

H. Res. 607

In the House of Representatives, U.S.,

October 3, 2000.

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 707, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate to the text with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Disaster Mitigation Act of 2000”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.

Sec. 102. Predisaster hazard mitigation.

Sec. 103. Interagency task force.

Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.

Sec. 202. Management costs.

- Sec. 203. Public notice, comment, and consultation requirements.
 Sec. 204. State administration of hazard mitigation grant program.
 Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
 Sec. 206. Federal assistance to individuals and households.
 Sec. 207. Community disaster loans.
 Sec. 208. Report on State management of small disasters initiative.
 Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

- Sec. 301. Technical correction of short title.
 Sec. 302. Definitions.
 Sec. 303. Fire management assistance.
 Sec. 304. President’s Council on Domestic Terrorism Preparedness.
 Sec. 305. Disaster grant closeout procedures.
 Sec. 306. Public safety officer benefits for certain Federal and State employees.
 Sec. 307. Buy American.
 Sec. 308. Treatment of certain real property.
 Sec. 309. Study of participation by Indian tribes in emergency management.

1 **TITLE I—PREDISASTER HAZARD** 2 **MITIGATION**

3 **SEC. 101. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds that—

5 (1) natural disasters, including earthquakes,
 6 tsunamis, tornadoes, hurricanes, flooding, and
 7 wildfires, pose great danger to human life and to
 8 property throughout the United States;

9 (2) greater emphasis needs to be placed on—

10 (A) identifying and assessing the risks to
 11 States and local governments (including Indian
 12 tribes) from natural disasters;

13 (B) implementing adequate measures to
 14 reduce losses from natural disasters; and

1 (C) ensuring that the critical services and
2 facilities of communities will continue to func-
3 tion after a natural disaster;

4 (3) expenditures for postdisaster assistance are
5 increasing without commensurate reductions in the
6 likelihood of future losses from natural disasters;

7 (4) in the expenditure of Federal funds under
8 the Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5121 et seq.), high
10 priority should be given to mitigation of hazards at
11 the local level; and

12 (5) with a unified effort of economic incentives,
13 awareness and education, technical assistance, and
14 demonstrated Federal support, States and local gov-
15 ernments (including Indian tribes) will be able to—

16 (A) form effective community-based part-
17 nerships for hazard mitigation purposes;

18 (B) implement effective hazard mitigation
19 measures that reduce the potential damage
20 from natural disasters;

21 (C) ensure continued functionality of crit-
22 ical services;

23 (D) leverage additional non-Federal re-
24 sources in meeting natural disaster resistance
25 goals; and

1 (E) make commitments to long-term haz-
2 ard mitigation efforts to be applied to new and
3 existing structures.

4 (b) PURPOSE.—The purpose of this title is to estab-
5 lish a national disaster hazard mitigation program—

6 (1) to reduce the loss of life and property,
7 human suffering, economic disruption, and disaster
8 assistance costs resulting from natural disasters;
9 and

10 (2) to provide a source of predisaster hazard
11 mitigation funding that will assist States and local
12 governments (including Indian tribes) in imple-
13 menting effective hazard mitigation measures that
14 are designed to ensure the continued functionality of
15 critical services and facilities after a natural dis-
16 aster.

17 **SEC. 102. PREDISASTER HAZARD MITIGATION.**

18 (a) IN GENERAL.—Title II of the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act (42 U.S.C.
20 5131 et seq.) is amended by adding at the end the fol-
21 lowing:

22 **“SEC. 203. PREDISASTER HAZARD MITIGATION.**

23 “(a) DEFINITION OF SMALL IMPOVERISHED COMMU-
24 NITY.—In this section, the term ‘small impoverished com-
25 munity’ means a community of 3,000 or fewer individuals

1 that is economically disadvantaged, as determined by the
2 State in which the community is located and based on cri-
3 teria established by the President.

4 “(b) ESTABLISHMENT OF PROGRAM.—The President
5 may establish a program to provide technical and financial
6 assistance to States and local governments to assist in the
7 implementation of predisaster hazard mitigation measures
8 that are cost-effective and are designed to reduce injuries,
9 loss of life, and damage and destruction of property, in-
10 cluding damage to critical services and facilities under the
11 jurisdiction of the States or local governments.

12 “(c) APPROVAL BY PRESIDENT.—If the President de-
13 termines that a State or local government has identified
14 natural disaster hazards in areas under its jurisdiction
15 and has demonstrated the ability to form effective public-
16 private natural disaster hazard mitigation partnerships,
17 the President, using amounts in the National Predisaster
18 Mitigation Fund established under subsection (i) (referred
19 to in this section as the ‘Fund’), may provide technical
20 and financial assistance to the State or local government
21 to be used in accordance with subsection (e).

22 “(d) STATE RECOMMENDATIONS.—

23 “(1) IN GENERAL.—

24 “(A) RECOMMENDATIONS.—The Governor
25 of each State may recommend to the President

1 not fewer than 5 local governments to receive
2 assistance under this section.

3 “(B) DEADLINE FOR SUBMISSION.—The
4 recommendations under subparagraph (A) shall
5 be submitted to the President not later than
6 October 1, 2001, and each October 1st there-
7 after or such later date in the year as the Presi-
8 dent may establish.

9 “(C) CRITERIA.—In making recommenda-
10 tions under subparagraph (A), a Governor shall
11 consider the criteria specified in subsection (g).

12 “(2) USE.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), in providing assistance to
15 local governments under this section, the Presi-
16 dent shall select from local governments rec-
17 ommended by the Governors under this sub-
18 section.

19 “(B) EXTRAORDINARY CIRCUMSTANCES.—
20 In providing assistance to local governments
21 under this section, the President may select a
22 local government that has not been rec-
23 ommended by a Governor under this subsection
24 if the President determines that extraordinary
25 circumstances justify the selection and that

1 making the selection will further the purpose of
2 this section.

3 “(3) EFFECT OF FAILURE TO NOMINATE.—If a
4 Governor of a State fails to submit recommendations
5 under this subsection in a timely manner, the Presi-
6 dent may select, subject to the criteria specified in
7 subsection (g), any local governments of the State to
8 receive assistance under this section.

9 “(e) USES OF TECHNICAL AND FINANCIAL ASSIST-
10 ANCE.—

11 “(1) IN GENERAL.—Technical and financial as-
12 sistance provided under this section—

13 “(A) shall be used by States and local gov-
14 ernments principally to implement predisaster
15 hazard mitigation measures that are cost-effec-
16 tive and are described in proposals approved by
17 the President under this section; and

18 “(B) may be used—

19 “(i) to support effective public-private
20 natural disaster hazard mitigation partner-
21 ships;

22 “(ii) to improve the assessment of a
23 community’s vulnerability to natural haz-
24 ards; or

1 “(iii) to establish hazard mitigation
2 priorities, and an appropriate hazard miti-
3 gation plan, for a community.

4 “(2) DISSEMINATION.—A State or local govern-
5 ment may use not more than 10 percent of the fi-
6 nancial assistance received by the State or local gov-
7 ernment under this section for a fiscal year to fund
8 activities to disseminate information regarding cost-
9 effective mitigation technologies.

10 “(f) ALLOCATION OF FUNDS.—The amount of finan-
11 cial assistance made available to a State (including
12 amounts made available to local governments of the State)
13 under this section for a fiscal year—

14 “(1) shall be not less than the lesser of—

15 “(A) \$500,000; or

16 “(B) the amount that is equal to 1.0 per-
17 cent of the total funds appropriated to carry
18 out this section for the fiscal year;

19 “(2) shall not exceed 15 percent of the total
20 funds described in paragraph (1)(B); and

21 “(3) shall be subject to the criteria specified in
22 subsection (g).

23 “(g) CRITERIA FOR ASSISTANCE AWARDS.—In deter-
24 mining whether to provide technical and financial assist-

1 ance to a State or local government under this section,
2 the President shall take into account—

3 “(1) the extent and nature of the hazards to be
4 mitigated;

5 “(2) the degree of commitment of the State or
6 local government to reduce damages from future
7 natural disasters;

8 “(3) the degree of commitment by the State or
9 local government to support ongoing non-Federal
10 support for the hazard mitigation measures to be
11 carried out using the technical and financial assist-
12 ance;

13 “(4) the extent to which the hazard mitigation
14 measures to be carried out using the technical and
15 financial assistance contribute to the mitigation
16 goals and priorities established by the State;

17 “(5) the extent to which the technical and fi-
18 nancial assistance is consistent with other assistance
19 provided under this Act;

20 “(6) the extent to which prioritized, cost-effec-
21 tive mitigation activities that produce meaningful
22 and definable outcomes are clearly identified;

23 “(7) if the State or local government has sub-
24 mitted a mitigation plan under section 322, the ex-

1 tent to which the activities identified under para-
2 graph (6) are consistent with the mitigation plan;

3 “(8) the opportunity to fund activities that
4 maximize net benefits to society;

5 “(9) the extent to which assistance will fund
6 mitigation activities in small impoverished commu-
7 nities; and

8 “(10) such other criteria as the President es-
9 tablishes in consultation with State and local govern-
10 ments.

11 “(h) FEDERAL SHARE.—

12 “(1) IN GENERAL.—Financial assistance pro-
13 vided under this section may contribute up to 75
14 percent of the total cost of mitigation activities ap-
15 proved by the President.

16 “(2) SMALL IMPOVERISHED COMMUNITIES.—
17 Notwithstanding paragraph (1), the President may
18 contribute up to 90 percent of the total cost of a
19 mitigation activity carried out in a small impover-
20 ished community.

21 “(i) NATIONAL PREDISASTER MITIGATION FUND.—

22 “(1) ESTABLISHMENT.—The President may es-
23 tablish in the Treasury of the United States a fund
24 to be known as the ‘National Predisaster Mitigation
25 Fund’, to be used in carrying out this section.

1 “(2) TRANSFERS TO FUND.—There shall be de-
2 posited in the Fund—

3 “(A) amounts appropriated to carry out
4 this section, which shall remain available until
5 expended; and

6 “(B) sums available from gifts, bequests,
7 or donations of services or property received by
8 the President for the purpose of predisaster
9 hazard mitigation.

