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115TH CONGRESS
2D SESSION

H. R. 4460

[Report No. 115–1098, Part I]

To improve the provision of disaster and mitigation assistance to eligible individuals and households and to eligible State, local, Tribal, and territorial governments and certain private nonprofit organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 28, 2017

Mr. BARLETTA (for himself and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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

DECEMBER 21, 2018

Additional sponsors: Mr. GRAVES of Louisiana and Miss GONZÁLEZ-COLÓN of Puerto Rico

DECEMBER 21, 2018

Reported from the Committee on Transportation and Infrastructure with an amendment

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

DECEMBER 21, 2018

Committee on 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 November 28, 2017]

A BILL

To improve the provision of disaster and mitigation assistance to eligible individuals and households and to eligible State, local, Tribal, and territorial governments and certain private nonprofit organizations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Dis-*
 5 *aster Recovery Reform Act”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—DISASTER MITIGATION

Sec. 101. National public infrastructure predisaster hazard mitigation.

Sec. 102. Additional mitigation activities.

Sec. 103. Wildfire prevention.

Sec. 104. Additional activities.

TITLE II—DISASTER RESPONSE AND RECOVERY

Sec. 201. Federal cost-share adjustments for repair, restoration, and replacement
of damaged facilities.

Sec. 202. Eligibility for code implementation and enforcement.

Sec. 203. Program improvements.

Sec. 204. Prioritization of facilities.

Sec. 205. Guidance on evacuation routes.

Sec. 206. Proof of insurance.

Sec. 207. Duplication of benefits.

Sec. 208. State administration of assistance for direct temporary housing and
permanent housing construction.

Sec. 209. Assistance to individuals and households.

Sec. 210. Multifamily lease and repair assistance.

Sec. 211. Federal disaster assistance nonprofit fairness.

Sec. 212. Management costs.

Sec. 213. Flexibility.

Sec. 214. Additional disaster assistance.

Sec. 215. National veterinary emergency teams.

Sec. 216. Dispute resolution pilot program.

Sec. 217. Emergency relief.

TITLE III—AGENCY MANAGEMENT, OVERSIGHT, AND
ACCOUNTABILITY

Sec. 301. Unified Federal environmental and historic preservation review.

Sec. 302. Closeout incentives.

Sec. 303. Performance of services.

Sec. 304. Study to streamline and consolidate information collection.

Sec. 305. Agency accountability.

Sec. 306. Audit of contracts.

Sec. 307. Inspector general audit of FEMA contracts for tarps and plastic sheeting.

Sec. 308. Relief organizations.

Sec. 309. Guidance on inundated and submerged roads.

1 *TITLE I—DISASTER MITIGATION*

2 *SEC. 101. NATIONAL PUBLIC INFRASTRUCTURE*

3 *PREDISASTER HAZARD MITIGATION.*

4 *Section 203 of the Robert T. Stafford Disaster Relief*
 5 *and Emergency Assistance Act (42 U.S.C. 5133) is amend-*
 6 *ed—*

7 *(1) in subsection (c) by inserting “Public” after*
 8 *“the National”;*

9 *(2) in subsection (e)(1)(B)—*

10 *(A) by striking “or” at the end of clause*
 11 *(ii);*

12 *(B) by striking the period at the end of*
 13 *clause (iii) and inserting “; or”; and*

14 *(C) by adding at the end the following:*

15 *“(iv) to establish and carry out en-*
 16 *forcement activities to implement the latest*
 17 *published editions of relevant consensus-*
 18 *based codes, specifications, and standards*
 19 *that incorporate the latest hazard-resistant*
 20 *designs and establish minimum acceptable*
 21 *criteria for the design, construction, and*
 22 *maintenance of residential structures and*
 23 *facilities that may be eligible for assistance*

1 under this Act for the purpose of protecting
2 the health, safety, and general welfare of the
3 buildings’ users against disasters.”;

4 (3) in subsection (f)—

5 (A) in paragraph (1) by inserting “for
6 mitigation activities that are cost effective” after
7 “competitive basis”; and

8 (B) by adding at the end the following:

9 “(3) REDISTRIBUTION OF UNOBLIGATED
10 AMOUNTS.—The President shall—

11 “(A) withdraw amounts of financial assist-
12 ance made available to a State (including
13 amounts made available to local governments of
14 a State) under this subsection that remain unob-
15 ligated by the end of the third fiscal year after
16 the fiscal year for which the amounts were allo-
17 cated; and

18 “(B) in the fiscal year following a fiscal
19 year in which amounts were withdrawn under
20 subparagraph (A), add the amounts to any other
21 amounts available to be awarded on a competi-
22 tive basis pursuant to paragraph (1).”;

23 (4) in subsection (g)—

24 (A) in paragraph (9) by striking “and” at
25 the end;

1 (B) by redesignating paragraph (10) as
2 paragraph (12); and

3 (C) by adding after paragraph (9) the fol-
4 lowing:

5 “(10) the extent to which the State or local gov-
6 ernment has facilitated the adoption and enforcement
7 of the latest published editions of relevant consensus-
8 based codes, specifications, and standards that incor-
9 porate the latest hazard-resistant designs and estab-
10 lish criteria for the design, construction, and mainte-
11 nance of residential structures and facilities that may
12 be eligible for assistance under this Act for the pur-
13 pose of protecting the health, safety, and general wel-
14 fare of the buildings’ users against disasters;

15 “(11) the extent to which the assistance will fund
16 activities that increase the level of resiliency; and”;

17 (5) by striking subsection (i) and inserting the
18 following:

19 “(i) NATIONAL PUBLIC INFRASTRUCTURE
20 PREDISASTER MITIGATION FUND.—

21 “(1) ESTABLISHMENT.—The President shall es-
22 tablish in the Treasury of the United States a sepa-
23 rate account called the National Public Infrastructure
24 Predisaster Mitigation Fund (in this section referred
25 to as the ‘Predisaster Mitigation Fund’), which shall

1 *be used exclusively to carry out this section, with*
 2 *amounts in such account to be available until ex-*
 3 *pendent unless otherwise provided.*

4 “(2) *TRANSFERS TO PREDISASTER MITIGATION*
 5 *FUND.—*

6 “(A) *IN GENERAL.—**There shall be deposited*
 7 *in the Predisaster Mitigation Fund with respect*
 8 *to each disaster declared on or after August 1,*
 9 *2017, an additional amount equal to 6 percent*
 10 *of the estimated aggregate amount of grants to be*
 11 *made pursuant to sections 403, 406, 407, 408,*
 12 *410, and 416.*

13 “(B) *ESTIMATED AGGREGATE AMOUNT.—*
 14 *Not later than 180 days after each major dis-*
 15 *aster declaration, the estimated aggregate*
 16 *amount of grants on which the amount cal-*
 17 *culated in subparagraph (A) is based shall be de-*
 18 *termined and need not be reduced, increased, or*
 19 *changed due to variations in estimates.”; and*
 20 *(6) by striking subsection (m) and redesignating*
 21 *subsection (n) as subsection (m).*

22 **SEC. 102. ADDITIONAL MITIGATION ACTIVITIES.**

23 “(a) *HAZARD MITIGATION CLARIFICATION.—**Section*
 24 *404(a) of the Robert T. Stafford Disaster Relief and Emer-*
 25 *gency Assistance Act (42 U.S.C. 5170c(a)) is amended by*

1 *striking the first sentence and inserting the following: “The*
 2 *President may contribute up to 75 percent of the cost of*
 3 *hazard mitigation measures which the President has deter-*
 4 *mined are cost effective and which substantially reduce the*
 5 *risk of, or increase resilience to, future damage, hardship,*
 6 *loss, or suffering in any area affected by a major disaster.”.*

7 **(b) ELIGIBLE COST.**—Section 406(e)(1)(A) of such Act
 8 (42 U.S.C. 5172(e)(1)(A)) is amended—

