

¶17.4 PROVIDING FOR THE
CONSIDERATION OF H.R. 707

Mr. GOSS, by direction of the Committee on Rules, called up the following resolution (H. Res. 91):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. GOSS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶17.5 DISASTER MITIGATION AND COST
REDUCTION ACT

The SPEAKER pro tempore, Mr. GOSS, pursuant to House Resolution 91

and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

The SPEAKER pro tempore, Mr. GOSS, by unanimous consent, designated Mr. HEFLEY as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. NETHERCUTT, assumed the Chair.

When Mr. HEFLEY, Chairman, pursuant to House Resolution 91, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment reported from the Committee of the Whole House on the State of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disaster Mitigation and Cost Reduction Act of 1999".

**SEC. 2. AMENDMENTS TO ROBERT T. STAFFORD
DISASTER RELIEF AND EMERGENCY
ASSISTANCE ACT.**

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

**TITLE I—PREDISASTER HAZARD
MITIGATION**

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) greater emphasis needs to be placed on identifying and assessing the risks to State and local communities and implementing adequate measures to reduce losses from natural disasters and to ensure that critical facilities and public infrastructure will continue to function after a disaster;

(2) expenditures for post-disaster assistance are increasing without commensurate reduction in the likelihood of future losses from such natural disasters;

(3) a high priority in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act should be to implement predisaster activities at the local level; and

(4) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities will be able to increase their capabilities to form effective community-based partnerships for mitigation purposes, implement effective natural disaster mitigation measures that reduce the risk of future damage, hardship, and suffering, ensure continued functioning of critical facilities and public infrastructure, leverage additional non-Federal resources into meeting disaster resistance goals, and make commitments to long-term mitigation efforts in new and existing structures.

(b) PURPOSE.—It is the purpose of this title to establish a predisaster hazard mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption, and

disaster assistance costs resulting from natural hazards; and

(2) provides a source of predisaster hazard mitigation funding that will assist States and local governments in implementing effective mitigation measures that are designed to ensure the continued functioning of critical facilities and public infrastructure after a natural disaster.

SEC. 102. STATE MITIGATION PROGRAM.

Section 201(c) (42 U.S.C. 5131(c)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "and"; and

(3) by adding at the end the following:

"(3) set forth, with the ongoing cooperation of local governments and consistent with section 409, a comprehensive and detailed State program for mitigating against emergencies and major disasters, including provisions for prioritizing mitigation measures."

SEC. 103. DISASTER ASSISTANCE PLANS.

Section 201(d) (42 U.S.C. 5131(d)) is amended to read as follows:

"(d) GRANTS FOR DISASTER ASSISTANCE AND HAZARD IDENTIFICATION.—The President is authorized to make grants for—

"(1) not to exceed 50 percent of the cost of improving, maintaining, and updating State disaster assistance plans including, consistent with section 409, evaluation of natural hazards and development of the programs and actions required to mitigate such hazards; and

"(2) the development and application of improved floodplain mapping technologies that can be used by Federal, State, and local governments and that the President determines will likely result in substantial savings over current floodplain mapping methods."

SEC. 104. PREDISASTER HAZARD MITIGATION.

Title II (42 U.S.C. 5131–5132) is amended by adding at the end the following:

"SEC. 203. PREDISASTER HAZARD MITIGATION.

"(a) GENERAL AUTHORITY.—The President may establish a program to provide financial assistance to States and local governments for the purpose of undertaking predisaster hazard mitigation activities that are cost effective and substantially reduce the risk of future damage, hardship, or suffering from a major disaster.

"(b) PURPOSE OF ASSISTANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State or local government that receives financial assistance under this section shall use the assistance for funding activities that are cost effective and substantially reduce the risk of future damage, hardship, or suffering from a major disaster.