10 “(3) EXPENDITURES FROM FUND.—Upon re-
11 quest by the President, the Secretary of the Treas-
12 ury shall transfer from the Fund to the President
13 such amounts as the President determines are nec-
14 essary to provide technical and financial assistance
15 under this section.

16 “(4) INVESTMENT OF AMOUNTS.—

17 “(A) IN GENERAL.—The Secretary of the
18 Treasury shall invest such portion of the Fund
19 as is not, in the judgment of the Secretary of
20 the Treasury, required to meet current with-
21 drawals. Investments may be made only in in-
22 terest-bearing obligations of the United States.

23 “(B) ACQUISITION OF OBLIGATIONS.—For
24 the purpose of investments under subparagraph
25 (A), obligations may be acquired—

1 “(i) on original issue at the issue
2 price; or

3 “(ii) by purchase of outstanding obli-
4 gations at the market price.

5 “(C) SALE OF OBLIGATIONS.—Any obliga-
6 tion acquired by the Fund may be sold by the
7 Secretary of the Treasury at the market price.

8 “(D) CREDITS TO FUND.—The interest on,
9 and the proceeds from the sale or redemption
10 of, any obligations held in the Fund shall be
11 credited to and form a part of the Fund.

12 “(E) TRANSFERS OF AMOUNTS.—

13 “(i) IN GENERAL.—The amounts re-
14 quired to be transferred to the Fund under
15 this subsection shall be transferred at least
16 monthly from the general fund of the
17 Treasury to the Fund on the basis of esti-
18 mates made by the Secretary of the Treas-
19 ury.

20 “(ii) ADJUSTMENTS.—Proper adjust-
21 ment shall be made in amounts subse-
22 quently transferred to the extent prior esti-
23 mates were in excess of or less than the
24 amounts required to be transferred.

1 “(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL
2 ASSISTANCE.—The President shall not provide financial
3 assistance under this section in an amount greater than
4 the amount available in the Fund.

5 “(k) MULTHAZARD ADVISORY MAPS.—

6 “(1) DEFINITION OF MULTHAZARD ADVISORY
7 MAP.—In this subsection, the term ‘multihazard ad-
8 visory map’ means a map on which hazard data con-
9 cerning each type of natural disaster is identified si-
10 multaneously for the purpose of showing areas of
11 hazard overlap.

12 “(2) DEVELOPMENT OF MAPS.—In consultation
13 with States, local governments, and appropriate
14 Federal agencies, the President shall develop multi-
15 hazard advisory maps for areas, in not fewer than
16 5 States, that are subject to commonly recurring
17 natural hazards (including flooding, hurricanes and
18 severe winds, and seismic events).

19 “(3) USE OF TECHNOLOGY.—In developing
20 multihazard advisory maps under this subsection,
21 the President shall use, to the maximum extent
22 practicable, the most cost-effective and efficient
23 technology available.

24 “(4) USE OF MAPS.—

1 “(A) ADVISORY NATURE.—The multi-
2 hazard advisory maps shall be considered to be
3 advisory and shall not require the development
4 of any new policy by, or impose any new policy
5 on, any government or private entity.

6 “(B) AVAILABILITY OF MAPS.—The multi-
7 hazard advisory maps shall be made available to
8 the appropriate State and local governments for
9 the purposes of—

10 “(i) informing the general public
11 about the risks of natural hazards in the
12 areas described in paragraph (2);

13 “(ii) supporting the activities de-
14 scribed in subsection (e); and

15 “(iii) other public uses.

16 “(l) REPORT ON FEDERAL AND STATE ADMINISTRA-
17 TION.—Not later than 18 months after the date of enact-
18 ment of this section, the President, in consultation with
19 State and local governments, shall submit to Congress a
20 report evaluating efforts to implement this section and
21 recommending a process for transferring greater authority
22 and responsibility for administering the assistance pro-
23 gram established under this section to capable States.

24 “(m) TERMINATION OF AUTHORITY.—The authority
25 provided by this section terminates December 31, 2003.”.

1 (b) CONFORMING AMENDMENT.—Title II of the Rob-
 2 ert T. Stafford Disaster Relief and Emergency Assistance
 3 Act (42 U.S.C. 5131 et seq.) is amended by striking the
 4 title heading and inserting the following:

5 **“TITLE II—DISASTER PREPARED-**
 6 **NESS AND MITIGATION AS-**
 7 **SISTANCE”.**

8 **SEC. 103. INTERAGENCY TASK FORCE.**

9 Title II of the Robert T. Stafford Disaster Relief and
 10 Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as
 11 amended by section 102(a)) is amended by adding at the
 12 end the following:

13 **“SEC. 204. INTERAGENCY TASK FORCE.**

14 “(a) IN GENERAL.—The President shall establish a
 15 Federal interagency task force for the purpose of coordi-
 16 nating the implementation of predisaster hazard mitiga-
 17 tion programs administered by the Federal Government.

18 “(b) CHAIRPERSON.—The Director of the Federal
 19 Emergency Management Agency shall serve as the chair-
 20 person of the task force.

21 “(c) MEMBERSHIP.—The membership of the task
 22 force shall include representatives of—

23 “(1) relevant Federal agencies;

24 “(2) State and local government organizations
 25 (including Indian tribes); and

1 “(3) the American Red Cross.”

2 **SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS**
3 **FOR PUBLIC AND PRIVATE STRUCTURES.**

4 (a) IN GENERAL.—Title III of the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act (42 U.S.C.
6 5141 et seq.) is amended by adding at the end the fol-
7 lowing:

8 **“SEC. 322. MITIGATION PLANNING.**

9 “(a) REQUIREMENT OF MITIGATION PLAN.—As a
10 condition of receipt of an increased Federal share for haz-
11 ard mitigation measures under subsection (e), a State,
12 local, or tribal government shall develop and submit for
13 approval to the President a mitigation plan that outlines
14 processes for identifying the natural hazards, risks, and
15 vulnerabilities of the area under the jurisdiction of the
16 government.

17 “(b) LOCAL AND TRIBAL PLANS.—Each mitigation
18 plan developed by a local or tribal government shall—

19 “(1) describe actions to mitigate hazards, risks,
20 and vulnerabilities identified under the plan; and

21 “(2) establish a strategy to implement those ac-
22 tions.

23 “(c) STATE PLANS.—The State process of develop-
24 ment of a mitigation plan under this section shall—

1 “(1) identify the natural hazards, risks, and
2 vulnerabilities of areas in the State;

3 “(2) support development of local mitigation
4 plans;

5 “(3) provide for technical assistance to local
6 and tribal governments for mitigation planning; and

7 “(4) identify and prioritize mitigation actions
8 that the State will support, as resources become
9 available.

10 “(d) FUNDING.—

11 “(1) IN GENERAL.—Federal contributions
12 under section 404 may be used to fund the develop-
13 ment and updating of mitigation plans under this
14 section.

15 “(2) MAXIMUM FEDERAL CONTRIBUTION.—

16 With respect to any mitigation plan, a State, local,
17 or tribal government may use an amount of Federal
18 contributions under section 404 not to exceed 7 per-
19 cent of the amount of such contributions available to
20 the government as of a date determined by the gov-
21 ernment.

22 “(e) INCREASED FEDERAL SHARE FOR HAZARD
23 MITIGATION MEASURES.—

24 “(1) IN GENERAL.—If, at the time of the dec-
25 laration of a major disaster, a State has in effect an

1 approved mitigation plan under this section, the
 2 President may increase to 20 percent, with respect
 3 to the major disaster, the maximum percentage
 4 specified in the last sentence of section 404(a).

5 “(2) FACTORS FOR CONSIDERATION.—In deter-
 6 mining whether to increase the maximum percentage
 7 under paragraph (1), the President shall consider
 8 whether the State has established—

9 “(A) eligibility criteria for property acqui-
 10 sition and other types of mitigation measures;

11 “(B) requirements for cost effectiveness
 12 that are related to the eligibility criteria;

13 “(C) a system of priorities that is related
 14 to the eligibility criteria; and

15 “(D) a process by which an assessment of
 16 the effectiveness of a mitigation action may be
 17 carried out after the mitigation action is com-
 18 plete.

19 **“SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRI-
 20 VATE STRUCTURES.**

21 “(a) IN GENERAL.—As a condition of receipt of a dis-
 22 aster loan or grant under this Act—

23 “(1) the recipient shall carry out any repair or
 24 construction to be financed with the loan or grant in
 25 accordance with applicable standards of safety, de-

1 cency, and sanitation and in conformity with appli-
2 cable codes, specifications, and standards; and

3 “(2) the President may require safe land use
4 and construction practices, after adequate consulta-
5 tion with appropriate State and local government of-
6 ficials.

7 “(b) EVIDENCE OF COMPLIANCE.—A recipient of a
8 disaster loan or grant under this Act shall provide such
9 evidence of compliance with this section as the President
10 may require by regulation.”.

11 (b) LOSSES FROM STRAIGHT LINE WINDS.—The
12 President shall increase the maximum percentage specified
13 in the last sentence of section 404(a) of the Robert T.
14 Stafford Disaster Relief and Emergency Assistance Act
15 (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with
16 respect to any major disaster that is in the State of Min-
17 nesota and for which assistance is being provided as of
18 the date of enactment of this Act, except that additional
19 assistance provided under this subsection shall not exceed
20 \$6,000,000. The mitigation measures assisted under this
21 subsection shall be related to losses in the State of Min-
22 nesota from straight line winds.

23 (c) CONFORMING AMENDMENTS.—

1 (1) Section 404(a) of the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5170c(a)) is amended—

4 (A) in the second sentence, by striking
5 “section 409” and inserting “section 322”; and

6 (B) in the third sentence, by striking “The
7 total” and inserting “Subject to section 322,
8 the total”.

9 (2) Section 409 of the Robert T. Stafford Dis-
10 aster Relief and Emergency Assistance Act (42
11 U.S.C. 5176) is repealed.

12 **TITLE II—STREAMLINING AND** 13 **COST REDUCTION**

14 **SEC. 201. TECHNICAL AMENDMENTS.**

15 Section 311 of the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42 U.S.C. 5154) is
17 amended in subsections (a)(1), (b), and (c) by striking
18 “section 803 of the Public Works and Economic Develop-
19 ment Act of 1965” each place it appears and inserting
20 “section 209(c)(2) of the Public Works and Economic De-
21 velopment Act of 1965 (42 U.S.C. 3149(c)(2))”.