9 (1) in the matter preceding clause (i), by insert-
 10 ing after “section,” the following: “for disasters de-
 11 clared on or after August 1, 2017, or a disaster in
 12 which a cost estimate has not yet been finalized for
 13 a project,”;

14 (2) in clause (i), by striking “and”;

15 (3) in clause (ii)—

16 (A) by striking “codes, specifications, and
 17 standards” and inserting “the latest published
 18 editions of relevant consensus-based codes, speci-
 19 fications, and standards that incorporate the lat-
 20 est hazard-resistant designs and establish min-
 21 imum acceptable criteria for the design, con-
 22 struction, and maintenance of residential struc-
 23 tures and facilities that may be eligible for as-
 24 sistance under this Act for the purposes of pro-

1 *protecting the health, safety, and general welfare of*
2 *a facility’s users against disasters”;*

3 *(B) by striking “applicable at the time at*
4 *which the disaster occurred”; and*

5 *(C) by striking the period at the end and*
6 *inserting “; and”; and*

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

8 *“(iii) in a manner that allows the fa-*
9 *cility to meet the definition of resilient de-*
10 *veloped pursuant to this subsection.”.*

11 *(c) NEW RULES.—Section 406(e) of such Act (42*
12 *U.S.C. 5172(e)) is further amended by adding at the end*
13 *the following:*

14 *“(5) NEW RULES.—*

15 *“(A) IN GENERAL.—Not later than 18*
16 *months after the date of enactment of this para-*
17 *graph, the President, acting through the Admin-*
18 *istrator of the Federal Emergency Management*
19 *Agency, shall issue a final rulemaking that de-*
20 *finies the terms ‘resilient’ and ‘resiliency’ for pur-*
21 *poses of this subsection.*

22 *“(B) GUIDANCE.—Not later than 90 days*
23 *after the date on which the Administrator issues*
24 *the final rulemaking under this paragraph, the*

1 *Administrator shall issue any necessary guid-*
 2 *ance related to the rulemaking.*

3 “(C) *REPORT*.—Not later than 2 years after
 4 the date of enactment of this paragraph, the Ad-
 5 ministrators shall submit to Congress a report
 6 summarizing the regulations and guidance
 7 issued pursuant to this paragraph.”.

8 (d) *CONFORMING AMENDMENT*.—Section 205(d)(2) of
 9 the Disaster Mitigation Act of 2000 (Public Law 106–390)
 10 is amended by inserting “(B)” after “except that paragraph
 11 (1)”.

12 **SEC. 103. WILDFIRE PREVENTION.**

13 (a) *MITIGATION ASSISTANCE*.—Section 420 of the Rob-
 14 ert T. Stafford Disaster Relief and Emergency Assistance
 15 Act (42 U.S.C. 5187) is amended—

16 (1) by redesignating subsection (d) as subsection
 17 (e); and

18 (2) by inserting after subsection (c) the fol-
 19 lowing:

20 “(d) *HAZARD MITIGATION ASSISTANCE*.—Whether or
 21 not a major disaster is declared, the President may provide
 22 hazard mitigation assistance in accordance with section
 23 404 in any area affected by a fire for which assistance was
 24 provided under this section.”.

1 (b) *CONFORMING AMENDMENTS.*—*The Robert T. Staf-*
2 *ford Disaster Relief and Emergency Assistance Act (42*
3 *U.S.C. 5121 et seq.) is amended—*

4 (1) *in section 404(a) (42 U.S.C. 5170c(a)) (as*
5 *amended by section 102(a) of this Act)—*

6 (A) *by inserting before the first period “, or*
7 *any area affected by a fire for which assistance*
8 *was provided under section 420”; and*

9 (B) *in the third sentence by inserting “or*
10 *event under section 420” after “major disaster”*
11 *each place it appears; and*

12 (2) *in section 322(e)(1) (42 U.S.C. 5165(e)(1)),*
13 *by inserting “or event under section 420” after*
14 *“major disaster” each place it appears.*

15 (c) *REPORTING REQUIREMENT.*—*Not later than 1 year*
16 *after the date of enactment of this Act and annually there-*
17 *after, the Administrator of the Federal Emergency Manage-*
18 *ment Agency shall submit to the Committee on Homeland*
19 *Security and Governmental Affairs of the Senate, the Com-*
20 *mittee on Transportation and Infrastructure of the House*
21 *of Representatives, and the Appropriations Committees of*
22 *the Senate and the House of Representatives a report con-*
23 *taining a summary of any projects carried out, and any*
24 *funding provided to those projects, under subsection (d) of*
25 *section 420 of the Robert T. Stafford Disaster Relief and*

1 *Emergency Assistance Act (42 U.S.C. 5187) (as amended*
2 *by this section).*

3 **SEC. 104. ADDITIONAL ACTIVITIES.**

4 *Section 404 of the Robert T. Stafford Disaster Relief*
5 *and Emergency Assistance Act (42 U.S.C. 5170c) is amend-*
6 *ed by adding at the end the following:*

7 “(f) *USE OF ASSISTANCE.—Recipients of hazard miti-*
8 *gation assistance provided under this section and section*
9 *203 may use the assistance to conduct activities to help re-*
10 *duce the risk of future damage, hardship, loss, or suffering*
11 *in any area affected by a wildfire or windstorm, includ-*
12 *ing—*

13 “(1) *reseeding ground cover with quick-growing*
14 *or native species;*

15 “(2) *mulching with straw or chipped wood;*

16 “(3) *constructing straw, rock, or log dams in*
17 *small tributaries to prevent flooding;*

18 “(4) *placing logs and other erosion barriers to*
19 *catch sediment on hill slopes;*

20 “(5) *installing debris traps to modify road and*
21 *trail drainage mechanisms;*

22 “(6) *modifying or removing culverts to allow*
23 *drainage to flow freely;*

1 “(7) adding drainage dips and constructing
 2 emergency spillways to keep roads and bridges from
 3 washing out during floods;

4 “(8) planting grass to prevent the spread of nox-
 5 ious weeds;

6 “(9) installing warning signs;

7 “(10) establishing defensible space measures;

8 “(11) reducing hazardous fuels; and

9 “(12) windstorm damage, including replacing or
 10 installing electrical transmission or distribution util-
 11 ity pole structures with poles that are resilient to ex-
 12 treme wind and combined ice and wind loadings for
 13 the basic wind speeds and ice conditions associated
 14 with the relevant location.”.

15 **TITLE II—DISASTER RESPONSE** 16 **AND RECOVERY**

17 **SEC. 201. FEDERAL COST-SHARE ADJUSTMENTS FOR RE-** 18 **PAIR, RESTORATION, AND REPLACEMENT OF** 19 **DAMAGED FACILITIES.**

20 *Section 406(b) of the Robert T. Stafford Disaster Relief*
 21 *and Emergency Assistance Act (42 U.S.C. 5172(b)) is*
 22 *amended by inserting after paragraph (2) the following:*

23 “(3) **INCREASED FEDERAL SHARE.**—

24 “(A) **INCENTIVE MEASURES.**—*The President*
 25 *may provide incentives to a State or Tribal gov-*

1 *ernment to invest in measures that increase*
2 *readiness for, and resilience from, a major dis-*
3 *aster by recognizing such investments through a*
4 *sliding scale that increases the minimum Federal*
5 *share to 85 percent. Such measures may in-*
6 *clude—*

7 *“(i) the adoption of a mitigation plan*
8 *approved under section 322;*

9 *“(ii) investments in disaster relief, in-*
10 *surance, and emergency management pro-*
11 *grams;*

12 *“(iii) encouraging the adoption and*
13 *enforcement of the latest published editions*
14 *of relevant consensus-based codes, specifica-*
15 *tions, and standards that incorporate the*
16 *latest hazard-resistant designs and establish*
17 *minimum acceptable criteria for the design,*
18 *construction, and maintenance of residen-*
19 *tial structures and facilities that may be el-*
20 *igible for assistance under this Act for the*
21 *purpose of protecting the health, safety, and*
22 *general welfare of the buildings’ users*
23 *against disasters;*