"(2) DISSEMINATION.—The State or local government may use not more than 10 percent of financial assistance it receives under this section in a fiscal year for funding activities to disseminate information regarding cost effective mitigation technologies (such as preferred construction practices and materials), including establishing and maintaining centers for protection against natural disasters to carry out such dissemination.

"(c) ALLOCATION OF FUNDS.—The amount of financial assistance to be made available to a State, including amounts made available to local governments of such State, under this section in a fiscal year shall—

"(1) not be less than the lesser of \$500,000 or 1.0 percent of the total funds appropriated to carry out this section for such fiscal year; but

"(2) not exceed 15 percent of such total funds.

"(d) CRITERIA.—Subject to the limitations of subsections (c) and (e), in determining

whether to provide assistance to a State or local government under this section and the amount of such assistance, the President shall consider the following criteria:

“(1) The clear identification of prioritized cost-effective mitigation activities that produce meaningful and definable outcomes.

“(2) If the State has submitted a mitigation program in cooperation with local governments under section 201(c), the degree to which the activities identified in paragraph (1) are consistent with the State mitigation program.

“(3) The extent to which assistance will fund activities that mitigate hazards evaluated under section 409.

“(4) The opportunity to fund activities that maximize net benefits to society.

“(5) The ability of the State or local government to fund mitigation activities.

“(6) The extent to which assistance will fund mitigation activities in small impoverished communities.

“(7) The level of interest by the private sector to enter into a partnership to promote mitigation.

“(8) Such other criteria as the President establishes in consultation with State and local governments.

“(e) STATE NOMINATIONS.—

“(1) IN GENERAL.—The Governor of each State may recommend to the President not less than 5 local governments to receive assistance under this section. The recommendations shall be submitted to the President not later than October 1, 1999, and each October 1st thereafter or such later date in the year as the President may establish. In making such recommendations, the Governors shall consider the criteria identified in subsection (d).

“(2) USE.—

“(A) GENERAL RULE.—In providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

“(B) WAIVER.—Upon request of a local government, the President may waive the limitation in subparagraph (A) if the President determines that extraordinary circumstances justify the waiver and that granting the waiver will further the purpose of this section.

“(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria in subsection (d), any local governments of the State to receive assistance under this section.

“(f) SMALL IMPOVERISHED COMMUNITIES.—For the purpose of this section, the term ‘small impoverished communities’ means communities of 3,000 or fewer individuals that are economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

“(g) FEDERAL SHARE.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President; except that the President may contribute up to 90 percent of the total cost of mitigation activities in small impoverished communities.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 1999 and \$80,000,000 for fiscal year 2000.

“(i) AUTHORIZATION OF SECTION 404 FUNDS.—Effective October 1, 2000, in addition to amounts appropriated under subsection (h) from only appropriations enacted after October 1, 2000, the President may use, to carry out this section, funds that are appropriated to carry out section 404 for post-disaster mitigation activities that have not been obligated within 30 months of the dis-

aster declaration upon which the funding availability is based.

“(j) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of the enactment of the Disaster Mitigation and Cost Reduction Act of 1999, the President, in consultation with State and local governments, shall transmit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program authorized by this section to capable States.”.

SEC. 105. INTERAGENCY TASK FORCE.

The President shall establish an interagency task force for the purpose of coordinating the implementation of the predisaster hazard mitigation program authorized by section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Director of the Federal Emergency Management Agency shall chair such task force.

SEC. 106. MAXIMUM CONTRIBUTION FOR MITIGATION COSTS.

(a) IN GENERAL.—Section 404(a) (42 U.S.C. 5170c(a)) is amended by striking “15 percent” and inserting “20 percent”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to major disasters declared under the Robert T. Stafford Disaster Relief Act and Emergency Assistance Act after January 1, 1997.

SEC. 107. CONFORMING AMENDMENT.

The heading for title II is amended to read as follows:

“TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE”.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III (42 U.S.C. 5141-5164) is amended by adding at the end the following:

“SEC. 322. MANAGEMENT COSTS.

