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110TH CONGRESS
1ST SESSION

S. 2445

[Report No. 110-240]

To provide for the flexibility of certain disaster relief funds, and for improved evacuation and sheltering during disasters and catastrophes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2007

Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, reported the following original bill; which was read twice and placed on the calendar

A BILL

To provide for the flexibility of certain disaster relief funds, and for improved evacuation and sheltering during disasters and catastrophes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Streamlining Mitiga-
5 tion Actions and Recovery Tools and Regional Evacuation
6 and Sheltering Planning of Overarching Networks for Se-

1 vere Emergencies Act” or the “SMART RESPONSE
2 Act”.

3 **SEC. 2. DEFINITIONS.**

4 In this Act—

5 (1) the term “Administrator” means the Ad-
6 ministrator of the Federal Emergency Management
7 Agency; and

8 (2) the terms “emergency” and “major dis-
9 aster” have the meanings given those terms in sec-
10 tion 102 of the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 5122).

12 **SEC. 3. FLEXIBILITY OF FEDERAL FUNDS FOR ROAD HOME**
13 **PROGRAM.**

14 (a) PROHIBITION OF RESTRICTION ON USE OF
15 AMOUNTS.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 the Administrator may not prohibit or restrict the
18 use, by the State of Louisiana under the Road
19 Home Program of such State, of any amounts speci-
20 fied in paragraph (3) based upon—

21 (A) the existence or extent of any require-
22 ment or condition under such program that—

23 (i) limits or reduces the amount made
24 available to an eligible homeowner who

1 does not agree to remain an owner and oc-
2 cupant of a home in Louisiana; or

3 (ii) waives the applicability of any lim-
4 itation or reduction referred to in clause (i)
5 for homeowners who are elderly or senior
6 citizens; or

7 (B) the fact that the applicant for assist-
8 ance under such program commenced construc-
9 tion on a structure otherwise eligible for hazard
10 mitigation grant program assistance under sec-
11 tion 404 of the Robert T. Stafford Disaster Re-
12 lief and Emergency Assistance Act (42 U.S.C.
13 5170c) without approval in writing from the
14 Administrator.

15 (2) SAVINGS PROVISION.—Except as provided
16 in paragraph (1), all other provisions of section 404
17 of the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act (42 U.S.C. 5170c) shall apply
19 to amounts specified in paragraph (3) that are used
20 by the State of Louisiana under the Road Home
21 Program of such State.

22 (3) COVERED AMOUNTS.—The amounts speci-
23 fied in this paragraph are \$1,170,000,000 des-
24 ignated for the State of Louisiana under the hazard
25 mitigation grant program of the Federal Emergency

1 Management Agency for damage caused by Hurri-
2 cane Katrina or Hurricane Rita.

3 (4) EXPEDITED TRANSFER OF FUNDS.—

4 (A) IN GENERAL.—The Administrator
5 shall, as soon as is practicable, transfer the
6 amounts specified in paragraph (3) to the State
7 of Louisiana.

8 (B) PROCEDURES.—The Administrator
9 shall, to the extent practicable, identify and im-
10 plement mechanisms to be applied to all
11 amounts specified in paragraph (3) made avail-
12 able to the State of Louisiana as a result of
13 Hurricane Katrina or Hurricane Rita under the
14 hazard mitigation grant program under section
15 404 of the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42 U.S.C.
17 5170c) that will simplify the requirements of
18 such program and ensure the expedited dis-
19 tribution of such funds under the program, in-
20 cluding—

21 (i) creating a programmatic cost-ben-
22 efit analysis to provide a means of con-
23 ducting cost-benefit analysis by similar
24 project type, similar geographic factors,
25 and other similarities making group cost-

1 benefit analysis more feasible and con-
2 structive rather than on a structure-by-
3 structure basis; and

4 (ii) developing a streamlined environ-
5 mental review process to speed the ap-
6 proval of project applications.

7 (5) WAIVER.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), in using amounts described
10 in paragraph (3), the President shall waive any
11 requirements of section 206.434(c)(5) of title
12 44, Code of Federal Regulations, that the
13 President determines are inconsistent with
14 paragraph (4)(B) of this subsection and the re-
15 quirements of section 206.438(d) of title 44,
16 Code of Federal Regulations, or specify alter-
17 native requirements, upon request by the State
18 of Louisiana that such waiver is required to fa-
19 cilitate the timely use of funds or a guarantee
20 provided under section 404 of the Robert T.
21 Stafford Disaster Relief and Emergency Assist-
22 ance Act (42 U.S.C. 5170c).

23 (B) EXCEPTION.—The President may not
24 waive any requirement relating to fair housing,

1 nondiscrimination, labor standards, or the envi-
2 ronment under subparagraph (A).

3 (C) APPROVED PROJECTS.—Notwith-
4 standing any waiver of section 206.438(d) of
5 title 44, Code of Federal Regulations, under
6 this paragraph, an individual grant recipient
7 may receive funds from amounts described in
8 paragraph (3) before performance of the project
9 for which that individual is seeking a grant if,
10 before such funds are made available to that in-
11 dividual—

12 (i) the Administrator approves the
13 project for which that individual is seeking
14 a grant;

15 (ii) the State grant recipient certifies
16 to the Administrator that the grant award
17 shall be used in the performance of the
18 project approved under clause (i); and

19 (iii) that individual grant recipient
20 certifies to the State grant recipient that
21 the grant award shall be used in the per-
22 formance of the project approved under
23 clause (i).