24 *“(iv) facilitating participation in the*
25 *community rating system; and*

1 “(v) *funding mitigation projects or*
2 *granting tax incentives for projects that re-*
3 *duce risk.*

4 “(B) *COMPREHENSIVE GUIDANCE.—Not*
5 *later than 1 year after the date of enactment of*
6 *this paragraph, the President, acting through the*
7 *Administrator, shall issue comprehensive guid-*
8 *ance to State and Tribal governments regarding*
9 *the measures and investments that will be recog-*
10 *nized for the purpose of increasing the Federal*
11 *share under this section.*

12 “(C) *REPORT.—One year after the issuance*
13 *of the guidance required by subparagraph (B),*
14 *the Administrator shall submit to the Committee*
15 *on Transportation and Infrastructure of the*
16 *House of Representatives and the Committee on*
17 *Homeland Security and Governmental Affairs of*
18 *the Senate a report regarding the analysis of the*
19 *Federal cost shares paid under this section.*

20 “(D) *SAVINGS CLAUSE.—Nothing in this*
21 *paragraph prevents the President from increas-*
22 *ing the Federal cost share above 85 percent.”.*

1 **SEC. 202. ELIGIBILITY FOR CODE IMPLEMENTATION AND**
 2 **ENFORCEMENT.**

3 *Section 406(a)(2) of the Robert T. Stafford Disaster*
 4 *Relief and Emergency Assistance Act (42 U.S.C.*
 5 *5172(a)(2)) is amended—*

6 *(1) by striking “and” at the end of subpara-*
 7 *graph (B);*

8 *(2) by striking the period at the end of subpara-*
 9 *graph (C) and inserting “; and”; and*

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

11 *“(D) base and overtime wages for extra*
 12 *hires to facilitate the implementation and en-*
 13 *forcement of adopted building codes for a period*
 14 *of not more than 180 days after the major dis-*
 15 *aster is declared.”.*

16 **SEC. 203. PROGRAM IMPROVEMENTS.**

17 *(a) HAZARD MITIGATION.—Section 406(c) of the Rob-*
 18 *ert T. Stafford Disaster Relief and Emergency Assistance*
 19 *Act (42 U.S.C. 5172(c)) is amended—*

20 *(1) in paragraph (1)(A), by striking “90 percent*
 21 *of”; and*

22 *(2) in paragraph (2)(A), by striking “75 percent*
 23 *of”.*

24 *(b) PARTICIPATION.—Section 428(d) of such Act (42*
 25 *U.S.C. 5189f) is amended—*

1 (1) *by inserting “(1) IN GENERAL.—” before*
 2 *“Participation in”; and*

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

4 “(2) NO CONDITIONS.—The President may not
 5 condition the provision of Federal assistance under
 6 this Act on the election by a State, Tribal, or local
 7 government, or owner or operator of a private non-
 8 profit facility to participate in the alternative proce-
 9 dures adopted under this section.”.

10 (c) CERTIFICATION.—Section 428(e)(1) of such Act (42
 11 U.S.C. 5189f(e)(1)) is amended—

12 (1) *in subparagraph (E), by striking “and” at*
 13 *the end;*

14 (2) *in subparagraph (F), by striking the period*
 15 *and inserting “; and”; and*

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

17 “(G) once certified by a professionally li-
 18 censed engineer and accepted by the Adminis-
 19 trator, the estimates on which grants made pur-
 20 suant to this section are based shall be presumed
 21 to be reasonable, eligible, and actual costs as long
 22 as there is no evidence of fraud.”.

23 **SEC. 204. PRIORITIZATION OF FACILITIES.**

24 *Not later than 180 days after the date of enactment*
 25 *of this Act, the Administrator of the Federal Emergency*

1 *Management Agency shall provide guidance and training*
 2 *on an annual basis to State, Tribal, and local governments,*
 3 *first responders, and utility companies on—*

4 *(1) the need to prioritize assistance to hospitals,*
 5 *nursing homes, and other long-term care facilities to*
 6 *ensure that such health care facilities remain func-*
 7 *tioning or return to functioning as soon as prac-*
 8 *ticable during power outages caused by natural haz-*
 9 *ards, including severe weather events; and*

10 *(2) how hospitals, nursing homes and other long-*
 11 *term care facilities should adequately prepare for*
 12 *power outages during a major disaster or emergency.*

13 **SEC. 205. GUIDANCE ON EVACUATION ROUTES.**

14 *(a) IN GENERAL.—*

15 *(1) IDENTIFICATION.—The Administrator of the*
 16 *Federal Emergency Management Agency, in coordina-*
 17 *tion with the Administrator of the Federal Highway*
 18 *Administration, shall develop and issue guidance for*
 19 *State, local, and Tribal governments regarding the*
 20 *identification of evacuation routes.*

21 *(2) GUIDANCE.—The Administrator of the Fed-*
 22 *eral Highway Administration, in coordination with*
 23 *the Administrator of the Federal Emergency Manage-*
 24 *ment Agency, shall revise existing guidance or issue*
 25 *new guidance as appropriate for State, local, and*

1 *Tribal governments regarding the design, construc-*
2 *tion, maintenance, and repair of evacuation routes.*

3 **(b) CONSIDERATIONS.—**

4 **(1) IDENTIFICATION.—***In developing the guid-*
5 *ance under subsection (a)(1), the Administrator of the*
6 *Federal Emergency Management Agency shall con-*
7 *sider—*

8 **(A)** *whether evacuation routes have resisted*
9 *impacts and recovered quickly from disasters, re-*
10 *gardless of cause;*

11 **(B)** *the need to evacuate special needs popu-*
12 *lations, including—*

13 **(i)** *individuals with a physical or men-*
14 *tal disability;*

15 **(ii)** *individuals in schools, daycare*
16 *centers, mobile home parks, prisons, nursing*
17 *homes and other long-term care facilities,*
18 *and detention centers;*

19 **(iii)** *individuals with limited-English*
20 *proficiency;*

21 **(iv)** *the elderly; and*

22 **(v)** *individuals who are tourists, sea-*
23 *sonal workers, or homeless;*

1 (C) the sharing of information and other
2 public communications with evacuees during
3 evacuations;

4 (D) the sheltering of evacuees, including the
5 care, protection, and sheltering of animals;

6 (E) the return of evacuees to their homes;
7 and

8 (F) such other items the Administrator con-
9 siders appropriate.

10 (2) *DESIGN, CONSTRUCTION, MAINTENANCE, AND*
11 *REPAIR.—In revising or issuing guidance under*
12 *(a)(2), the Administrator of the Federal Highway Ad-*
13 *ministration shall consider—*

14 (A) methods that assist evacuation routes
15 to—

16 (i) withstand likely risks to viability,
17 including flammability and hydrostatic
18 forces;

19 (ii) improve durability, strength (in-
20 cluding the ability to withstand tensile
21 stresses and compressive stresses), and sus-
22 tainability; and

23 (iii) provide for long-term cost savings;

24 (B) the ability of evacuation routes to effec-
25 tively manage contraflow operations;

1 (C) for evacuation routes on public lands,
 2 the viewpoints of the applicable Federal Land
 3 Management Agency regarding emergency oper-
 4 ations, sustainability, and resource protection;
 5 and

6 (D) such other items the Administrator con-
 7 siders appropriate.

8 **SEC. 206. PROOF OF INSURANCE.**

9 A State shall be deemed to have proven that an appli-
 10 cant has satisfied the purchase of insurance requirements
 11 under the Robert T. Stafford Disaster Relief and Emer-
 12 gency Assistance Act (42 U.S.C. 5121 et seq.) when an en-
 13 cumbrance requiring the purchase and maintenance of in-
 14 surance has been placed on the title of the property receiving
 15 the benefit of the grant or assistance. This section in no
 16 way removes or reduces the insurance requirements on an
 17 applicant under the Act and in no way limits the require-
 18 ment that assistance provided under such Act be reduced
 19 or eliminated when the requirements are not met.