“(a) IN GENERAL.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish by rule management cost rates for grantees and subgrantees. Such rates shall be used to determine contributions under this Act for management costs.

“(b) MANAGEMENT COSTS DEFINED.—Management costs include indirect costs, administrative expenses, associated expenses, and any other expenses not directly chargeable to a specific project under a major disaster, emergency, or emergency preparedness activity or measure. Such costs include the necessary costs of requesting, obtaining, and administering Federal assistance and costs incurred by a State for preparation of damage survey reports, final inspection reports, project applications, final audits, and related field inspections by State employees, including overtime pay and per diem and travel expenses of such employees, but not including pay for regular time of such employees.

“(c) REVIEW.—The President shall review the management cost rates established under subsection (a) not later than 3 years after the date of establishment of such rates and periodically thereafter.”.

(b) APPLICABILITY.—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a) of this section) shall apply as follows:

(1) Subsections (a) and (b) of such section 322 shall apply to major disasters declared under such Act on or after the date of the enactment of this Act. Until the date on which the President establishes the management cost rates under such subsection, section 406(f) shall be used for establishing such rates.

(2) Subsection (c) of such section 322 shall apply to major disasters declared under such

Act on or after the date on which the President establishes such rates under subsection (a) of such section 322.

SEC. 202. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406(a) (42 U.S.C. 5172(a)) is amended to read as follows:

“(a) CONTRIBUTIONS.—

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

“(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility which is damaged or destroyed by a major disaster and for associated expenses incurred by such government; and

“(B) subject to paragraph (2), to a person who owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of such facility and for associated expenses incurred by such person.

“(2) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

“(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

“(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

“(ii)(I) the owner or operator of the facility has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

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

“(III) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

“(B) CRITICAL SERVICES DEFINED.—In this paragraph, the term ‘critical services’ includes, but is not limited to, power, water, sewer, wastewater treatment, communications, and emergency medical care.”.

(b) MINIMUM FEDERAL SHARE.—Section 406(b) (42 U.S.C. 5172(b)) is amended to read as follows:

“(b) MINIMUM FEDERAL SHARE.—The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.”.

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406(c) (42 U.S.C. 5172(c)) is amended to read as follows:

“(c) LARGE IN-LIEU CONTRIBUTIONS.—

“(1) FOR PUBLIC FACILITIES.—

“(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by such State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution of 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

“(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by such State or local government because soil instability in the disaster area makes such repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution of 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

“(C) USE OF FUNDS.—Funds contributed to a State or local government under this paragraph may be used to repair, restore, or expand other selected public facilities, to construct new facilities, or to fund hazard mitigation measures which the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

“(2) FOR PRIVATE NONPROFIT FACILITIES.—

“(A) IN GENERAL.—In any case where a person who owns or operates a private nonprofit facility determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing such facility, such person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution of 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

“(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person, to construct new private nonprofit facilities to be owned or operated by the person, or to fund hazard mitigation measures that the person determines to be necessary to meet a need for its services and functions in the area affected by the major disaster.

“(3) MODIFICATION OF FEDERAL SHARE.—The President shall modify the Federal share of the cost estimate provided in paragraphs (1) and (2) if the President determines an alternative cost share will likely reduce the total amount of Federal assistance provided under this section. The Federal cost share for purposes of paragraphs (1) and (2) shall not exceed 90 percent and shall not be less than 50 percent.”

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406(e) (42 U.S.C. 5172(e)) is amended to read as follows:

“(e) ELIGIBLE COST.—

“(1) IN GENERAL.—For the purposes of this section, the estimate of the cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility on the basis of the design of such facility as it existed immediately before the major disaster and in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) shall be treated as the eligible cost of such repair, restoration, reconstruction, or replacement. Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to make the estimate under this paragraph.