22 **SEC. 202. MANAGEMENT COSTS.**

23 (a) IN GENERAL.—Title III of the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 5141 et seq.) (as amended by section 104(a)) is amended
2 by adding at the end the following:

3 **“SEC. 324. MANAGEMENT COSTS.**

4 “(a) DEFINITION OF MANAGEMENT COST.—In this
5 section, the term ‘management cost’ includes any indirect
6 cost, any administrative expense, and any other expense
7 not directly chargeable to a specific project under a major
8 disaster, emergency, or disaster preparedness or mitiga-
9 tion activity or measure.

10 “(b) ESTABLISHMENT OF MANAGEMENT COST
11 RATES.—Notwithstanding any other provision of law (in-
12 cluding any administrative rule or guidance), the Presi-
13 dent shall by regulation establish management cost rates,
14 for grantees and subgrantees, that shall be used to deter-
15 mine contributions under this Act for management costs.

16 “(c) REVIEW.—The President shall review the man-
17 agement cost rates established under subsection (b) not
18 later than 3 years after the date of establishment of the
19 rates and periodically thereafter.”.

20 (b) APPLICABILITY.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 subsections (a) and (b) of section 324 of the Robert
23 T. Stafford Disaster Relief and Emergency Assist-
24 ance Act (as added by subsection (a)) shall apply to

1 major disasters declared under that Act on or after
2 the date of enactment of this Act.

3 (2) INTERIM AUTHORITY.—Until the date on
4 which the President establishes the management
5 cost rates under section 324 of the Robert T. Staf-
6 ford Disaster Relief and Emergency Assistance Act
7 (as added by subsection (a)), section 406(f) of the
8 Robert T. Stafford Disaster Relief and Emergency
9 Assistance Act (42 U.S.C. 5172(f)) (as in effect on
10 the day before the date of enactment of this Act)
11 shall be used to establish management cost rates.

12 **SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION**
13 **REQUIREMENTS.**

14 Title III of the Robert T. Stafford Disaster Relief
15 and Emergency Assistance Act (42 U.S.C. 5141 et seq.)
16 (as amended by section 202(a)) is amended by adding at
17 the end the following:

18 **“SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION**
19 **REQUIREMENTS.**

20 “(a) PUBLIC NOTICE AND COMMENT CONCERNING
21 NEW OR MODIFIED POLICIES.—

22 “(1) IN GENERAL.—The President shall provide
23 for public notice and opportunity for comment be-
24 fore adopting any new or modified policy that—

1 “(A) governs implementation of the public
2 assistance program administered by the Federal
3 Emergency Management Agency under this
4 Act; and

5 “(B) could result in a significant reduction
6 of assistance under the program.

7 “(2) APPLICATION.—Any policy adopted under
8 paragraph (1) shall apply only to a major disaster
9 or emergency declared on or after the date on which
10 the policy is adopted.

11 “(b) CONSULTATION CONCERNING INTERIM POLI-
12 CIES.—

13 “(1) IN GENERAL.—Before adopting any in-
14 terim policy under the public assistance program to
15 address specific conditions that relate to a major
16 disaster or emergency that has been declared under
17 this Act, the President, to the maximum extent
18 practicable, shall solicit the views and recommenda-
19 tions of grantees and subgrantees with respect to the
20 major disaster or emergency concerning the poten-
21 tial interim policy, if the interim policy is likely—

22 “(A) to result in a significant reduction of
23 assistance to applicants for the assistance with
24 respect to the major disaster or emergency; or

1 “(B) to change the terms of a written
2 agreement to which the Federal Government is
3 a party concerning the declaration of the major
4 disaster or emergency.

5 “(2) NO LEGAL RIGHT OF ACTION.—Nothing in
6 this subsection confers a legal right of action on any
7 party.

8 “(c) PUBLIC ACCESS.—The President shall promote
9 public access to policies governing the implementation of
10 the public assistance program.”.

11 **SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION**
12 **GRANT PROGRAM.**

13 Section 404 of the Robert T. Stafford Disaster Relief
14 and Emergency Assistance Act (42 U.S.C. 5170c) is
15 amended by adding at the end the following:

16 “(c) PROGRAM ADMINISTRATION BY STATES.—

17 “(1) IN GENERAL.—A State desiring to admin-
18 ister the hazard mitigation grant program estab-
19 lished by this section with respect to hazard mitiga-
20 tion assistance in the State may submit to the Presi-
21 dent an application for the delegation of the author-
22 ity to administer the program.

23 “(2) CRITERIA.—The President, in consultation
24 and coordination with States and local governments,
25 shall establish criteria for the approval of applica-

1 tions submitted under paragraph (1). The criteria
2 shall include, at a minimum—

3 “(A) the demonstrated ability of the State
4 to manage the grant program under this sec-
5 tion;

6 “(B) there being in effect an approved
7 mitigation plan under section 322; and

8 “(C) a demonstrated commitment to miti-
9 gation activities.

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

13 “(4) WITHDRAWAL OF APPROVAL.—If, after
14 approving an application of a State submitted under
15 paragraph (1), the President determines that the
16 State is not administering the hazard mitigation
17 grant program established by this section in a man-
18 ner satisfactory to the President, the President shall
19 withdraw the approval.

20 “(5) AUDITS.—The President shall provide for
21 periodic audits of the hazard mitigation grant pro-
22 grams administered by States under this sub-
23 section.”.

1 **SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECON-**
2 **STRUCT, OR REPLACE DAMAGED FACILITIES.**

3 (a) CONTRIBUTIONS.—Section 406 of the Robert T.
4 Stafford Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5172) is amended by striking subsection (a)
6 and inserting the following:

7 “(a) CONTRIBUTIONS.—

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

10 “(A) to a State or local government for the
11 repair, restoration, reconstruction, or replace-
12 ment of a public facility damaged or destroyed
13 by a major disaster and for associated expenses
14 incurred by the government; and

15 “(B) subject to paragraph (3), to a person
16 that owns or operates a private nonprofit facil-
17 ity damaged or destroyed by a major disaster
18 for the repair, restoration, reconstruction, or re-
19 placement of the facility and for associated ex-
20 penses incurred by the person.

21 “(2) ASSOCIATED EXPENSES.—For the pur-
22 poses of this section, associated expenses shall
23 include—

24 “(A) the costs of mobilizing and employing
25 the National Guard for performance of eligible
26 work;

1 “(B) the costs of using prison labor to per-
2 form eligible work, including wages actually
3 paid, transportation to a worksite, and extraor-
4 dinary costs of guards, food, and lodging; and

5 “(C) base and overtime wages for the em-
6 ployees and extra hires of a State, local govern-
7 ment, or person described in paragraph (1) that
8 perform eligible work, plus fringe benefits on
9 such wages to the extent that such benefits
10 were being paid before the major disaster.

11 “(3) CONDITIONS FOR ASSISTANCE TO PRIVATE
12 NONPROFIT FACILITIES.—

13 “(A) IN GENERAL.—The President may
14 make contributions to a private nonprofit facil-
15 ity under paragraph (1)(B) only if—

16 “(i) the facility provides critical serv-
17 ices (as defined by the President) in the
18 event of a major disaster; or

19 “(ii) the owner or operator of the
20 facility—

21 “(I) has applied for a disaster
22 loan under section 7(b) of the Small
23 Business Act (15 U.S.C. 636(b)); and

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

1 “(bb) has obtained such a loan in
2 the maximum amount for which the
3 Small Business Administration deter-
4 mines the facility is eligible.

5 “(B) DEFINITION OF CRITICAL SERV-
6 ICES.—In this paragraph, the term ‘critical
7 services’ includes power, water (including water
8 provided by an irrigation organization or facil-
9 ity), sewer, wastewater treatment, communica-
10 tions, and emergency medical care.

11 “(4) NOTIFICATION TO CONGRESS.—Before
12 making any contribution under this section in an
13 amount greater than \$20,000,000, the President
14 shall notify—

15 “(A) the Committee on Environment and
16 Public Works of the Senate;

17 “(B) the Committee on Transportation
18 and Infrastructure of the House of Representa-
19 tives;

20 “(C) the Committee on Appropriations of
21 the Senate; and

22 “(D) the Committee on Appropriations of
23 the House of Representatives.”.

24 (b) FEDERAL SHARE.—Section 406 of the Robert T.
25 Stafford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. 5172) is amended by striking subsection (b)
2 and inserting the following:

3 “(b) FEDERAL SHARE.—

4 “(1) MINIMUM FEDERAL SHARE.—Except as
5 provided in paragraph (2), the Federal share of as-
6 sistance under this section shall be not less than 75
7 percent of the eligible cost of repair, restoration, re-
8 construction, or replacement carried out under this
9 section.

10 “(2) REDUCED FEDERAL SHARE.—The Presi-
11 dent shall promulgate regulations to reduce the Fed-
12 eral share of assistance under this section to not less
13 than 25 percent in the case of the repair, restora-
14 tion, reconstruction, or replacement of any eligible
15 public facility or private nonprofit facility following
16 an event associated with a major disaster—

17 “(A) that has been damaged, on more than
18 1 occasion within the preceding 10-year period,
19 by the same type of event; and

20 “(B) the owner of which has failed to im-
21 plement appropriate mitigation measures to ad-
22 dress the hazard that caused the damage to the
23 facility.”.

24 (c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406
25 of the Robert T. Stafford Disaster Relief and Emergency

1 Assistance Act (42 U.S.C. 5172) is amended by striking
2 subsection (c) and inserting the following:

3 “(c) LARGE IN-LIEU CONTRIBUTIONS.—

4 “(1) FOR PUBLIC FACILITIES.—

5 “(A) IN GENERAL.—In any case in which
6 a State or local government determines that the
7 public welfare would not best be served by re-
8 pairing, restoring, reconstructing, or replacing
9 any public facility owned or controlled by the
10 State or local government, the State or local
11 government may elect to receive, in lieu of a
12 contribution under subsection (a)(1)(A), a con-
13 tribution in an amount equal to 75 percent of
14 the Federal share of the Federal estimate of the
15 cost of repairing, restoring, reconstructing, or
16 replacing the facility and of management ex-
17 penses.