20 **SEC. 207. DUPLICATION OF BENEFITS.**

21 (a) *IN GENERAL.*—Section 312(b) of the Robert T.
 22 Stafford Disaster Relief and Emergency Assistance Act (42
 23 U.S.C. 5155(b)) is amended by adding at the end the fol-
 24 lowing:

25 “(4) *WAIVER OF GENERAL PROHIBITION.*—

1 “(A) *IN GENERAL.*—*The President may*
2 *waive the general prohibition provided in sub-*
3 *section (a) upon request of a Governor on behalf*
4 *of the State or on behalf of a person, business*
5 *concern, or any other entity suffering losses as a*
6 *result of a major disaster or emergency, if the*
7 *President finds such waiver is in the public in-*
8 *terest and will not result in waste, fraud, or*
9 *abuse. In making this decision, the President*
10 *may consider the following:*

11 “(i) *The recommendations of the Ad-*
12 *ministrator of the Federal Emergency Man-*
13 *agement Agency made in consultation with*
14 *the Federal agency or agencies admin-*
15 *istering the duplicative program.*

16 “(ii) *If a waiver is granted, the assist-*
17 *ance to be funded is cost effective.*

18 “(iii) *Equity and good conscience.*

19 “(iv) *Other matters of public policy*
20 *considered appropriate by the President.*

21 “(B) *GRANT OR DENIAL OF WAIVER.*—*A re-*
22 *quest under subparagraph (A) shall be granted*
23 *or denied not later than 45 days after submis-*
24 *sion of such request.*

1 “(C) *PROHIBITION ON DETERMINATION*
 2 *THAT LOAN IS A DUPLICATION.*—*Notwith-*
 3 *standing subsection (c), in carrying out subpara-*
 4 *graph (A), the President may not determine that*
 5 *a loan is a duplication of assistance, provided*
 6 *that all Federal assistance is used toward a loss*
 7 *suffered as a result of the major disaster or emer-*
 8 *gency.*”.

9 (b) *FUNDING OF A FEDERALLY AUTHORIZED WATER*
 10 *RESOURCES DEVELOPMENT PROJECT.*—

11 (1) *ELIGIBLE ACTIVITIES.*—*Notwithstanding sec-*
 12 *tion 312 of the Robert T. Stafford Disaster Relief and*
 13 *Emergency Assistance Act (42 U.S.C. 5155) and its*
 14 *implementing regulations, assistance provided pursu-*
 15 *ant to section 404 of such Act may be used to fund*
 16 *activities authorized for construction within the scope*
 17 *of a federally authorized water resources development*
 18 *project of the Army Corps of Engineers if such activi-*
 19 *ties are also eligible activities under such section.*

20 (2) *FEDERAL FUNDING.*—*All Federal funding*
 21 *provided under section 404 pursuant to this sub-*
 22 *section shall be applied toward the Federal share of*
 23 *such project.*

24 (3) *NON-FEDERAL MATCH.*—*All non-Federal*
 25 *matching funds required under section 404 pursuant*

1 to this subsection shall be applied toward the non-
2 Federal share of such project.

3 (4) *TOTAL FEDERAL SHARE.*—Funding provided
4 under section 404 pursuant to this subsection may
5 not exceed the total Federal share for such project.

6 (5) *NO EFFECT.*—Nothing in this subsection
7 shall—

8 (A) affect the cost share requirement of a
9 hazard mitigation measure under section 404;

10 (B) affect the eligibility criteria for a haz-
11 ard mitigation measure under section 404;

12 (C) affect the cost share requirements of a
13 federally authorized water resources development
14 project; and

15 (D) affect the responsibilities of a non-Fed-
16 eral interest with respect to the project, including
17 those related to the provision of lands, easements,
18 rights-of-way, dredge material disposal areas,
19 and necessary relocations.

20 **SEC. 208. STATE ADMINISTRATION OF ASSISTANCE FOR DI-**
21 **RECT TEMPORARY HOUSING AND PERMA-**
22 **NENT HOUSING CONSTRUCTION.**

23 Section 408(f) of the Robert T. Stafford Disaster Relief
24 and Emergency Assistance Act (42 U.S.C. 5174(f)) is
25 amended—

(1) in paragraph (1), by striking the paragraph heading and inserting “STATE-ADMINISTERED ASSISTANCE AND OTHER NEEDS ASSISTANCE.—”;

(2) in paragraph (1)(A)—

(A) by striking “financial”; and

(B) by striking “subsection (e)” and inserting “subsections (c)(1)(B), (c)(4), and (e) if the President and the State comply, as determined by the Administrator, with paragraph (3)”;

(3) in paragraph (1)(B)—

(A) by striking “financial”; and

(B) by striking “subsection (e)” and inserting “subsections (c)(1)(B), (c)(4), and (e)”; and (4) by adding at the end the following:

“(3) IN GENERAL.—

“(A) APPLICATION.—A State desiring to provide assistance under subsections (c)(1)(B) and (c)(4) shall submit to the President an application for the delegation of the authority to administer the program.

“(B) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under subpara-

graph (A). The criteria shall include, at a minimum—

“(i) the demonstrated ability of the State to manage the program under this section;

“(ii) there being in effect a plan approved by the President as to how the State will comply with applicable Federal laws and regulations and how the State will provide assistance under its plan;

“(iii) a requirement that the State or local government comply with rules and regulations established pursuant to subsection (j); and

“(iv) a requirement that the President, or the designee of the President, comply with subsection (i).

“(C) *QUALITY ASSURANCE.*—Before approving an application submitted under this section, the President, or the designee of the President, shall institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and program mismanagement for this program and for programs under subsections (c)(1)(B) and (c)(4). The President shall monitor and con-

1 *duct quality assurance activities on a State’s im-*
2 *plementation of programs under subsections*
3 *(c)(1)(B) and (c)(4). If, after approving an ap-*
4 *plication of a State submitted under this section,*
5 *the President determines that the State is not*
6 *administering the program established by this*
7 *section in a manner satisfactory to the Presi-*
8 *dent, the President shall withdraw the approval.*

9 *“(D) AUDITS.—The Office of the inspector*
10 *general shall provide for periodic audits of the*
11 *programs administered by States under this sub-*
12 *section.*

13 *“(E) APPLICABLE LAWS.—All Federal laws*
14 *applicable to the management, administration,*
15 *or contracting of the programs by the Federal*
16 *Emergency Management Agency under this sec-*
17 *tion shall be applicable to the management, ad-*
18 *ministration, or contracting by a non-Federal*
19 *entity under this section.*

20 *“(F) REPORT.—Not later than 1 year after*
21 *the date of enactment of this paragraph, the in-*
22 *spector general of the Department of Homeland*
23 *Security shall submit a report to the Committee*
24 *on Homeland Security and Governmental Af-*
25 *airs of the Senate and the Committee on Trans-*

1 *portation and Infrastructure of the House of*
 2 *Representatives a report on the State role to pro-*
 3 *vide assistance under this section. The report*
 4 *shall contain an assessment of the effectiveness of*
 5 *the State’s role to provide assistance under this*
 6 *section, including—*

7 *“(i) whether the State’s role helped to*
 8 *improve the general speed of disaster recov-*
 9 *ery;*

10 *“(ii) whether the States providing as-*
 11 *sistance under this section had the capacity*
 12 *to administer this section; and*

13 *“(iii) recommendations for changes to*
 14 *improve the program if the State’s role to*
 15 *administer the programs should be contin-*
 16 *ued.*

17 *“(G) PROHIBITION.—The President may*
 18 *not condition the provision of Federal assistance*
 19 *under this Act by a State, Tribal, or local gov-*
 20 *ernment requesting a grant under this section.*

