, and shall be in addition to
23 funds otherwise made available: *Provided further*, That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 SEC. 310. Notwithstanding section 2208(l)(3) of title
4 10, United States Code, during fiscal year 2018, the dollar
5 limitation on advance billing of a customer of a working-
6 capital fund in such section shall not apply with respect
7 to the advance billing of the Federal Emergency Manage-
8 ment Agency. In the preceding sentence, the term “ad-
9 vance billing” has the meaning given the term in section
10 2208(l)(4) of title 10, United States Code.

11 This Act may be cited as the “Additional Supple-
12 mental Appropriations for Disaster Relief Requirements
13 Act of 2017”.

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