“(2) MODIFICATION OF ELIGIBLE COST.—In the event the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is more than 120 percent or less than 80 percent of the cost estimated under paragraph (1), the President may determine that the eligible cost be the actual cost of such repair, restoration, reconstruction, or replacement. The government or person receiving assistance under this section shall reimburse the President for the portion of such assistance that exceeds the eligible cost of such repair, restoration, reconstruction, or replacement.

“(3) USE OF SURPLUS FUNDS.—In the event the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent but not less than 80 percent of the cost estimated under paragraph (1), the government or person receiving assistance under this section shall use any surplus funds to perform activities that are cost-effective and reduce the risk of

future damage, hardship, or suffering from a major disaster.

“(4) EXPERT PANEL.—Not later than 18 months after the date of the enactment of the Disaster Mitigation and Cost Reduction Act of 1999, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, including representatives from the construction industry, to develop procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices.

“(5) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing such facility shall include, for purposes of this section, only those costs which, under the contract for such construction, are the owner's responsibility and not the contractor's responsibility.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall only apply to funds appropriated after the date of the enactment of this Act; except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1) of this subsection) shall take effect on the date that the procedures developed under paragraph (3) of such section take effect.

(e) ASSOCIATED EXPENSES.—

(1) IN GENERAL.—Section 406 (42 U.S.C. 4172) is amended by striking subsection (f).

(2) OTHER ELIGIBLE COSTS.—Section 406(e) (42 U.S.C. 5172(e)), as amended by subsection (d) of this section, is amended by adding at the end the following:

“(6) OTHER ELIGIBLE COSTS.—For purposes of this section, other eligible costs include the following:

“(A) COSTS OF NATIONAL GUARD.—The cost of mobilizing and employing the National Guard for performance of eligible work.

“(B) COSTS OF PRISON LABOR.—The costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging.

“(C) OTHER LABOR COSTS.—Base and overtime wages for an applicant's employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the disaster.”

(3) EFFECTIVE DATE.—Paragraphs (1) and (2) shall take effect on the date on which the President establishes management cost rates under section 322(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by section 201(a) of this Act). The amendment made by paragraph (1) shall only apply to disasters declared by the President under such Act after the date on which the President establishes such cost rates.

SEC. 203. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 (42 U.S.C. 5174) is amended to read as follows:

“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

“(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the President, in consultation with the Governor of the affected State, may provide financial assistance, and, if necessary, direct services, to disaster victims who as a direct result of a major disaster have necessary expenses and serious needs where such victims are unable to meet such expenses or needs through other means. Under the preceding sentence, a victim shall not be denied assistance under subsections (c)(1), (c)(3), or (c)(4), solely on

the basis that the victim has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

“(b) HOUSING ASSISTANCE.—

“(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and families to respond to the disaster-related housing needs of those who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

“(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—The President shall determine appropriate types of housing assistance to be provided to disaster victims under this section based upon considerations of cost effectiveness, convenience to disaster victims, and such other factors as the President may consider appropriate. One or more types of housing assistance may be made available, based on the suitability and availability of the types of assistance, to meet the needs of disaster victims in the particular disaster situation.

“(c) TYPES OF HOUSING ASSISTANCE.—

“(1) TEMPORARY HOUSING.—

“(A) FINANCIAL ASSISTANCE.—

“(i) IN GENERAL.—The President may provide financial assistance under this section to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

“(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation being furnished plus the cost of any transportation, utility hookups, or unit installation not being directly provided by the President.

“(B) DIRECT ASSISTANCE.—

“(i) IN GENERAL.—The President may also directly provide under this section housing units, acquired by purchase or lease, to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

“(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the expiration of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend such period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

“(iii) COLLECTION OF RENTAL CHARGES.—After the expiration of the 18-month period referred to in clause (ii), the President may charge fair market rent for the accommodation being provided.