18 “(B) AREAS WITH UNSTABLE SOIL.—In
19 any case in which a State or local government
20 determines that the public welfare would not
21 best be served by repairing, restoring, recon-
22 structing, or replacing any public facility owned
23 or controlled by the State or local government
24 because soil instability in the disaster area
25 makes repair, restoration, reconstruction, or re-

1 placement infeasible, the State or local govern-
2 ment may elect to receive, in lieu of a contribu-
3 tion under subsection (a)(1)(A), a contribution
4 in an amount equal to 90 percent of the Fed-
5 eral share of the Federal estimate of the cost
6 of repairing, restoring, reconstructing, or re-
7 placing the facility and of management ex-
8 penses.

9 “(C) USE OF FUNDS.—Funds contributed
10 to a State or local government under this para-
11 graph may be used—

12 “(i) to repair, restore, or expand other
13 selected public facilities;

14 “(ii) to construct new facilities; or

15 “(iii) to fund hazard mitigation meas-
16 ures that the State or local government de-
17 termines to be necessary to meet a need
18 for governmental services and functions in
19 the area affected by the major disaster.

20 “(D) LIMITATIONS.—Funds made avail-
21 able to a State or local government under this
22 paragraph may not be used for—

23 “(i) any public facility located in a
24 regulatory floodway (as defined in section

1 59.1 of title 44, Code of Federal Regula-
2 tions (or a successor regulation)); or

3 “ (ii) any uninsured public facility lo-
4 cated in a special flood hazard area identi-
5 fied by the Director of the Federal Emer-
6 gency Management Agency under the Na-
7 tional Flood Insurance Act of 1968 (42
8 U.S.C. 4001 et seq.).

9 “(2) FOR PRIVATE NONPROFIT FACILITIES.—

10 “(A) IN GENERAL.—In any case in which
11 a person that owns or operates a private non-
12 profit facility determines that the public welfare
13 would not best be served by repairing, restor-
14 ing, reconstructing, or replacing the facility, the
15 person may elect to receive, in lieu of a con-
16 tribution under subsection (a)(1)(B), a con-
17 tribution in an amount equal to 75 percent of
18 the Federal share of the Federal estimate of the
19 cost of repairing, restoring, reconstructing, or
20 replacing the facility and of management ex-
21 penses.

22 “(B) USE OF FUNDS.—Funds contributed
23 to a person under this paragraph may be
24 used—

1 “(i) to repair, restore, or expand other
2 selected private nonprofit facilities owned
3 or operated by the person;

4 “(ii) to construct new private non-
5 profit facilities to be owned or operated by
6 the person; or

7 “(iii) to fund hazard mitigation meas-
8 ures that the person determines to be nec-
9 essary to meet a need for the person’s
10 services and functions in the area affected
11 by the major disaster.

12 “(C) LIMITATIONS.—Funds made available
13 to a person under this paragraph may not be
14 used for—

15 “(i) any private nonprofit facility lo-
16 cated in a regulatory floodway (as defined
17 in section 59.1 of title 44, Code of Federal
18 Regulations (or a successor regulation)); or

19 “(ii) any uninsured private nonprofit
20 facility located in a special flood hazard
21 area identified by the Director of the Fed-
22 eral Emergency Management Agency
23 under the National Flood Insurance Act of
24 1968 (42 U.S.C. 4001 et seq.).”.

25 (d) ELIGIBLE COST.—

1 (1) IN GENERAL.—Section 406 of the Robert T.
2 Stafford Disaster Relief and Emergency Assistance
3 Act (42 U.S.C. 5172) is amended by striking sub-
4 section (e) and inserting the following:

5 “(e) ELIGIBLE COST.—

6 “(1) DETERMINATION.—

7 “(A) IN GENERAL.—For the purposes of
8 this section, the President shall estimate the eli-
9 gible cost of repairing, restoring, recon-
10 structing, or replacing a public facility or pri-
11 vate nonprofit facility—

12 “(i) on the basis of the design of the
13 facility as the facility existed immediately
14 before the major disaster; and

15 “(ii) in conformity with codes, speci-
16 fications, and standards (including flood-
17 plain management and hazard mitigation
18 criteria required by the President or under
19 the Coastal Barrier Resources Act (16
20 U.S.C. 3501 et seq.)) applicable at the
21 time at which the disaster occurred.

22 “(B) COST ESTIMATION PROCEDURES.—

23 “(i) IN GENERAL.—Subject to para-
24 graph (2), the President shall use the cost
25 estimation procedures established under

1 paragraph (3) to determine the eligible
2 cost under this subsection.

3 “(ii) APPLICABILITY.—The proce-
4 dures specified in this paragraph and para-
5 graph (2) shall apply only to projects the
6 eligible cost of which is equal to or greater
7 than the amount specified in section 422.

8 “(2) MODIFICATION OF ELIGIBLE COST.—

9 “(A) ACTUAL COST GREATER THAN CEIL-
10 ING PERCENTAGE OF ESTIMATED COST.—In
11 any case in which the actual cost of repairing,
12 restoring, reconstructing, or replacing a facility
13 under this section is greater than the ceiling
14 percentage established under paragraph (3) of
15 the cost estimated under paragraph (1), the
16 President may determine that the eligible cost
17 includes a portion of the actual cost of the re-
18 pair, restoration, reconstruction, or replacement
19 that exceeds the cost estimated under para-
20 graph (1).

21 “(B) ACTUAL COST LESS THAN ESTI-
22 MATED COST.—

23 “(i) GREATER THAN OR EQUAL TO
24 FLOOR PERCENTAGE OF ESTIMATED
25 COST.—In any case in which the actual

1 cost of repairing, restoring, reconstructing,
2 or replacing a facility under this section is
3 less than 100 percent of the cost estimated
4 under paragraph (1), but is greater than
5 or equal to the floor percentage established
6 under paragraph (3) of the cost estimated
7 under paragraph (1), the State or local
8 government or person receiving funds
9 under this section shall use the excess
10 funds to carry out cost-effective activities
11 that reduce the risk of future damage,
12 hardship, or suffering from a major dis-
13 aster.

14 “(ii) LESS THAN FLOOR PERCENTAGE
15 OF ESTIMATED COST.—In any case in
16 which the actual cost of repairing, restor-
17 ing, reconstructing, or replacing a facility
18 under this section is less than the floor
19 percentage established under paragraph
20 (3) of the cost estimated under paragraph
21 (1), the State or local government or per-
22 son receiving assistance under this section
23 shall reimburse the President in the
24 amount of the difference.

1 “(C) NO EFFECT ON APPEALS PROCESS.—
2 Nothing in this paragraph affects any right of
3 appeal under section 423.

4 “(3) EXPERT PANEL.—

5 “(A) ESTABLISHMENT.—Not later than 18
6 months after the date of enactment of this
7 paragraph, the President, acting through the
8 Director of the Federal Emergency Manage-
9 ment Agency, shall establish an expert panel,
10 which shall include representatives from the
11 construction industry and State and local gov-
12 ernment.

13 “(B) DUTIES.—The expert panel shall de-
14 velop recommendations concerning—

15 “(i) procedures for estimating the cost
16 of repairing, restoring, reconstructing, or
17 replacing a facility consistent with industry
18 practices; and

19 “(ii) the ceiling and floor percentages
20 referred to in paragraph (2).

21 “(C) REGULATIONS.—Taking into account
22 the recommendations of the expert panel under
23 subparagraph (B), the President shall promul-
24 gate regulations that establish—

1 “(i) cost estimation procedures de-
2 scribed in subparagraph (B)(i); and

3 “(ii) the ceiling and floor percentages
4 referred to in paragraph (2).

5 “(D) REVIEW BY PRESIDENT.—Not later
6 than 2 years after the date of promulgation of
7 regulations under subparagraph (C) and peri-
8 odically thereafter, the President shall review
9 the cost estimation procedures and the ceiling
10 and floor percentages established under this
11 paragraph.

12 “(E) REPORT TO CONGRESS.—Not later
13 than 1 year after the date of promulgation of
14 regulations under subparagraph (C), 3 years
15 after that date, and at the end of each 2-year
16 period thereafter, the expert panel shall submit
17 to Congress a report on the appropriateness of
18 the cost estimation procedures.

19 “(4) SPECIAL RULE.—In any case in which the
20 facility being repaired, restored, reconstructed, or re-
21 placed under this section was under construction on
22 the date of the major disaster, the cost of repairing,
23 restoring, reconstructing, or replacing the facility
24 shall include, for the purposes of this section, only
25 those costs that, under the contract for the construc-

1 “(1) PROVISION OF ASSISTANCE.—In accord-
2 ance with this section, the President, in consultation
3 with the Governor of a State, may provide financial
4 assistance, and, if necessary, direct services, to indi-
5 viduals and households in the State who, as a direct
6 result of a major disaster, have necessary expenses
7 and serious needs in cases in which the individuals
8 and households are unable to meet such expenses or
9 needs through other means.

10 “(2) RELATIONSHIP TO OTHER ASSISTANCE.—
11 Under paragraph (1), an individual or household
12 shall not be denied assistance under paragraph (1),
13 (3), or (4) of subsection (c) solely on the basis that
14 the individual or household has not applied for or re-
15 ceived any loan or other financial assistance from
16 the Small Business Administration or any other
17 Federal agency.

18 “(b) HOUSING ASSISTANCE.—

19 “(1) ELIGIBILITY.—The President may provide
20 financial or other assistance under this section to in-
21 dividuals and households to respond to the disaster-
22 related housing needs of individuals and households
23 who are displaced from their predisaster primary
24 residences or whose predisaster primary residences

1 are rendered uninhabitable as a result of damage
2 caused by a major disaster.

3 “(2) DETERMINATION OF APPROPRIATE TYPES
4 OF ASSISTANCE.—

5 “(A) IN GENERAL.—The President shall
6 determine appropriate types of housing assist-
7 ance to be provided under this section to indi-
8 viduals and households described in subsection
9 (a)(1) based on considerations of cost effective-
10 ness, convenience to the individuals and house-
11 holds, and such other factors as the President
12 may consider appropriate.