21 *“(H) MISCELLANEOUS.—*

22 *“(i) NOTICE AND COMMENT.—The Ad-*
 23 *ministrator may waive notice and comment*
 24 *rulemaking, if the Administrator determines*
 25 *doing so is necessary to expeditiously imple-*

1 *ment this section, and may carry out this*
 2 *section as a pilot program until such regu-*
 3 *lations are promulgated.*

4 “(ii) *FINAL RULE.*—Not later than 2
 5 *years after the date of enactment of this*
 6 *paragraph, the Administrator shall issue*
 7 *final regulations to implement this sub-*
 8 *section as amended by the Disaster Recov-*
 9 *ery Reform Act.*

10 “(iii) *WAIVER AND EXPIRATION.*—The
 11 *authority under clause (i) and any pilot*
 12 *program implemented pursuant to such*
 13 *clause shall expire 2 years after date of en-*
 14 *actment of this paragraph or upon issuance*
 15 *of final regulations pursuant to clause (ii),*
 16 *whichever occurs sooner.”.*

17 **SEC. 209. ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.**

18 *Section 408(h) of the Robert T. Stafford Disaster Relief*
 19 *and Emergency Assistance Act (42 U.S.C. 5174(h)) is*
 20 *amended—*

21 (1) *in paragraph (1), by inserting “, excluding*
 22 *financial assistance to rent alternate housing accom-*
 23 *modations under subsection (c)(1)(A)(i) and financial*
 24 *assistance to address other needs under subsection (e)”*
 25 *after “disaster”;*

1 (2) *by redesignating paragraph (2) as para-*
 2 *graph (3);*

3 (3) *by inserting after paragraph (1) the fol-*
 4 *lowing:*

5 “(2) *OTHER NEEDS ASSISTANCE.—The max-*
 6 *imum financial assistance any individual or house-*
 7 *hold may receive under subsection (e) shall be equiva-*
 8 *lent to the amount set forth in paragraph (1) with re-*
 9 *spect to a single major disaster.*”;

10 (4) *in paragraph (3) (as so redesignated), by*
 11 *striking “paragraph (1)” and inserting “paragraphs*
 12 *(1) and (2)”;* and

13 (5) *by inserting after paragraph (3) (as so redesi-*
 14 *gnated) the following:*

15 “(4) *EXCLUSION OF NECESSARY EXPENSES FOR*
 16 *INDIVIDUALS WITH DISABILITIES.—*

17 “(A) *The maximum amount of assistance*
 18 *established under paragraph (1) shall exclude ex-*
 19 *penses to repair or replace damaged accessi-*
 20 *bility-related improvements under paragraphs*
 21 *(2), (3), and (4) of subsection (c) for individuals*
 22 *with disabilities.*

23 “(B) *The maximum amount of assistance*
 24 *established under paragraph (2) shall exclude ex-*
 25 *penses to repair or replace accessibility-related*

1 *personal property under subsection (e)(2) for in-*
 2 *dividuals with disabilities.”.*

3 **SEC. 210. MULTIFAMILY LEASE AND REPAIR ASSISTANCE.**

4 *(a) LEASE AND REPAIR OF RENTAL UNITS FOR TEM-*
 5 *PORARY HOUSING.—Section 408(c)(1)(B)(ii)(II) of the*
 6 *Robert T. Stafford Disaster Relief and Emergency Assist-*
 7 *ance Act (42 U.S.C. 5174(c)(1)(B)(ii)(II)) is amended to*
 8 *read as follows:*

9 *“(II) IMPROVEMENTS OR RE-*
 10 *PAIRS.—Under the terms of any lease*
 11 *agreement for property entered into*
 12 *under this subsection, the value of the*
 13 *improvements or repairs shall be de-*
 14 *ducted from the value of the lease*
 15 *agreement.”.*

16 *(b) RENTAL PROPERTIES IMPACTED.—Section*
 17 *408(c)(1)(B)(ii)(I)(aa) of the Robert T. Stafford Disaster*
 18 *Relief and Emergency Assistance Act (42 U.S.C.*
 19 *5174(c)(1)(B)(ii)(I)(aa)) is amended to read as follows:*

20 *“(aa) enter into lease agree-*
 21 *ments with owners of multifamily*
 22 *rental property impacted by a*
 23 *major disaster or located in areas*
 24 *covered by a major disaster dec-*
 25 *laration to house individuals and*

1 households eligible for assistance
 2 under this section; and”.

3 (c) *INSPECTOR GENERAL REPORT.*—Not later than 2
 4 years after the date of the enactment of this Act, the inspec-
 5 tor general of the Department of Homeland Security shall
 6 assess the use of the authority provided under section
 7 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and
 8 Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)), in-
 9 cluding the adequacy of any benefit-cost analysis done to
 10 justify the use of this alternative, and submit a report on
 11 the results of that review to the appropriate committees of
 12 Congress.

13 **SEC. 211. FEDERAL DISASTER ASSISTANCE NONPROFIT**
 14 **FAIRNESS.**

15 (a) *DEFINITION OF PRIVATE NONPROFIT FACILITY.*—
 16 Section 102(11)(B) of the Robert T. Stafford Disaster Relief
 17 and Emergency Assistance Act (42 U.S.C. 5122(11)(B)) is
 18 amended to read as follows:

19 “(B) *ADDITIONAL FACILITIES.*—In addition
 20 to the facilities described in subparagraph (A),
 21 the term ‘private nonprofit facility’ includes any
 22 private nonprofit facility that provides essential
 23 services of a governmental nature to the general
 24 public (including museums, zoos, performing
 25 arts facilities, community arts centers, commu-

1 nity centers, houses of worship exempt from tax-
 2 ation under section 501(c) of the Internal Rev-
 3 enue Code of 1986, libraries, homeless shelters,
 4 senior citizen centers, rehabilitation facilities,
 5 shelter workshops, food banks, and facilities that
 6 provide health and safety services of a govern-
 7 mental nature), as defined by the President.”.

8 (b) *REPAIR, RESTORATION, AND REPLACEMENT OF*
 9 *DAMAGED FACILITIES.*—Section 406(a)(3) of the Robert T.
 10 Stafford Disaster Relief and Emergency Assistance Act (42
 11 U.S.C. 5172(a)(3)) is amended by adding at the end the
 12 following:

13 “(C) *HOUSES OF WORSHIP.*—A church, syn-
 14 agogue, mosque, temple, or other house of wor-
 15 ship, and a private nonprofit facility operated
 16 by a religious organization, shall be eligible for
 17 contributions under paragraph (1)(B), without
 18 regard to the religious character of the facility or
 19 the primary religious use of the facility.”.

20 (c) *APPLICABILITY.*—This section and the amendments
 21 made by this section shall apply to the provision of assist-
 22 ance in response to a major disaster or emergency declared
 23 on or after October 28, 2012.