“(2) REPAIRS.—The President may provide financial assistance for the repair of owner-occupied private residences, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to a habitable or functioning condition. A recipient of assistance provided under this paragraph need not show that the assistance can be met through other means, except insurance proceeds, if the assistance is used for emergency repairs to make a private residence habitable and does not exceed \$5,000 (based on fiscal year 1998 constant dollars).

“(3) REPLACEMENT.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster. Assistance provided under this paragraph shall not exceed \$10,000 (based on fiscal year 1998 constant dollars). The President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition for the receipt of Federal disaster assistance

with respect to assistance provided under this paragraph.

“(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance under this section to individuals or households to construct permanent housing in insular areas outside the continental United States and other remote locations in cases in which—

“(A) no alternative housing resources are available; and

“(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost effective.

“(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

“(1) SITES.—Any readily fabricated dwelling provided under this section shall, whenever possible, be located on a site complete with utilities, and shall be provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster. Readily fabricated dwellings may be located on sites provided by the President if the President determines that such sites would be more economical or accessible.

“(2) DISPOSAL OF UNITS.—

“(A) SALE TO OCCUPANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purposes of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household needs permanent housing.

“(ii) SALES PRICE.—Sales of temporary housing units under clause (i) shall be accomplished at prices that are fair and equitable.

“(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited into the appropriate Disaster Relief Fund account.

“(iv) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

“(B) OTHER METHODS OF DISPOSAL.—

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

“(ii) DISPOSAL TO GOVERNMENTS AND VOLUNTARY ORGANIZATIONS.—A temporary housing unit described in clause (i) may also be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of such sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees to comply with the non-discrimination provisions of section 308 and to obtain and maintain hazard and flood insurance on the housing unit.

“(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

“(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of the affected State, may provide financial assistance under this section to an individual or household adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

“(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of the affected State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

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

“(g) MAXIMUM AMOUNT OF ASSISTANCE.—No individual or household shall receive financial assistance greater than \$25,000 under this section with respect to a single major disaster. Such limit shall be adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

“(h) ISSUANCE OF REGULATIONS.—The President shall issue rules and regulations to carry out the program, including criteria, standards, and procedures for determining eligibility for assistance.”

(b) CONFORMING AMENDMENT.—Section 502(a)(6) (42 U.S.C. 5192(a)(6)) is amended by striking “temporary housing”.

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Title IV (42 U.S.C. 5170–5189a) is amended by striking section 411 (42 U.S.C. 5178).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 545th day following the date of the enactment of this Act.

SEC. 204. REPEALS.

(a) COMMUNITY DISASTER LOANS.—Section 417 (42 U.S.C. 5184) is repealed.

(b) SIMPLIFIED PROCEDURE.—Section 422 (42 U.S.C. 5189) is repealed.

SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION PROGRAM.

Section 404 (42 U.S.C. 5170c) is amended by adding at the end the following:

“(C) PROGRAM ADMINISTRATION BY STATES.—

“(1) IN GENERAL.—A State desiring to administer the hazard mitigation assistance program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of such authority.

“(2) CRITERIA.—The President, in consultation with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum, the following:

“(A) The demonstrated ability of the State to manage the grant program under this section.

“(B) Submission of the plan required under section 201(c).

“(C) A demonstrated commitment to mitigation activities.

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

“(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation assistance program established by this section in a manner satisfactory to the President, the President shall withdraw such approval.

“(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation assistance programs administered by States under this subsection.”

SEC. 206. STATE ADMINISTRATION OF DAMAGED FACILITIES PROGRAM.

(a) PILOT PROGRAM.—In cooperation with States and local governments and in coordination with efforts to streamline the delivery of disaster relief assistance, the President shall conduct a pilot program for the purpose of determining the desirability of State administration of parts of the assistance program established by section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

(b) STATE PARTICIPATION.—

(1) CRITERIA.—The President may establish criteria in order to ensure the appropriate

implementation of the pilot program under subsection (a).