13 “(B) MULTIPLE TYPES OF ASSISTANCE.—
14 One or more types of housing assistance may be
15 made available under this section, based on the
16 suitability and availability of the types of assist-
17 ance, to meet the needs of individuals and
18 households in the particular disaster situation.

19 “(c) TYPES OF HOUSING ASSISTANCE.—

20 “(1) TEMPORARY HOUSING.—

21 “(A) FINANCIAL ASSISTANCE.—

22 “(i) IN GENERAL.—The President
23 may provide financial assistance to individ-
24 uals or households to rent alternate hous-
25 ing accommodations, existing rental units,

1 manufactured housing, recreational vehi-
2 cles, or other readily fabricated dwellings.

3 “(ii) AMOUNT.—The amount of as-
4 sistance under clause (i) shall be based on
5 the fair market rent for the accommoda-
6 tion provided plus the cost of any transpor-
7 tation, utility hookups, or unit installation
8 not provided directly by the President.

9 “(B) DIRECT ASSISTANCE.—

10 “(i) IN GENERAL.—The President
11 may provide temporary housing units, ac-
12 quired by purchase or lease, directly to in-
13 dividuals or households who, because of a
14 lack of available housing resources, would
15 be unable to make use of the assistance
16 provided under subparagraph (A).

17 “(ii) PERIOD OF ASSISTANCE.—The
18 President may not provide direct assist-
19 ance under clause (i) with respect to a
20 major disaster after the end of the 18-
21 month period beginning on the date of the
22 declaration of the major disaster by the
23 President, except that the President may
24 extend that period if the President deter-
25 mines that due to extraordinary cir-

1 cumstances an extension would be in the
2 public interest.

3 “(iii) COLLECTION OF RENTAL
4 CHARGES.—After the end of the 18-month
5 period referred to in clause (ii), the Presi-
6 dent may charge fair market rent for each
7 temporary housing unit provided.

8 “(2) REPAIRS.—

9 “(A) IN GENERAL.—The President may
10 provide financial assistance for—

11 “(i) the repair of owner-occupied pri-
12 vate residences, utilities, and residential in-
13 frastructure (such as a private access
14 route) damaged by a major disaster to a
15 safe and sanitary living or functioning con-
16 dition; and

17 “(ii) eligible hazard mitigation meas-
18 ures that reduce the likelihood of future
19 damage to such residences, utilities, or in-
20 frastructure.

21 “(B) RELATIONSHIP TO OTHER ASSIST-
22 ANCE.—A recipient of assistance provided
23 under this paragraph shall not be required to
24 show that the assistance can be met through
25 other means, except insurance proceeds.

1 “(C) MAXIMUM AMOUNT OF ASSIST-
2 ANCE.—The amount of assistance provided to a
3 household under this paragraph shall not ex-
4 ceed \$5,000, as adjusted annually to reflect
5 changes in the Consumer Price Index for All
6 Urban Consumers published by the Department
7 of Labor.

8 “(3) REPLACEMENT.—

9 “(A) IN GENERAL.—The President may
10 provide financial assistance for the replacement
11 of owner-occupied private residences damaged
12 by a major disaster.

13 “(B) MAXIMUM AMOUNT OF ASSIST-
14 ANCE.—The amount of assistance provided to a
15 household under this paragraph shall not ex-
16 ceed \$10,000, as adjusted annually to reflect
17 changes in the Consumer Price Index for All
18 Urban Consumers published by the Department
19 of Labor.

20 “(C) APPLICABILITY OF FLOOD INSUR-
21 ANCE REQUIREMENT.—With respect to assist-
22 ance provided under this paragraph, the Presi-
23 dent may not waive any provision of Federal
24 law requiring the purchase of flood insurance as

1 a condition of the receipt of Federal disaster as-
2 sistance.

3 “(4) PERMANENT HOUSING CONSTRUCTION.—

4 The President may provide financial assistance or
5 direct assistance to individuals or households to con-
6 struct permanent housing in insular areas outside
7 the continental United States and in other remote
8 locations in cases in which—

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

11 “(B) the types of temporary housing as-
12 sistance described in paragraph (1) are unavail-
13 able, infeasible, or not cost-effective.

14 “(d) TERMS AND CONDITIONS RELATING TO HOUS-
15 ING ASSISTANCE.—

16 “(1) SITES.—

17 “(A) IN GENERAL.—Any readily fabricated
18 dwelling provided under this section shall,
19 whenever practicable, be located on a site
20 that—

21 “(i) is complete with utilities; and

22 “(ii) is provided by the State or local
23 government, by the owner of the site, or by
24 the occupant who was displaced by the
25 major disaster.

1 “(B) SITES PROVIDED BY THE PRESI-
2 DENT.—A readily fabricated dwelling may be
3 located on a site provided by the President if
4 the President determines that such a site would
5 be more economical or accessible.

6 “(2) DISPOSAL OF UNITS.—

7 “(A) SALE TO OCCUPANTS.—

8 “(i) IN GENERAL.—Notwithstanding
9 any other provision of law, a temporary
10 housing unit purchased under this section
11 by the President for the purpose of hous-
12 ing disaster victims may be sold directly to
13 the individual or household who is occu-
14 pying the unit if the individual or house-
15 hold lacks permanent housing.

16 “(ii) SALE PRICE.—A sale of a tem-
17 porary housing unit under clause (i) shall
18 be at a price that is fair and equitable.

19 “(iii) DEPOSIT OF PROCEEDS.—Not-
20 withstanding any other provision of law,
21 the proceeds of a sale under clause (i) shall
22 be deposited in the appropriate Disaster
23 Relief Fund account.

24 “(iv) HAZARD AND FLOOD INSUR-
25 ANCE.—A sale of a temporary housing unit

1 under clause (i) shall be made on the con-
2 dition that the individual or household pur-
3 chasing the housing unit agrees to obtain
4 and maintain hazard and flood insurance
5 on the housing unit.

6 “(v) USE OF GSA SERVICES.—The
7 President may use the services of the Gen-
8 eral Services Administration to accomplish
9 a sale under clause (i).

10 “(B) OTHER METHODS OF DISPOSAL.—If
11 not disposed of under subparagraph (A), a tem-
12 porary housing unit purchased under this sec-
13 tion by the President for the purpose of housing
14 disaster victims—

15 “(i) may be sold to any person; or

16 “(ii) may be sold, transferred, do-
17 nated, or otherwise made available directly
18 to a State or other governmental entity or
19 to a voluntary organization for the sole
20 purpose of providing temporary housing to
21 disaster victims in major disasters and
22 emergencies if, as a condition of the sale,
23 transfer, or donation, the State, other gov-
24 ernmental agency, or voluntary organiza-
25 tion agrees—

1 “(I) to comply with the non-
2 discrimination provisions of section
3 308; and

4 “(II) to obtain and maintain haz-
5 ard and flood insurance on the hous-
6 ing unit.

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

9 “(1) MEDICAL, DENTAL, AND FUNERAL EX-
10 PENSES.—The President, in consultation with the
11 Governor of a State, may provide financial assist-
12 ance under this section to an individual or household
13 in the State who is adversely affected by a major
14 disaster to meet disaster-related medical, dental, and
15 funeral expenses.

16 “(2) PERSONAL PROPERTY, TRANSPORTATION,
17 AND OTHER EXPENSES.—The President, in con-
18 sultation with the Governor of a State, may provide
19 financial assistance under this section to an indi-
20 vidual or household described in paragraph (1) to
21 address personal property, transportation, and other
22 necessary expenses or serious needs resulting from
23 the major disaster.

24 “(f) STATE ROLE.—

1 “(1) FINANCIAL ASSISTANCE TO ADDRESS
2 OTHER NEEDS.—

3 “(A) GRANT TO STATE.—Subject to sub-
4 section (g), a Governor may request a grant
5 from the President to provide financial assist-
6 ance to individuals and households in the State
7 under subsection (e).

8 “(B) ADMINISTRATIVE COSTS.—A State
9 that receives a grant under subparagraph (A)
10 may expend not more than 5 percent of the
11 amount of the grant for the administrative
12 costs of providing financial assistance to indi-
13 viduals and households in the State under sub-
14 section (e).

15 “(2) ACCESS TO RECORDS.—In providing as-
16 sistance to individuals and households under this
17 section, the President shall provide for the substan-
18 tial and ongoing involvement of the States in which
19 the individuals and households are located, including
20 by providing to the States access to the electronic
21 records of individuals and households receiving as-
22 sistance under this section in order for the States to
23 make available any additional State and local assist-
24 ance to the individuals and households.

25 “(g) COST SHARING.—

1 “(1) FEDERAL SHARE.—Except as provided in
2 paragraph (2), the Federal share of the costs eligible
3 to be paid using assistance provided under this sec-
4 tion shall be 100 percent.

5 “(2) FINANCIAL ASSISTANCE TO ADDRESS
6 OTHER NEEDS.—In the case of financial assistance
7 provided under subsection (e)—

8 “(A) the Federal share shall be 75 percent;
9 and

10 “(B) the non-Federal share shall be paid
11 from funds made available by the State.

12 “(h) MAXIMUM AMOUNT OF ASSISTANCE.—

13 “(1) IN GENERAL.—No individual or household
14 shall receive financial assistance greater than
15 \$25,000 under this section with respect to a single
16 major disaster.

17 “(2) ADJUSTMENT OF LIMIT.—The limit estab-
18 lished under paragraph (1) shall be adjusted annu-
19 ally to reflect changes in the Consumer Price Index
20 for All Urban Consumers published by the Depart-
21 ment of Labor.

22 “(i) RULES AND REGULATIONS.—The President shall
23 prescribe rules and regulations to carry out this section,
24 including criteria, standards, and procedures for deter-
25 mining eligibility for assistance.”.

1 (b) CONFORMING AMENDMENT.—Section 502(a)(6)
2 of the Robert T. Stafford Disaster Relief and Emergency
3 Assistance Act (42 U.S.C. 5192(a)(6)) is amended by
4 striking “temporary housing”.

5 (c) ELIMINATION OF INDIVIDUAL AND FAMILY
6 GRANT PROGRAMS.—Section 411 of the Robert T. Staf-
7 ford Disaster Relief and Emergency Assistance Act (42
8 U.S.C. 5178) is repealed.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section take effect 18 months after the date of enact-
11 ment of this Act.