1 **SEC. 212. MANAGEMENT COSTS.**

2 *Section 324 of the Robert T. Stafford Disaster Relief*
 3 *and Emergency Assistance Act (42 U.S.C. 5165b) is amend-*
 4 *ed—*

5 *(1) in subsection (a) by striking “any adminis-*
 6 *trative expense, and any other expense not directly*
 7 *chargeable to” and inserting “direct administrative*
 8 *cost, and any other administrative expense associated*
 9 *with”; and*

10 *(2) in subsection (b)—*

11 *(A) by striking “Notwithstanding” and in-*
 12 *serting the following:*

13 *“(1) IN GENERAL.—Notwithstanding”;*

14 *(B) by striking “establish” and inserting*
 15 *the following: “implement”; and*

16 *(C) by adding at the end the following:*

17 *“(2) SPECIFIC MANAGEMENT COSTS.—The Ad-*
 18 *ministrator shall provide the following percentage*
 19 *rates, in addition to the eligible project costs, to cover*
 20 *direct and indirect costs of administering the fol-*
 21 *lowing programs:*

22 *“(A) HAZARD MITIGATION.—A grantee*
 23 *under section 404 may be reimbursed not more*
 24 *than 15 percent of the total amount of the grant*
 25 *award under such section of which not more*

1 *than 10 percent may be used by the grantee and*
 2 *5 percent by the subgrantee for such costs.*

3 “(B) *PUBLIC ASSISTANCE.*—*A grantee*
 4 *under sections 403, 406, 407, and 502 may be*
 5 *reimbursed not more than 12 percent of the total*
 6 *award amount under such sections, of which not*
 7 *more than 7 percent may be used by the grantee*
 8 *and 5 percent by the subgrantee for such costs.”.*

9 **SEC. 213. FLEXIBILITY.**

10 (a) *DEFINITION.*—*In this section, the term “covered*
 11 *assistance” means assistance provided—*

12 (1) *under section 408 of the Robert T. Stafford*
 13 *Disaster Relief and Emergency Assistance Act (42*
 14 *U.S.C. 5174); and*

15 (2) *in relation to a major disaster or emergency*
 16 *declared by the President under section 401 or 501 of*
 17 *the Robert T. Stafford Disaster Relief and Emergency*
 18 *Assistance Act (42 U.S.C. 5170; 42 U.S.C. 5191) on*
 19 *or after October 28, 2012.*

20 (b) *WAIVER AUTHORITY.*—*Notwithstanding section*
 21 *3716(e) of title 31, United States Code, the Administrator*
 22 *of the Federal Emergency Management Agency—*

23 (1) *subject to paragraph (2), may waive a debt*
 24 *owed to the United States related to covered assist-*
 25 *ance provided to an individual or household if—*

1 (A) the covered assistance was distributed
 2 based on an error by the Federal Emergency
 3 Management Agency;

4 (B) there was no fault on behalf of the debt-
 5 or; and

6 (C) the collection of the debt would be
 7 against equity and good conscience; and

8 (2) may not waive a debt under paragraph (1)
 9 if the debt involves fraud, the presentation of a false
 10 claim, or misrepresentation by the debtor or any
 11 party having an interest in the claim.

12 (c) *MONITORING OF COVERED ASSISTANCE DISTRIB-*
 13 *UTED BASED ON ERROR.—*

14 (1) *IN GENERAL.—*The inspector general of the
 15 Department of Homeland Security shall monitor the
 16 distribution of covered assistance to individuals and
 17 households to determine the percentage of such assist-
 18 ance distributed based on an error.

19 (2) *REMOVAL OF WAIVER AUTHORITY BASED ON*
 20 *EXCESSIVE ERROR RATE.—*If the inspector general de-
 21 termines, with respect to any 12-month period, that
 22 the amount of covered assistance distributed based on
 23 an error by the Federal Emergency Management
 24 Agency exceeds 4 percent of the total amount of cov-
 25 ered assistance distributed—

1 (A) the inspector general shall notify the
2 Administrator and publish the determination in
3 the *Federal Register*; and

4 (B) with respect to any major disaster de-
5 clared by the President under section 401 of the
6 Robert T. Stafford Disaster Relief and Emer-
7 gency Assistance Act (42 U.S.C. 5170) after the
8 date of the determination, the authority of the
9 Administrator to waive debt under subsection (b)
10 shall no longer be effective.

11 **SEC. 214. ADDITIONAL DISASTER ASSISTANCE.**

12 (a) *DISASTER MITIGATION*.—Section 209 of the Public
13 Works and Economic Development Act of 1965 (42 U.S.C.
14 3149) is amended by adding at the end the following:

15 “(e) *DISASTER MITIGATION*.—In providing assistance
16 pursuant to subsection (c)(2), if appropriate and as appli-
17 cable, the Secretary may encourage hazard mitigation in
18 assistance provided pursuant to such subsection.”.

19 (b) *EMERGENCY MANAGEMENT ASSISTANCE COMPACT*
20 *GRANTS*.—Section 661(d) of the Post-Katrina Emergency
21 Management Reform Act of 2006 (6 U.S.C. 761(d)) is
22 amended by striking “for fiscal year 2008” and inserting
23 “for each of fiscal years 2018 through 2022”.

24 (c) *EMERGENCY MANAGEMENT PERFORMANCE*
25 *GRANTS PROGRAM*.—Section 662(f) of the Post-Katrina

1 *Emergency Management Reform Act of 2006 (6 U.S.C.*
 2 *762(f)) is amended by striking “the program” and all that*
 3 *follows through “2012” and inserting “the program, for*
 4 *each of fiscal years 2018 through 2022”.*

5 *(d) TECHNICAL AMENDMENT.—Section 403(a)(3) of*
 6 *the Robert T. Stafford Disaster Relief and Emergency As-*
 7 *sistance Act (42 U.S.C. 5170a) is amended by striking the*
 8 *second subparagraph (J).*

9 ***SEC. 215. NATIONAL VETERINARY EMERGENCY TEAMS.***

10 *(a) IN GENERAL.—The Administrator of the Federal*
 11 *Emergency Management Agency may establish one or more*
 12 *national veterinary emergency teams at accredited colleges*
 13 *of veterinary medicine.*

14 *(b) RESPONSIBILITIES.—A national veterinary emer-*
 15 *gency team shall—*

16 *(1) deploy with a team of the National Urban*
 17 *Search and Rescue Response System to assist with—*

18 *(A) veterinary care of canine search teams;*

19 *(B) locating and treating companion ani-*
 20 *mals, service animals, livestock, and other ani-*
 21 *mals; and*

22 *(C) surveillance and treatment of zoonotic*
 23 *diseases;*

24 *(2) recruit, train, and certify veterinary profes-*
 25 *sionals, including veterinary students, in accordance*

1 *with an established set of plans and standard oper-*
 2 *ating guidelines to carry out the duties associated*
 3 *with planning for and responding to emergencies as*
 4 *described in paragraph (1);*

5 *(3) assist State, Tribal, and local governments*
 6 *and nonprofit organizations in developing emergency*
 7 *management and evacuation plans that account for*
 8 *the care and rescue of animals and in improving*
 9 *local readiness for providing veterinary medical re-*
 10 *sponse during a disaster; and*

11 *(4) coordinate with the Department of Homeland*
 12 *Security, the Department of Health and Human*
 13 *Services, the Department of Agriculture, State, Trib-*
 14 *al, and local governments (including State depart-*
 15 *ments of animal and human health), veterinary and*
 16 *health care professionals, and volunteers.*

17 **SEC. 216. DISPUTE RESOLUTION PILOT PROGRAM.**

18 *Section 1105(c) of the Sandy Recovery Improvement*
 19 *Act of 2013 (42 U.S.C. 5189a note) is amended by striking*
 20 *“2015” and inserting “2022”.*

21 **SEC. 217. EMERGENCY RELIEF.**

22 *Notwithstanding section 125(d)(4) of title 23, United*
 23 *States Code, no limitation on the total obligations for*
 24 *projects under section 125 of such title shall apply to the*
 25 *Virgin Islands, Guam, American Samoa, and the Common-*

1 *wealth of the Northern Mariana Islands with respect to fis-*
2 *cal years 2018 and 2019.*

3 ***TITLE III—AGENCY MANAGE-***
4 ***MENT, OVERSIGHT, AND AC-***
5 ***COUNTABILITY***

6 ***SEC. 301. UNIFIED FEDERAL ENVIRONMENTAL AND HIS-***
7 ***TORIC PRESERVATION REVIEW.***

8 *(a) REVIEW AND ANALYSIS.—Not later than 180 days*
9 *after the date of enactment of this Act, the Administrator*
10 *of the Federal Emergency Management Agency shall review*
11 *the Unified Federal Environmental and Historic Preserva-*
12 *tion review process established pursuant to section 429 of*
13 *the Robert T. Stafford Disaster Relief and Emergency As-*
14 *sistance Act (42 U.S.C. 5189g), and submit a report to the*
15 *Committee on Transportation and Infrastructure of the*
16 *House of Representatives and the Committee on Homeland*
17 *Security and Governmental Affairs of the Senate that in-*
18 *cludes the following:*