(2) MINIMUM NUMBER OF STATES.—The President shall conduct the pilot program under subsection (a) in at least 2 States.

(c) REPORT.—Not later than 3 years after the date of the enactment of this Act, the President shall transmit to Congress a report describing the results of the pilot program conducted under subsection (a), including identifying any administrative or financial benefits. Such report shall also include recommendations on the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 207. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to estimate the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

SEC. 208. REPORT ON ASSISTANCE TO RURAL COMMUNITIES.

Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall prepare and transmit to Congress a report on methods and procedures that the Director recommends to accelerate the provision of Federal disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to rural communities.

SEC. 209. STUDY REGARDING INSURANCE FOR PUBLIC INFRASTRUCTURE.

The Comptroller General of the United States shall conduct a study to determine the current and future expected availability of disaster insurance for public infrastructure eligible for assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

SEC. 210. PUBLIC COMMENT REQUIREMENT.

Title III (42 U.S.C. 5141–5164) (as amended by section 201 of this Act) is amended by adding at the end the following:

“SEC. 323. PUBLIC COMMENT REQUIREMENT.

“(a) IN GENERAL.—The Director of the Federal Emergency Management Agency shall provide an opportunity for public comment before adopting any new or modified policy that would have a meaningful impact on the amount of disaster assistance that may be provided to a State or local government by the President under this Act.

“(b) RETROACTIVE APPLICATION OF POLICIES.—The Director may not adopt any new or modified policy that would retroactively reduce the amount of assistance provided to a State or local government under this Act.”

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section (42 U.S.C. 5121 note) is amended to read as follows:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Robert T. Stafford Disaster Relief and Emergency Assistance Act’.”

SEC. 302. DEFINITION OF STATE.

Section 102 (42 U.S.C. 5122) is amended in each of paragraphs (3) and (4) by striking “the Northern” and all that follows through “Pacific Islands” and inserting “and the Commonwealth of the Northern Mariana Islands”.

SEC. 303. FIRE SUPPRESSION GRANTS.

Section 420 (42 U.S.C. 5187) is amended by inserting “and local government” after “State”.

SEC. 304. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated pursuant to this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF “MADE IN AMERICA” LABELS.—

(1) IN GENERAL.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(2) DEBAR DEFINED.—In this section, the term “debar” has the meaning given that term by section 2393(c) of title 10, United States Code.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. NETHERCUTT, announced that the yeas had it.

Mrs. FOWLER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 415
 Nays 2

¶17.6 [Roll No. 33]
YEAS—415

- | | | |
|--------------|------------|-------------|
| Abercrombie | Boucher | Cummings |
| Ackerman | Boyd | Cunningham |
| Aderholt | Brady (PA) | Danner |
| Allen | Brady (TX) | Davis (FL) |
| Andrews | Brown (CA) | Davis (IL) |
| Archer | Brown (FL) | Davis (VA) |
| Armey | Brown (OH) | Deal |
| Bachus | Bryant | DeFazio |
| Baird | Burr | DeGette |
| Baker | Burton | DeLaHunt |
| Baldacci | Buyer | DeLauro |
| Baldwin | Callahan | DeLay |
| Ballenger | Calvert | DeMint |
| Barcia | Camp | Deutsch |
| Barr | Campbell | Diaz-Balart |
| Barrett (NE) | Canady | Dickey |
| Barrett (WI) | Cannon | Dicks |
| Bartlett | Capuano | Dingell |
| Barton | Cardin | Dixon |
| Bass | Carson | Doggett |
| Bateman | Castle | Dooley |
| Becerra | Chabot | Doolittle |
| Bentsen | Chambliss | Doyle |
| Bereuter | Clay | Dreier |
| Berkley | Clayton | Duncan |
| Berman | Clement | Dunn |
| Berry | Clyburn | Edwards |
| Biggert | Coble | Ehlers |
| Bilbray | Coburn | Ehrlich |
| Bilirakis | Collins | Emerson |
| Bishop | Combest | English |
| Blagojevich | Condit | Eshoo |
| Billey | Conyers | Etheridge |
| Blumenauer | Cook | Ewing |
| Blunt | Cooksey | Farr |
| Boehert | Costello | Fattah |
| Boehner | Cox | Filner |
| Bonilla | Coyne | Fletcher |
| Bonior | Cramer | Foley |
| Bono | Crane | Forbes |
| Borski | Crowley | Ford |
| Boswell | Cubin | Fossella |