12 **SEC. 207. COMMUNITY DISASTER LOANS.**

13 Section 417 of the Robert T. Stafford Disaster Relief
14 and Emergency Assistance Act (42 U.S.C. 5184) is
15 amended—

16 (1) by striking “(a) The President” and insert-
17 ing the following:

18 “(a) IN GENERAL.—The President”;

19 (2) by striking “The amount” and inserting the
20 following:

21 “(b) AMOUNT.—The amount”;

22 (3) by striking “Repayment” and inserting the
23 following:

24 “(c) REPAYMENT.—

25 “(1) CANCELLATION.—Repayment”;

1 (4) by striking “(b) Any loans” and inserting
2 the following:

3 “(d) EFFECT ON OTHER ASSISTANCE.—Any loans”;

4 (5) in subsection (b) (as designated by para-
5 graph (2))—

6 (A) by striking “and shall” and inserting
7 “shall”; and

8 (B) by inserting before the period at the
9 end the following: “, and shall not exceed
10 \$5,000,000”; and

11 (6) in subsection (c) (as designated by para-
12 graph (3)), by adding at the end the following:

13 “(2) CONDITION ON CONTINUING ELIGI-
14 BILITY.—A local government shall not be eligible for
15 further assistance under this section during any pe-
16 riod in which the local government is in arrears with
17 respect to a required repayment of a loan under this
18 section.”.

19 **SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DIS-**
20 **ASTERS INITIATIVE.**

21 Not later than 3 years after the date of enactment
22 of this Act, the President shall submit to Congress a re-
23 port describing the results of the State Management of
24 Small Disasters Initiative, including—

1 (1) identification of any administrative or finan-
2 cial benefits of the initiative; and

3 (2) recommendations concerning the conditions,
4 if any, under which States should be allowed the op-
5 tion to administer parts of the assistance program
6 under section 406 of the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42 U.S.C.
8 5172).

9 **SEC. 209. STUDY REGARDING COST REDUCTION.**

10 Not later than 3 years after the date of enactment
11 of this Act, the Director of the Congressional Budget Of-
12 fice shall complete a study estimating the reduction in
13 Federal disaster assistance that has resulted and is likely
14 to result from the enactment of this Act.

15 **TITLE III—MISCELLANEOUS**

16 **SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.**

17 The first section of the Robert T. Stafford Disaster
18 Relief and Emergency Assistance Act (42 U.S.C. 5121
19 note) is amended to read as follows:

20 **“SECTION 1. SHORT TITLE.**

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

1 **SEC. 302. DEFINITIONS.**

2 Section 102 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5122) is
4 amended—

5 (1) in each of paragraphs (3) and (4), by strik-
6 ing “the Northern” and all that follows through
7 “Pacific Islands” and inserting “and the Common-
8 wealth of the Northern Mariana Islands”;

9 (2) by striking paragraph (6) and inserting the
10 following:

11 “(6) LOCAL GOVERNMENT.—The term ‘local
12 government’ means—

13 “(A) a county, municipality, city, town,
14 township, local public authority, school district,
15 special district, intrastate district, council of
16 governments (regardless of whether the council
17 of governments is incorporated as a nonprofit
18 corporation under State law), regional or inter-
19 state government entity, or agency or instru-
20 mentality of a local government;

21 “(B) an Indian tribe or authorized tribal
22 organization, or Alaska Native village or organi-
23 zation; and

24 “(C) a rural community, unincorporated
25 town or village, or other public entity, for which

1 an application for assistance is made by a State
2 or political subdivision of a State.”; and

3 (3) in paragraph (9), by inserting “irrigation,”
4 after “utility,”.

5 **SEC. 303. FIRE MANAGEMENT ASSISTANCE.**

6 (a) IN GENERAL.—Section 420 of the Robert T.
7 Stafford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5187) is amended to read as follows:

9 **“SEC. 420. FIRE MANAGEMENT ASSISTANCE.**

10 “(a) IN GENERAL.—The President is authorized to
11 provide assistance, including grants, equipment, supplies,
12 and personnel, to any State or local government for the
13 mitigation, management, and control of any fire on public
14 or private forest land or grassland that threatens such de-
15 struction as would constitute a major disaster.

16 “(b) COORDINATION WITH STATE AND TRIBAL DE-
17 PARTMENTS OF FORESTRY.—In providing assistance
18 under this section, the President shall coordinate with
19 State and tribal departments of forestry.

20 “(c) ESSENTIAL ASSISTANCE.—In providing assist-
21 ance under this section, the President may use the author-
22 ity provided under section 403.

23 “(d) RULES AND REGULATIONS.—The President
24 shall prescribe such rules and regulations as are necessary
25 to carry out this section.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) takes effect 1 year after the date of enact-
3 ment of this Act.

4 **SEC. 304. PRESIDENT’S COUNCIL ON DOMESTIC TER-**
5 **RORISM PREPAREDNESS.**

6 Title VI of the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act (42 U.S.C. 5195 et seq.) is
8 amended by adding at the end the following:

9 **“Subtitle C—President’s Council on**
10 **Domestic Terrorism Preparedness**

11 **“SEC. 651. ESTABLISHMENT OF COUNCIL.**

12 “(a) IN GENERAL.—There is established a council to
13 be known as the President’s Council on Domestic Ter-
14 rorism Preparedness (in this subtitle referred to as the
15 ‘Council’).

16 “(b) MEMBERSHIP.—The Council shall be composed
17 of the following members:

18 “(1) The President.

19 “(2) The Director of the Federal Emergency
20 Management Agency.

21 “(3) The Attorney General.

22 “(4) The Secretary of Defense.

23 “(5) The Director of the Office of Management
24 and Budget.

1 “(6) The Assistant to the President for Na-
2 tional Security Affairs.

3 “(7) Any additional members appointed by the
4 President.

5 “(c) CHAIRMAN.—

6 “(1) IN GENERAL.—The President shall serve
7 as the chairman of the Council.

8 “(2) EXECUTIVE CHAIRMAN.—The President
9 may appoint an Executive Chairman of the Council
10 (in this subtitle referred to as the ‘Executive Chair-
11 man’). The Executive Chairman shall represent the
12 President as chairman of the Council, including in
13 communications with Congress and State Governors.

14 “(3) SENATE CONFIRMATION.—An individual
15 selected to be the Executive Chairman under para-
16 graph (2) shall be appointed by and with the advice
17 and consent of the Senate, except that Senate con-
18 firmation shall not be required if, on the date of ap-
19 pointment, the individual holds a position for which
20 Senate confirmation was required.

21 “(d) FIRST MEETING.—The first meeting of the
22 Council shall be held not later than 90 days after the date
23 of the enactment of this Act.

24 **“SEC. 652. DUTIES OF COUNCIL.**

25 “The Council shall carry out the following duties:

1 “(1) Establish the policies, objectives, and pri-
2 orities of the Federal Government for enhancing the
3 capabilities of State and local emergency prepared-
4 ness and response personnel in early detection and
5 warning of and response to all domestic terrorist at-
6 tacks, including attacks involving weapons of mass
7 destruction.

8 “(2) Publish a Domestic Terrorism Prepared-
9 ness Plan and an annual strategy for carrying out
10 the plan in accordance with section 653, including
11 the end state of preparedness for emergency re-
12 sponders established under section 653(b)(1)(D).

13 “(3) To the extent practicable, rely on existing
14 resources (including planning documents, equipment
15 lists, and program inventories) in the execution of
16 its duties.

17 “(4) Consult with and utilize existing inter-
18 agency boards and committees, existing govern-
19 mental entities, and non-governmental organizations
20 in the execution of its duties.

21 “(5) Ensure that a biennial review of the ter-
22 rorist attack preparedness programs of State and
23 local governmental entities is conducted and provide
24 recommendations to the entities based on the re-
25 views.

1 “(6) Provide for the creation of a State and
2 local advisory group for the Council, to be composed
3 of individuals involved in State and local emergency
4 preparedness and response to terrorist attacks.

5 “(7) Provide for the establishment by the Coun-
6 cil’s State and local advisory group of voluntary
7 guidelines for the terrorist attack preparedness pro-
8 grams of State and local governmental entities in ac-
9 cordance with section 655.

10 “(8) Designate a Federal entity to consult with,
11 and serve as a contact for, State and local govern-
12 mental entities implementing terrorist attack pre-
13 paredness programs.

14 “(9) Coordinate and oversee the implementation
15 by Federal departments and agencies of the policies,
16 objectives, and priorities established under para-
17 graph (1) and the fulfillment of the responsibilities
18 of such departments and agencies under the Domes-
19 tic Terrorism Preparedness Plan.

20 “(10) Make recommendations to the heads of
21 appropriate Federal departments and agencies
22 regarding—

23 “(A) changes in the organization, manage-
24 ment, and resource allocations of the depart-
25 ments and agencies; and

1 “(B) the allocation of personnel to and
2 within the departments and agencies,
3 to implement the Domestic Terrorism Preparedness
4 Plan.

5 “(11) Assess all Federal terrorism preparedness
6 programs and ensure that each program complies
7 with the Domestic Terrorism Preparedness Plan.

8 “(12) Identify duplication, fragmentation, and
9 overlap within Federal terrorism preparedness pro-
10 grams and eliminate such duplication, fragmentation
11 and overlap.

12 “(13) Evaluate Federal emergency response as-
13 sets and make recommendations regarding the orga-
14 nization, need, and geographic location of such as-
15 sets.

16 “(14) Establish general policies regarding fi-
17 nancial assistance to States based on potential risk
18 and threat, response capabilities, and ability to
19 achieve the end state of preparedness for emergency
20 responders established under section 653(b)(1)(D).

21 “(15) Notify a Federal department or agency in
22 writing if the Council finds that its policies are not
23 in compliance with its responsibilities under the Do-
24 mestic Terrorism Preparedness Plan.

1 **“SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN**
2 **AND ANNUAL STRATEGY.**

3 “(a) DEVELOPMENT OF PLAN.—Not later than 180
4 days after the date of the first meeting of the Council,
5 the Council shall develop a Domestic Terrorism Prepared-
6 ness Plan and transmit a copy of the plan to Congress.