19 *(1) An analysis of whether and how the unified*
20 *process has expedited the interagency review process*
21 *to ensure compliance with the environmental and his-*
22 *toric requirements under Federal law relating to dis-*
23 *aster recovery projects.*

24 *(2) A survey and analysis of categorical exclu-*
25 *sions used by other Federal agencies that may be ap-*

1 *plicable to any activity related to a Presidentially de-*
 2 *clared major disaster or emergency under such Act.*

3 *(3) Recommendations on any further actions, in-*
 4 *cluding any legislative proposals, needed to expedite*
 5 *and streamline the review process.*

6 *(b) REGULATIONS.—After completing the review, sur-*
 7 *vey, and analyses under subsection (a), but not later than*
 8 *2 years after the date of enactment of this Act, and after*
 9 *providing notice and opportunity for public comment, the*
 10 *Administrator shall issue regulations to implement any reg-*
 11 *ulatory recommendations, including any categorical exclu-*
 12 *sions identified under subsection (a), to the extent that the*
 13 *categorical exclusions meet the criteria for a categorical ex-*
 14 *clusion under section 1508.4 of title 40, Code of Federal*
 15 *Regulations, and section II of DHS Instruction Manual*
 16 *023–01–001—01.*

17 **SEC. 302. CLOSEOUT INCENTIVES.**

18 *(a) FACILITATING CLOSEOUT.—Section 705 of the*
 19 *Robert T. Stafford Disaster Relief and Emergency Assist-*
 20 *ance Act (42 U.S.C. 5205) is amended by adding at the*
 21 *end the following:*

22 *“(d) FACILITATING CLOSEOUT.—*

23 *“(1) INCENTIVES.—The Administrator may de-*
 24 *velop incentives and penalties that encourage State,*
 25 *Tribal, or local governments to close out expenditures*

1 *and activities on a timely basis related to disaster or*
2 *emergency assistance.*

3 “(2) *AGENCY REQUIREMENTS.—The Agency*
4 *shall, consistent with applicable regulations and re-*
5 *quired procedures, meet its responsibilities to improve*
6 *closeout practices and reduce the time to close disaster*
7 *program awards.”.*

8 “(b) *REGULATIONS.—The Administrator shall issue reg-*
9 *ulations to implement this section.*

10 **SEC. 303. PERFORMANCE OF SERVICES.**

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

14 “(c) *The Administrator of the Federal Emergency*
15 *Management Agency is authorized to appoint temporary*
16 *personnel, after serving continuously for 1 year, to positions*
17 *in the Agency in the same manner that competitive service*
18 *employees are considered for transfer, reassignment, or pro-*
19 *motion to such positions. An individual appointed under*
20 *this subsection shall become a career-conditional employee,*
21 *unless the employee has already completed the service re-*
22 *quirements for career tenure.”.*

1 **SEC. 304. STUDY TO STREAMLINE AND CONSOLIDATE IN-**
2 **FORMATION COLLECTION.**

3 *Not later than 1 year after the date of enactment of*
4 *this Act, the Administrator of the Federal Emergency Man-*
5 *agement Agency shall—*

6 *(1) in coordination with the Small Business Ad-*
7 *ministration, the Department of Housing and Urban*
8 *Development, and other appropriate agencies, conduct*
9 *a study and develop a plan, consistent with law,*
10 *under which the collection of information from dis-*
11 *aster assistance applicants and grantees will be modi-*
12 *fied, streamlined, expedited, efficient, flexible, consoli-*
13 *dated, and simplified to be less burdensome, duplica-*
14 *tive, and time consuming for applicants and grantees;*

15 *(2) in coordination with the Small Business Ad-*
16 *ministration, the Department of Housing and Urban*
17 *Development, and other appropriate agencies, develop*
18 *a plan for the regular collection and reporting of in-*
19 *formation on provided Federal disaster assistance, in-*
20 *cluding the establishment and maintenance of a*
21 *website for presenting the information to the public;*
22 *and*

23 *(3) submit the plans to the Committee on Trans-*
24 *portation and Infrastructure of the House of Rep-*
25 *resentatives and the Committee on Homeland Secu-*
26 *rity and Governmental Affairs of the Senate.*

1 **SEC. 305. AGENCY ACCOUNTABILITY.**

2 *Title IV of the Robert T. Stafford Disaster Relief and*
 3 *Emergency Assistance Act is amended by adding at the end*
 4 *the following:*

5 **“SEC. 430. AGENCY ACCOUNTABILITY.**

6 *“(a) PUBLIC ASSISTANCE.—Not later than 5 days*
 7 *after an award of a public assistance grant is made under*
 8 *section 406 that is in excess of \$1,000,000, the Adminis-*
 9 *trator shall publish on the Agency’s website the specifics of*
 10 *each such grant award, including—*

11 *“(1) identifying the Federal Emergency Manage-*
 12 *ment Agency Region;*

13 *“(2) the disaster or emergency declaration num-*
 14 *ber;*

15 *“(3) the State, county, and applicant name;*

16 *“(4) if the applicant is a private nonprofit;*

17 *“(5) the damage category code;*

18 *“(6) the amount of the Federal share obligated;*

19 *and*

20 *“(7) the date of the award.*

21 **“(b) MISSION ASSIGNMENTS.—**

22 *“(1) IN GENERAL.—Not later than 5 days after*
 23 *the issuance of a mission assignment or mission as-*
 24 *signment task order, the Administrator shall publish*
 25 *on the Agency’s website any mission assignment or*
 26 *mission assignment task order to another Federal de-*

1 *partment or agency regarding a major disaster in ex-*
 2 *cess of \$1,000,000, including—*

3 *“(A) the name of the impacted State or*
 4 *Tribe;*

5 *“(B) the disaster declaration for such State*
 6 *or Tribe;*

7 *“(C) the assigned agency;*

8 *“(D) the assistance requested;*

9 *“(E) a description of the disaster;*

10 *“(F) the total cost estimate;*

11 *“(G) the amount obligated;*

12 *“(H) the State or Tribal cost share, if ap-*
 13 *plicable;*

14 *“(I) the authority under which the mission*
 15 *assignment or mission assignment task order*
 16 *was directed; and*

17 *“(J) if applicable, the date a State or Tribe*
 18 *requested the mission assignment.*

19 *“(2) RECORDING CHANGES.—Not later than 10*
 20 *days after the last day of each month until a mission*
 21 *assignment or mission assignment task order de-*
 22 *scribed in paragraph (1) is completed and closed out,*
 23 *the Administrator shall update any changes to the*
 24 *total cost estimate and the amount obligated.*

1 “(c) *DISASTER RELIEF MONTHLY REPORT.*—Not later
 2 *than 10 days after the first day of each month, the Adminis-*
 3 *trator shall publish on the Agency’s website reports, includ-*
 4 *ing a specific description of the methodology and the source*
 5 *data used in developing such reports, including—*

6 “(1) *an estimate of the amounts for the fiscal*
 7 *year covered by the President’s most recent budget*
 8 *pursuant to section 1105(a) of title 31, United States*
 9 *Code, including—*

10 “(A) *the unobligated balance of funds to be*
 11 *carried over from the prior fiscal year to the*
 12 *budget year;*

13 “(B) *the unobligated balance of funds to be*
 14 *carried over from the budget year to the budget*
 15 *year plus 1;*

16 “(C) *the amount of obligations for non-cata-*
 17 *strophic events for the budget year;*

18 “(D) *the amount of obligations for the budg-*
 19 *et year for catastrophic events delineated by*
 20 *event and by State;*

21 “(E) *the total amount that has been pre-*
 22 *viously obligated or will be required for cata-*
 23 *strophic events delineated by event and by State*
 24 *for all prior years, the current fiscal year, the*
 25 *budget year, and each fiscal year thereafter;*

1 “(F) the amount of previously obligated
2 funds that will be recovered for the budget year;

3 “(G) the amount that will be required for
4 obligations for emergencies, as described in sec-
5 tion 102(1), major disasters, as described in sec-
6 tion 102(2), fire management assistance grants,
7 as described in section 420, surge activities, and
8 disaster readiness and support activities; and

9 “(H) the amount required for activities not
10 covered under section 251(b)(2)(D)(iii) of the
11 Balanced Budget and Emergency Deficit Control
12 Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii)); and

13 “(2) an estimate or actual amounts, if available,
14 of the following for the current fiscal year shall be
15 submitted not later than the fifth day of each month,
16 published by the Administrator on the Agency’s
17 website not later than the fifth day of each month:

18 “(A) A summary of the amount of appro-
19 priations made available by source, the transfers
20 executed, the previously allocated funds recov-
21 ered, and the commitments, allocations, and obli-
22 gations made.