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|------------------|--------------------|---------------|
| Fowler | Lipinski | Roukema |
| Frank (MA) | LoBiondo | Roybal-Allard |
| Franks (NJ) | Lofgren | Royce |
| Frelinghuysen | Lowe | Rush |
| Frost | Lucas (KY) | Ryan (WI) |
| Galleghy | Lucas (OK) | Ryun (KS) |
| Ganske | Luther | Sabo |
| Gejdenson | Maloney (CT) | Salmon |
| Gephardt | Maloney (NY) | Sanders |
| Gibbons | Manzullo | Sandlin |
| Gillmor | Markey | Sanford |
| Gilman | Martinez | Sawyer |
| Goode | Mascara | Saxton |
| Goodlatte | Matsui | Schaffer |
| Goodling | McCarthy (MO) | Schakowsky |
| Gordon | McCarthy (NY) | Scott |
| Goss | McCrery | Sensenbrenner |
| Graham | McDermott | Serrano |
| Green (TX) | McGovern | Sessions |
| Green (WI) | McHugh | Shadegg |
| Greenwood | McInnis | Shaw |
| Gutierrez | McIntosh | Shays |
| Gutknecht | McIntyre | Sherman |
| Hall (OH) | McKeon | Sherwood |
| Hall (TX) | McKinney | Shimkus |
| Hansen | McNulty | Shows |
| Hastings (FL) | Meehan | Shuster |
| Hastings (WA) | Meek (FL) | Simpson |
| Hayes | Meeke (NY) | Sisisky |
| Hayworth | Menendez | Skeen |
| Hefley | Metcalfe | Skelton |
| Heger | Mica | Slaughter |
| Hill (IN) | Millender-McDonald | Smith (MI) |
| Hill (MT) | Miller (FL) | Smith (NJ) |
| Hilleary | Miller, Gary | Smith (TX) |
| Hilliard | Miller, George | Smith (WA) |
| Hinchey | Minge | Snyder |
| Hinojosa | Mink | Souder |
| Hobson | Moakley | Spence |
| Hoeffel | Moore | Spratt |
| Hoekstra | Moran (KS) | Stabenow |
| Holden | Moran (VA) | Stearns |
| Hoolley | Morella | Stenholm |
| Horn | Murtha | Strickland |
| Hostettler | Myrick | Stupak |
| Houghton | Nadler | Sununu |
| Hoyer | Napolitano | Sweeney |
| Hulshof | Neal | Talent |
| Hunter | Nethercutt | Tancredo |
| Hutchinson | Ney | Tanner |
| Hyde | Northup | Tauscher |
| Inslee | Norwood | Tauzin |
| Isakson | Nussle | Taylor (MS) |
| Istook | Oberstar | Taylor (NC) |
| Jackson (IL) | Obey | Terry |
| Jackson-Lee (TX) | Olver | Thomas |
| Jefferson | Ortiz | Thompson (CA) |
| Jenkins | Ose | Thompson (MS) |
| John | Owens | Thornberry |
| Johnson (CT) | Oxley | Thune |
| Johnson, E. B. | Packard | Thurman |
| Johnson, Sam | Pallone | Tiahrt |
| Jones (NC) | Pascarell | Tierney |
| Jones (OH) | Pastor | Toomey |
| Kanjorski | Payne | Towns |
| Kaptur | Pease | Traficant |
| Kasich | Pelosi | Turner |
| Kelly | Peterson (MN) | Udall (CO) |
| Kildee | Peterson (PA) | Udall (NM) |
| Kilpatrick | Petri | Upton |
| Kind (WI) | Phelps | Velazquez |
| King (NY) | Pickering | Vento |
| Kingston | Pickett | Viscosky |
| Kleczka | Pitts | Walden |
| Klink | Pombo | Walsh |
| Knollenberg | Pomeroy | Wamp |
| Kolbe | Porter | Waters |
| Kucinich | Portman | Watkins |
| Kuykendall | Price (NC) | Watt (NC) |
| LaFalce | Pryce (OH) | Watts (OK) |
| LaHood | Quinn | Waxman |
| Lampson | Radanovich | Weiner |
| Lantos | Rahall | Weldon (FL) |
| Largent | Ramstad | Weldon (PA) |
| Larson | Regula | Weller |
| Latham | Reyes | Wexler |
| LaTourette | Reynolds | Weygand |
| Lazio | Riley | Whitfield |
| Leach | Rivers | Wicker |
| Lee | Rodriguez | Wilson |
| Levin | Roemer | Wise |
| Lewis (CA) | Rogan | Wolf |
| Lewis (GA) | Rogers | Woolsey |
| Lewis (KY) | Rohrabacher | Wu |
| Linder | Ros-Lehtinen | Wynn |
| | Rothman | Young (AK) |
| | | Young (FL) |