7 “(b) CONTENTS.—

8 “(1) IN GENERAL.—The Domestic Terrorism
9 Preparedness Plan shall include the following:

10 “(A) A statement of the policies, objec-
11 tives, and priorities established by the Council
12 under section 652(1).

13 “(B) A plan for implementing such poli-
14 cies, objectives, and priorities that is based on
15 a threat, risk, and capability assessment and in-
16 cludes measurable objectives to be achieved in
17 each of the following 5 years for enhancing do-
18 mestic preparedness against a terrorist attack.

19 “(C) A description of the specific role of
20 each Federal department and agency, and the
21 roles of State and local governmental entities,
22 under the plan developed under subparagraph
23 (B).

24 “(D) A definition of an end state of pre-
25 paredness for emergency responders that sets

1 forth measurable, minimum standards of ac-
2 ceptability for preparedness.

3 “(2) EVALUATION OF FEDERAL RESPONSE
4 TEAMS.—In preparing the description under para-
5 graph (1)(C), the Council shall evaluate each Fed-
6 eral response team and the assistance that the team
7 offers to State and local emergency personnel when
8 responding to a terrorist attack. The evaluation shall
9 include an assessment of how the Federal response
10 team will assist State and local emergency personnel
11 after the personnel has achieved the end state of
12 preparedness for emergency responders established
13 under paragraph (1)(D).

14 “(c) ANNUAL STRATEGY.—

15 “(1) IN GENERAL.—The Council shall develop
16 and transmit to Congress, on the date of transmittal
17 of the Domestic Terrorism Preparedness Plan and,
18 in each of the succeeding 4 fiscal years, on the date
19 that the President submits an annual budget to Con-
20 gress in accordance with section 1105(a) of title 31,
21 United States Code, an annual strategy for carrying
22 out the Domestic Terrorism Preparedness Plan in
23 the fiscal year following the fiscal year in which the
24 strategy is submitted.

1 “(2) CONTENTS.—The annual strategy for a
2 fiscal year shall include the following:

3 “(A) An inventory of Federal training and
4 exercise programs, response teams, grant pro-
5 grams, and other programs and activities re-
6 lated to domestic preparedness against a ter-
7 rorist attack conducted in the preceding fiscal
8 year and a determination as to whether any of
9 such programs or activities may be duplicative.
10 The inventory shall consist of a complete de-
11 scription of each such program and activity, in-
12 cluding the funding level and purpose of and
13 goal to be achieved by the program or activity.

14 “(B) If the Council determines under sub-
15 paragraph (A) that certain programs and activi-
16 ties are duplicative, a detailed plan for consoli-
17 dating, eliminating, or modifying the programs
18 and activities.

19 “(C) An inventory of Federal training and
20 exercise programs, grant programs, response
21 teams, and other programs and activities to be
22 conducted in such fiscal year under the Domes-
23 tic Terrorism Preparedness Plan and measur-
24 able objectives to be achieved in such fiscal year
25 for enhancing domestic preparedness against a

1 terrorist attack. The inventory shall provide for
2 implementation of any plan developed under
3 subparagraph (B), relating to duplicative pro-
4 grams and activities.

5 “(D) A complete assessment of how re-
6 source allocation recommendations developed
7 under section 654(a) are intended to implement
8 the annual strategy.

9 “(d) CONSULTATION.—

10 “(1) IN GENERAL.—In developing the Domestic
11 Terrorism Preparedness Plan and each annual strat-
12 egy for carrying out the plan, the Council shall con-
13 sult with—

14 “(A) the head of each Federal department
15 and agency that will have responsibilities under
16 the Domestic Terrorism Preparedness Plan or
17 annual strategy;

18 “(B) Congress;

19 “(C) State and local officials;

20 “(D) congressionally authorized panels;

21 and

22 “(E) emergency preparedness organiza-
23 tions with memberships that include State and
24 local emergency responders.

1 “(2) REPORTS.—As part of the Domestic Ter-
2 rorism Preparedness Plan and each annual strategy
3 for carrying out the plan, the Council shall include
4 a written statement indicating the persons consulted
5 under this subsection and the recommendations
6 made by such persons.

7 “(e) TRANSMISSION OF CLASSIFIED INFORMA-
8 TION.—Any part of the Domestic Terrorism Preparedness
9 Plan or an annual strategy for carrying out the plan that
10 involves information properly classified under criteria es-
11 tablished by an Executive order shall be presented to Con-
12 gress separately.

13 “(f) RISK OF TERRORIST ATTACKS AGAINST TRANS-
14 PORTATION FACILITIES.—

15 “(1) IN GENERAL.—In developing the plan and
16 risk assessment under subsection (b), the Council
17 shall designate an entity to assess the risk of ter-
18 rorist attacks against transportation facilities, per-
19 sonnel, and passengers.

20 “(2) CONTENTS.—In developing the plan and
21 risk assessment under subsection (b), the Council
22 shall ensure that the following three tasks are ac-
23 complished:

24 “(A) An examination of the extent to
25 which transportation facilities, personnel, and

1 passengers have been the target of terrorist at-
2 tacks and the extent to which such facilities,
3 personnel, and passengers are vulnerable to
4 such attacks.

5 “(B) An evaluation of Federal laws that
6 can be used to combat terrorist attacks against
7 transportation facilities, personnel, and pas-
8 sengers, and the extent to which such laws are
9 enforced. The evaluation may also include a re-
10 view of applicable State laws.

11 “(C) An evaluation of available tech-
12 nologies and practices to determine the best
13 means of protecting transportation facilities,
14 personnel, and passengers against terrorist at-
15 tacks.

16 “(3) CONSULTATION.—In developing the plan
17 and risk assessment under subsection (b), the Coun-
18 cil shall consult with the Secretary of Transpor-
19 tation, representatives of persons providing transpor-
20 tation, and representatives of employees of such per-
21 sons.

22 “(g) MONITORING.—The Council, with the assistance
23 of the Inspector General of the relevant Federal depart-
24 ment or agency as needed, shall monitor the implementa-
25 tion of the Domestic Terrorism Preparedness Plan, includ-

1 ing conducting program and performance audits and eval-
2 uations.

3 **“SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.**

4 “(a) RECOMMENDATIONS REGARDING RESOURCE
5 ALLOCATIONS.—

6 “(1) TRANSMITTAL TO COUNCIL.—Each Fed-
7 eral Government program manager, agency head,
8 and department head with responsibilities under the
9 Domestic Terrorism Preparedness Plan shall trans-
10 mit to the Council for each fiscal year recommended
11 resource allocations for programs and activities re-
12 lating to such responsibilities on or before the earlier
13 of—

14 “(A) the 45th day before the date of the
15 budget submission of the department or agency
16 to the Director of the Office of Management
17 and Budget for the fiscal year; or

18 “(B) August 15 of the fiscal year pre-
19 ceding the fiscal year for which the rec-
20 ommendations are being made.

21 “(2) TRANSMITTAL TO THE OFFICE OF MAN-
22 AGEMENT AND BUDGET.—The Council shall develop
23 for each fiscal year recommendations regarding re-
24 source allocations for each program and activity
25 identified in the annual strategy completed under

1 section 653 for the fiscal year. Such recommenda-
2 tions shall be submitted to the relevant departments
3 and agencies and to the Director of the Office of
4 Management and Budget. The Director of the Office
5 of Management and Budget shall consider such rec-
6 ommendations in formulating the annual budget of
7 the President submitted to Congress under section
8 1105(a) of title 31, United States Code, and shall
9 provide to the Council a written explanation in any
10 case in which the Director does not accept such a
11 recommendation.

12 “(3) RECORDS.—The Council shall maintain
13 records regarding recommendations made and writ-
14 ten explanations received under paragraph (2) and
15 shall provide such records to Congress upon request.
16 The Council may not fulfill such a request before the
17 date of submission of the relevant annual budget of
18 the President to Congress under section 1105(a) of
19 title 31, United States Code.

20 “(4) NEW PROGRAMS OR REALLOCATION OF
21 RESOURCES.—The head of a Federal department or
22 agency shall consult with the Council before acting
23 to enhance the capabilities of State and local emer-
24 gency preparedness and response personnel with re-
25 spect to terrorist attacks by—

1 “(A) establishing a new program or office;

2 or

3 “(B) reallocating resources, including Fed-

4 eral response teams.

5 **“SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND**
6 **LOCAL PROGRAMS.**

7 “The Council shall provide for the establishment of
8 voluntary guidelines for the terrorist attack preparedness
9 programs of State and local governmental entities for the
10 purpose of providing guidance in the development and im-
11 plementation of such programs. The guidelines shall ad-
12 dress equipment, exercises, and training and shall estab-
13 lish a desired threshold level of preparedness for State and
14 local emergency responders.

15 **“SEC. 656. POWERS OF COUNCIL.**

16 “In carrying out this subtitle, the Council may—

17 “(1) direct, with the concurrence of the Sec-
18 retary of a department or head of an agency, the
19 temporary reassignment within the Federal Govern-
20 ment of personnel employed by such department or
21 agency;

22 “(2) use for administrative purposes, on a reim-
23 bursable basis, the available services, equipment,
24 personnel, and facilities of Federal, State, and local
25 agencies;

1 “(3) procure the services of experts and con-
2 sultants in accordance with section 3109 of title 5,
3 United States Code, relating to appointments in the
4 Federal Service, at rates of compensation for indi-
5 viduals not to exceed the daily equivalent of the rate
6 of pay payable for GS-18 of the General Schedule
7 under section 5332 of title 5, United States Code;

8 “(4) accept and use donations of property from
9 Federal, State, and local government agencies;

10 “(5) use the mails in the same manner as any
11 other department or agency of the executive branch;
12 and

13 “(6) request the assistance of the Inspector
14 General of a Federal department or agency in con-
15 ducting audits and evaluations under section 653(g).

16 **“SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY**
17 **COUNCIL EFFORTS.**

18 “The Council may, in the Council’s role as principal
19 adviser to the National Security Council on Federal efforts
20 to assist State and local governmental entities in domestic
21 terrorist attack preparedness matters, and subject to the
22 direction of the President, attend and participate in meet-
23 ings of the National Security Council. The Council may,
24 subject to the direction of the President, participate in the
25 National Security Council’s working group structure.