24 (D) CERTIFICATIONS.—

1 (i) IN GENERAL.—After the expendi-
2 ture of all funds under a grant described
3 in subparagraph (C), the individual grant
4 recipient shall submit a certification to the
5 State grant recipient regarding whether
6 the funds were used in the performance of
7 the applicable project approved under sub-
8 paragraph (C)(i).

9 (ii) TO THE ADMINISTRATOR.—Upon
10 receipt of a certification under clause (i),
11 the State shall submit a certification to the
12 Administrator regarding whether the funds
13 were used in the performance of the appli-
14 cable project approved under subparagraph
15 (C)(i).

16 (E) AUDITING.—The Administrator may
17 design and implement audit procedures and re-
18 quirements as necessary and appropriate to
19 carry out this paragraph.

20 (b) REPORTING REQUIREMENT.—The Administrator
21 shall provide annual reports to the Committee on Home-
22 land Security and Governmental Affairs of the Senate and
23 the Committee on Transportation and Infrastructure of
24 the House of Representatives on—

1 (1) specific mechanisms that are being utilized
2 to expedite funding distribution under this section;
3 and

4 (2) how such mechanisms are performing.

5 **SEC. 4. EVACUATION AND SHELTERING.**

6 (a) REGIONAL EVACUATION AND SHELTERING
7 PLANS.—

8 (1) IN GENERAL.—Not later than 360 days
9 after the date of enactment of this Act, the Adminis-
10 trator, in coordination with the heads of appropriate
11 Federal agencies with responsibilities under the Na-
12 tional Response Plan or any successor plan, States,
13 local governments, and appropriate nongovernmental
14 organizations, shall develop and submit to Congress,
15 regional evacuation and sheltering plans that—

16 (A) address national interstate major dis-
17 asters or emergencies;

18 (B) incorporate all appropriate modes of
19 transportation, including interstate rail, com-
20 mercial rail, commercial air, military transpor-
21 tation, and commercial bus;

22 (C) clearly define the roles and responsibil-
23 ities of Federal, State, and local governments in
24 the evacuation plan; and

1 (D) identify regional and national shelters
2 capable of housing evacuees and victims of an
3 emergency or major disaster in any part of the
4 United States.

5 (2) IMPLEMENTATION.—After developing the
6 plans described in paragraph (1), the Administrator
7 and the head of any Federal agency with responsibil-
8 ities under those plans shall take necessary meas-
9 ures to be able to implement those plans, including
10 conducting exercises under such plans as appro-
11 priate.

12 (b) NATIONAL SHELTERING DATABASE.—The Ad-
13 ministrator, in coordination with States, local govern-
14 ments, and appropriate nongovernmental entities, shall de-
15 velop a national database inventorying available shelters,
16 that can be shared with States and local governments.

17 (c) PROTECTION STRATEGY.—

18 (1) IN GENERAL.—As soon as is practicable,
19 the Administrator, in consultation with the heads of
20 appropriate Federal agencies with responsibilities
21 under the National Response Plan or any successor
22 plan, shall conduct an analysis comparing the costs,
23 benefits, and health and safety concerns of evacu-
24 ating individuals with special needs during an emer-
25 gency or major disaster, as compared to the costs,

1 benefits, and health and safety concerns of shel-
2 tering such people in the area they are located when
3 that emergency or major disaster occurs.

4 (2) CONSIDERATIONS.—In conducting the anal-
5 ysis under paragraph (1), the Administrator shall
6 consider—

7 (A) areas with populations of not less than
8 20,000 individual needing medical assistance or
9 lacking the ability to self evacuate;

10 (B) areas that do not have an all hazards
11 resistance shelter; and

12 (C) the health and safety of individuals
13 with special needs.

14 (3) TECHNICAL ASSISTANCE.—The Adminis-
15 trator shall, as appropriate, provide technical assist-
16 ance to States and local governments in developing
17 and exercising evacuation and sheltering plans,
18 which identify and use regional shelters, manpower,
19 logistics, physical facilities, and modes of transpor-
20 tation to be used to evacuate and shelter large
21 groups of people.

22 (d) EVACUATION TRAFFIC INFORMATION SYSTEM.—

23 (1) IN GENERAL.—The Administrator, in co-
24 ordination with the heads of appropriate Federal
25 agencies with responsibilities under the National Re-

1 sponse Plan or any successor plan, shall obtain and
2 share information with State, local, regional, and
3 tribal governments on evacuation statistics and mon-
4 itoring from the Evacuation Traffic Information
5 System of the Department of Transportation and
6 other transportation data for planning purposes.

7 (2) REPORT.—

8 (A) IN GENERAL.—Not later than 180
9 days after the date of enactment of this Act,
10 the Comptroller General of the United States
11 shall submit to Congress a report assessing the
12 need to update the Evacuation Traffic Informa-
13 tion System to adequately address the needs of
14 State, local, regional, and tribal governments,
15 which shall include recommendations, if any.

16 (B) CONSULTATION.—In preparing the re-
17 port submitted under subparagraph (A), the
18 Comptroller General shall seek input from ap-
19 propriate Federal, State, local, regional, and
20 tribal government officials.

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