NAYS—2

Stump

NOT VOTING—16

- | | | |
|-----------|-----------|-------------|
| Capps | Gilchrest | Rangel |
| Chenoweth | Granger | Sanchez |
| Engel | Holt | Scarborough |
| Evans | Kennedy | Stark |
| Everett | McCollum | |
| Gekas | Mollohan | |

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶17.7 CONDOLENCES OF THE CONGRESS
ON THE DEATH OF THE HONORABLE
MORRIS K. UDALL

On motion of Mr. KOLBE, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following concurrent resolution (H. Con. Res. 40):

Whereas Morris King Udall served his Nation and his State of Arizona with honor and distinction in his 30 years as a Member of the United States House of Representatives;

Whereas Morris King Udall became an internationally recognized leader in the field of conservation, personally sponsoring legislation that more than doubled the National Park and National Wildlife Refuge systems, and added thousands of acres to America's National Wilderness Preservation System;

Whereas Morris King Udall was also instrumental in reorganizing the United States Postal Service, in helping enact legislation to restore lands left in the wake of surface mining, enhancing and protecting the civil service, and fighting long and consistently to safeguard the rights and legacies of Native Americans;

Whereas in his lifetime, Morris King Udall became known as a model Member of Congress and was among the most effective and admired legislators of his generation;

Whereas this very decent and good man from Arizona also left us with one of the most precious gifts of all—a special brand of wonderful and endearing humor that was distinctly his;

Whereas Morris King Udall set a standard for all facing adversity as he struggled against the onslaught of Parkinson's disease with the same optimism and humor that were the hallmarks of his life; and

Whereas Morris King Udall in so many ways will continue to stand as a symbol of all that is best about public service, for all that is civil in political discourse, for all that is kind and gentle, and will remain an inspiration to others: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) has learned with profound sorrow of the death of the Honorable Morris King Udall on December 12, 1998, and extends condolences to the Udall family, and especially to his wife Norma;

(2) expresses its profound gratitude to the Honorable Morris King Udall and his family for the service that he rendered to his country; and

(3) recognizes with appreciation and respect the Honorable Morris K. Udall's commitment to and example of bipartisanship and collegial interaction in the legislative process.

SECTION. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Clerk of the House of Representatives shall transmit an enrolled copy of this Concurrent Resolution to the family of the Honorable Morris King Udall.

When said concurrent resolution was considered.

After debate,