1 **“SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.**

2 “(a) EXECUTIVE DIRECTOR.—The Council shall have
3 an Executive Director who shall be appointed by the Presi-
4 dent.

5 “(b) STAFF.—The Executive Director may appoint
6 such personnel as the Executive Director considers appro-
7 priate. Such personnel shall be assigned to the Council on
8 a full-time basis and shall report to the Executive Direc-
9 tor.

10 “(c) ADMINISTRATIVE SUPPORT SERVICES.—The
11 Executive Office of the President shall provide to the
12 Council, on a reimbursable basis, such administrative sup-
13 port services, including office space, as the Council may
14 request.

15 **“SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DE-**
16 **PARTMENTS AND AGENCIES.**

17 “(a) REQUESTS FOR ASSISTANCE.—The head of each
18 Federal department and agency with responsibilities under
19 the Domestic Terrorism Preparedness Plan shall cooper-
20 ate with the Council and, subject to laws governing dislo-
21 sure of information, provide such assistance, information,
22 and advice as the Council may request.

23 “(b) CERTIFICATION OF POLICY CHANGES BY COUN-
24 CIL.—

25 “(1) IN GENERAL.—The head of each Federal
26 department and agency with responsibilities under

1 the Domestic Terrorism Preparedness Plan shall,
2 unless exigent circumstances require otherwise, no-
3 tify the Council in writing regarding any proposed
4 change in policies relating to the activities of such
5 department or agency under the Domestic Terrorism
6 Preparedness Plan prior to implementation of such
7 change. The Council shall promptly review such pro-
8 posed change and certify to the department or agen-
9 cy head in writing whether such change is consistent
10 with the Domestic Terrorism Preparedness Plan.

11 “(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If
12 prior notice of a proposed change under paragraph
13 (1) is not possible, the department or agency head
14 shall notify the Council as soon as practicable. The
15 Council shall review such change and certify to the
16 department or agency head in writing whether such
17 change is consistent with the Domestic Terrorism
18 Preparedness Plan.

19 **“SEC. 660. AUTHORIZATION OF APPROPRIATIONS.**

20 “There is authorized to be appropriated to carry out
21 this subtitle \$9,000,000 for fiscal year 2001 and such
22 sums as may be necessary for each of fiscal years 2002
23 through 2005. Such sums shall remain available until ex-
24 pended.”.

1 **SEC. 305. DISASTER GRANT CLOSEOUT PROCEDURES.**

2 Title VII of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5101 et seq.)
4 is amended by adding at the end the following:

5 **“SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.**

6 “(a) STATUTE OF LIMITATIONS.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), no administrative action to recover any
9 payment made to a State or local government for
10 disaster or emergency assistance under this Act shall
11 be initiated in any forum after the date that is 3
12 years after the date of transmission of the final ex-
13 penditure report for the disaster or emergency.

14 “(2) FRAUD EXCEPTION.—The limitation under
15 paragraph (1) shall apply unless there is evidence of
16 civil or criminal fraud.

17 “(b) REBUTTAL OF PRESUMPTION OF RECORD
18 MAINTENANCE.—

19 “(1) IN GENERAL.—In any dispute arising
20 under this section after the date that is 3 years after
21 the date of transmission of the final expenditure re-
22 port for the disaster or emergency, there shall be a
23 presumption that accounting records were main-
24 tained that adequately identify the source and appli-
25 cation of funds provided for financially assisted ac-
26 tivities.

1 “(2) AFFIRMATIVE EVIDENCE.—The presump-
2 tion described in paragraph (1) may be rebutted
3 only on production of affirmative evidence that the
4 State or local government did not maintain docu-
5 mentation described in that paragraph.

6 “(3) INABILITY TO PRODUCE DOCUMENTA-
7 TION.—The inability of the Federal, State, or local
8 government to produce source documentation sup-
9 porting expenditure reports later than 3 years after
10 the date of transmission of the final expenditure re-
11 port shall not constitute evidence to rebut the pre-
12 sumption described in paragraph (1).

13 “(4) RIGHT OF ACCESS.—The period during
14 which the Federal, State, or local government has
15 the right to access source documentation shall not be
16 limited to the required 3-year retention period re-
17 ferred to in paragraph (3), but shall last as long as
18 the records are maintained.

19 “(c) BINDING NATURE OF GRANT REQUIRE-
20 MENTS.—A State or local government shall not be liable
21 for reimbursement or any other penalty for any payment
22 made under this Act if—

23 “(1) the payment was authorized by an ap-
24 proved agreement specifying the costs;

25 “(2) the costs were reasonable; and

1 “(3) the purpose of the grant was accom-
2 plished.”.

3 **SEC. 306. PUBLIC SAFETY OFFICER BENEFITS FOR CER-**
4 **TAIN FEDERAL AND STATE EMPLOYEES.**

5 (a) IN GENERAL.—Section 1204 of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
7 3796b) is amended by striking paragraph (7) and insert-
8 ing the following:

9 “(7) ‘public safety officer’ means—

10 “(A) an individual serving a public agency
11 in an official capacity, with or without com-
12 pensation, as a law enforcement officer, as a
13 firefighter, or as a member of a rescue squad
14 or ambulance crew;

15 “(B) an employee of the Federal Emer-
16 gency Management Agency who is performing
17 official duties of the Agency in an area, if those
18 official duties—

19 “(i) are related to a major disaster or
20 emergency that has been, or is later, de-
21 clared to exist with respect to the area
22 under the Robert T. Stafford Disaster Re-
23 lief and Emergency Assistance Act (42
24 U.S.C. 5121 et seq.); and

1 “(ii) are determined by the Director
2 of the Federal Emergency Management
3 Agency to be hazardous duties; or

4 “(C) an employee of a State, local, or trib-
5 al emergency management or civil defense agen-
6 cy who is performing official duties in coopera-
7 tion with the Federal Emergency Management
8 Agency in an area, if those official duties—

9 “(i) are related to a major disaster or
10 emergency that has been, or is later, de-
11 clared to exist with respect to the area
12 under the Robert T. Stafford Disaster Re-
13 lief and Emergency Assistance Act (42
14 U.S.C. 5121 et seq.); and

15 “(ii) are determined by the head of
16 the agency to be hazardous duties.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) applies only to employees described in sub-
19 paragraphs (B) and (C) of section 1204(7) of the Omni-
20 bus Crime Control and Safe Streets Act of 1968 (as
21 amended by subsection (a)) who are injured or who die
22 in the line of duty on or after the date of enactment of
23 this Act.

1 **SEC. 307. BUY AMERICAN.**

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

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

9 (1) IN GENERAL.—If the Director of the Fed-
10 eral Emergency Management Agency determines
11 that a person has been convicted of intentionally
12 affixing a label bearing a “Made in America” in-
13 scription to any product sold in or shipped to the
14 United States that is not made in America, the Di-
15 rector shall determine, not later than 90 days after
16 determining that the person has been so convicted,
17 whether the person should be debarred from con-
18 tracting under the Robert T. Stafford Disaster Re-
19 lief and Emergency Assistance Act (42 U.S.C. 5121
20 et seq.).

21 (2) DEFINITION OF DEBAR.—In this sub-
22 section, the term “debar” has the meaning given the
23 term in section 2393(c) of title 10, United States
24 Code.

1 **SEC. 308. TREATMENT OF CERTAIN REAL PROPERTY.**

2 (a) IN GENERAL.—Notwithstanding the National
3 Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.),
4 the Flood Disaster Protection Act of 1973 (42 U.S.C.
5 4002 et seq.), or any other provision of law, or any flood
6 risk zone identified, delineated, or established under any
7 such law (by flood insurance rate map or otherwise), the
8 real property described in subsection (b) shall not be con-
9 sidered to be, or to have been, located in any area having
10 special flood hazards (including any floodway or flood-
11 plain).

12 (b) REAL PROPERTY.—The real property described
13 in this subsection is all land and improvements on the land
14 located in the Maple Terrace Subdivisions in the city of
15 Sycamore, DeKalb County, Illinois, including—

- 16 (1) Maple Terrace Phase I;
17 (2) Maple Terrace Phase II;
18 (3) Maple Terrace Phase III Unit 1;
19 (4) Maple Terrace Phase III Unit 2;
20 (5) Maple Terrace Phase III Unit 3;
21 (6) Maple Terrace Phase IV Unit 1;
22 (7) Maple Terrace Phase IV Unit 2; and
23 (8) Maple Terrace Phase IV Unit 3.

24 (c) REVISION OF FLOOD INSURANCE RATE LOT
25 MAPS.—As soon as practicable after the date of enact-
26 ment of this Act, the Director of the Federal Emergency

1 Management Agency shall revise the appropriate flood in-
2 surance rate lot maps of the agency to reflect the treat-
3 ment under subsection (a) of the real property described
4 in subsection (b).

5 **SEC. 309. STUDY OF PARTICIPATION BY INDIAN TRIBES IN**
6 **EMERGENCY MANAGEMENT.**

7 (a) DEFINITION OF INDIAN TRIBE.—In this section,
8 the term “Indian tribe” has the meaning given the term
9 in section 4 of the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 450b).

11 (b) STUDY.—

12 (1) IN GENERAL.—The Director of the Federal
13 Emergency Management Agency shall conduct a
14 study of participation by Indian tribes in emergency
15 management.

16 (2) REQUIRED ELEMENTS.—The study shall—

17 (A) survey participation by Indian tribes in
18 training, predisaster and postdisaster mitiga-
19 tion, disaster preparedness, and disaster recov-
20 ery programs at the Federal and State levels;
21 and

22 (B) review and assess the capacity of In-
23 dian tribes to participate in cost-shared emer-
24 gency management programs and to participate
25 in the management of the programs.

1 (3) CONSULTATION.—In conducting the study,
2 the Director shall consult with Indian tribes.

3 (c) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Director shall submit a re-
5 port on the study under subsection (b) to—

6 (1) the Committee on Environment and Public
7 Works of the Senate;

8 (2) the Committee on Transportation and In-
9 frastructure of the House of Representatives;

10 (3) the Committee on Appropriations of the
11 Senate; and

12 (4) the Committee on Appropriations of the
13 House of Representatives.

Attest:

Clerk.