23 “(B) A table of disaster relief activity delin-
24 eated by month, including—

1 “(i) the beginning and ending bal-
2 ances;

3 “(ii) the total obligations to include
4 amounts obligated for fire assistance, emer-
5 gencies, surge, and disaster support activi-
6 ties;

7 “(iii) the obligations for catastrophic
8 events delineated by event and by State;
9 and

10 “(iv) the amount of previously obli-
11 gated funds that are recovered.

12 “(C) A summary of allocations, obligations,
13 and expenditures for catastrophic events delin-
14 eated by event.

15 “(D) The cost of the following categories of
16 spending:

17 “(i) Public assistance.

18 “(ii) Individual assistance.

19 “(iii) Mitigation.

20 “(iv) Administrative.

21 “(v) Operations.

22 “(vi) Any other relevant category (in-
23 cluding emergency measures and disaster
24 resources) delineated by disaster.

1 “(E) *The date on which funds appropriated*
 2 *will be exhausted.*

3 “(d) *CONTRACTS.—*

4 “(1) *INFORMATION.—Not later than 10 days*
 5 *after the first day of each month, the Administrator*
 6 *shall publish on the Agency’s website the specifics of*
 7 *each contract in excess of \$1,000,000 that the Agency*
 8 *enters into, including—*

9 “(A) *the name of the party;*

10 “(B) *the date the contract was awarded;*

11 “(C) *the amount of the contract, the scope*
 12 *of the contract;*

13 “(D) *if the contract was awarded through*
 14 *competitive bidding process;*

15 “(E) *if no competitive bidding process was*
 16 *used, the reason why competitive bidding was*
 17 *not used; and*

18 “(F) *the authority used to bypass the com-*
 19 *petitive bidding process.*

20 *The information shall be delineated by disaster, if ap-*
 21 *plicable, and specify the damage category code, if ap-*
 22 *plicable.*

23 “(2) *REPORT.—Not later than 10 days after the*
 24 *last day of the fiscal year, the Administrator shall*
 25 *provide a report to the appropriate committees of*

1 Congress summarizing the following information for
 2 the preceding fiscal year:

3 “(A) The number of contracts awarded
 4 without competitive bidding.

5 “(B) The reasons why a competitive bidding
 6 process was not used.

7 “(C) The total amount of contracts awarded
 8 with no competitive bidding.

9 “(D) The damage category codes, if applica-
 10 ble, for contracts awarded without competitive
 11 bidding.”.

12 **SEC. 306. AUDIT OF CONTRACTS.**

13 Notwithstanding any other provision of law, the Ad-
 14 ministrator of the Federal Emergency Management Agency
 15 shall not reimburse a State, Tribe, or local government or
 16 the owner or operator of a private nonprofit facility for any
 17 activities made pursuant to a contract entered into after
 18 August 1, 2017, that prohibits the Administrator or the
 19 Comptroller General of the United States from auditing or
 20 otherwise reviewing all aspects relating to the contract.

21 **SEC. 307. INSPECTOR GENERAL AUDIT OF FEMA CON-**
 22 **TRACTS FOR TARPS AND PLASTIC SHEETING.**

23 (a) *IN GENERAL.*—Not later than 30 days after the
 24 date of enactment of this Act, the inspector general of the
 25 Department of Homeland Security shall initiate an audit

1 *of the contracts awarded by the Federal Emergency Man-*
2 *agement Agency (in this section referred to as “FEMA”)*
3 *for tarps and plastic sheeting for the Commonwealth of*
4 *Puerto Rico and the Virgin Islands of the United States*
5 *in response to Hurricane Irma and Hurricane Maria.*

6 (b) *CONSIDERATIONS.—In carrying out the audit*
7 *under subsection (a), the inspector general shall review—*

8 (1) *the contracting process used by FEMA to*
9 *evaluate offerors and award the relevant contracts to*
10 *contractors;*

11 (2) *FEMA’s assessment of the past performance*
12 *of the contractors, including any historical informa-*
13 *tion showing that the contractors had supported*
14 *large-scale delivery quantities in the past;*

15 (3) *FEMA’s assessment of the capacity of the*
16 *contractors to carry out the relevant contracts, includ-*
17 *ing with respect to inventory, production, and finan-*
18 *cial capabilities;*

19 (4) *how FEMA ensured that the contractors met*
20 *the terms of the relevant contracts; and*

21 (5) *whether the failure of the contractors to meet*
22 *the terms of the relevant contracts and FEMA’s subse-*
23 *quent cancellation of the relevant contracts affected*
24 *the provision of tarps and plastic sheeting to the*

1 *Commonwealth of Puerto Rico and the Virgin Islands*
 2 *of the United States.*

3 (c) *REPORT.*—*Not later than 180 days after the date*
 4 *of initiation of the audit under subsection (a), the inspector*
 5 *general shall submit to the Committee on Transportation*
 6 *and Infrastructure of the House of Representatives and the*
 7 *Committee on Homeland Security and Governmental Af-*
 8 *airs of the Senate a report on the results of the audit, in-*
 9 *cluding findings and recommendations.*

10 **SEC. 308. RELIEF ORGANIZATIONS.**

11 *Section 309 of the Robert T. Stafford Disaster Relief*
 12 *and Emergency Assistance Act (42 U.S.C. 5152) is amend-*
 13 *ed—*

14 (1) *in subsection (a), by striking “and other re-*
 15 *lief or” and inserting “long-term recovery groups, and*
 16 *other relief, domestic hunger relief, or”;* and

17 (2) *in subsection (b), by striking “and other re-*
 18 *lief or” and inserting “long-term recovery groups, and*
 19 *other relief, domestic hunger relief, or”.*

20 **SEC. 309. GUIDANCE ON INUNDATED AND SUBMERGED**
 21 **ROADS.**

22 *The Administrator of the Federal Emergency Manage-*
 23 *ment Agency, in coordination with the Administrator of the*
 24 *Federal Highway Administration, shall develop and issue*
 25 *guidance for State, local, and Tribal governments regarding*

1 *repair, restoration, and replacement of inundated and sub-*
2 *merged roads damaged or destroyed by a major disaster,*
3 *and for associated expenses incurred by the Government,*
4 *with respect to roads eligible for assistance under section*
5 *406 of the Robert T. Stafford Disaster Relief and Emer-*
6 *gency Assistance Act (42 U.S.C. 5172).*

Union Calendar No. 850

115TH CONGRESS
2^D Session

H. R. 4460

[Report No. 115–1098, Part I]

A BILL

To improve the provision of disaster and mitigation assistance to eligible individuals and households and to eligible State, local, Tribal, and territorial governments and certain private nonprofit organizations, and for other purposes.

DECEMBER 21, 2018

Reported from the Committee on Transportation and Infrastructure with an amendment

DECEMBER 21, 2018

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