

114TH CONGRESS
2D SESSION

H. R. 1471

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2016

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To reauthorize the programs and activities of the Federal
Emergency Management Agency.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “FEMA Disaster Assistance Reform Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—FEMA REAUTHORIZATION

Sec. 101. Reauthorization of Federal Emergency Management Agency.

**TITLE II—COMPREHENSIVE STUDY OF DISASTER COSTS AND
LOSSES**

Sec. 201. Comprehensive study of disaster costs and losses.

TITLE III—STAFFORD ACT AND OTHER PROGRAMS

Sec. 301. Reauthorization of urban search and rescue response system.

Sec. 302. Statute of limitations.

Sec. 303. Action plan to improve field transition.

Sec. 304. Simplified procedures.

Sec. 305. Management costs.

Sec. 306. Debts owed to the United States related to disaster assistance.

Sec. 307. Statute of limitations for debts owed to the United States related to
disaster assistance.

Sec. 308. Technical assistance and recommendations.

Sec. 309. Local impact.

Sec. 310. Proof of insurance.

Sec. 311. Authorities.

Sec. 312. Responsibilities.

Sec. 313. Earthquake and Tsunami Interagency Task Force.

Sec. 314. Mitigation assistance.

Sec. 315. Additional activities.

6 **TITLE I—FEMA**
7 **REAUTHORIZATION**

8 **SEC. 101. REAUTHORIZATION OF FEDERAL EMERGENCY**
9 **MANAGEMENT AGENCY.**

10 Section 699 of the Post-Katrina Emergency Manage-
11 ment Reform Act of 2006 (Public Law 109–295; 6 U.S.C.
12 811) is amended—

1 (1) by striking “administration and operations”
 2 each place it appears and inserting “management
 3 and administration”; and

4 (2) in paragraph (2), by striking “; and”;

5 (3) in paragraph (3), by striking the period and
 6 inserting “; and”; and

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

8 “(4) for fiscal year 2016, \$946,982,000;

9 “(5) for fiscal year 2017, \$946,982,000; and

10 “(6) for fiscal year 2018, \$946,982,000.”.

11 **TITLE II—COMPREHENSIVE**
 12 **STUDY OF DISASTER COSTS**
 13 **AND LOSSES**

14 **SEC. 201. COMPREHENSIVE STUDY OF DISASTER COSTS**
 15 **AND LOSSES.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
 17 the date of enactment of this Act, the Administrator of
 18 the Federal Emergency Management Agency shall com-
 19 mence, through the National Advisory Council, a com-
 20 prehensive study related to disaster costs and losses (re-
 21 ferred to in the subsection as the “Study”).

22 (b) ADDITIONAL MEMBERSHIP.—For the purposes of
 23 the Study, as soon as practicable after the date of enact-
 24 ment of this section, the Administrator shall appoint addi-

1 tional qualified members to the National Advisory Council
2 from the following:

3 (1) Individuals that have the requisite technical
4 knowledge and expertise on issues related to disaster
5 costs and losses.

6 (2) Representatives of the insurance industry.

7 (3) Experts in and representatives of the con-
8 struction and building industry.

9 (4) Individuals nominated by national organiza-
10 tions representing local governments and personnel.

11 (5) Academic experts.

12 (6) Vendors, developers, and manufacturers of
13 systems, facilities, equipment, and capabilities for
14 emergency management services.

15 (7) Representatives of such other stakeholders
16 and interested and affected parties as the Adminis-
17 trator considers appropriate.

18 (c) CONSULTATION WITH NONMEMBERS.—The Na-
19 tional Advisory Council shall consult with other relevant
20 agencies and groups that are not represented on the Na-
21 tional Advisory Council to consider research, data, find-
22 ings, recommendations, innovative technologies and devel-
23 opments, including—

24 (1) entities engaged in federally funded re-
25 search; and

1 (2) academic institutions engaged in relevant
2 work and research.

3 (d) RECOMMENDATIONS.—Not later than 120 days
4 after the date of enactment of this Act, the National Advi-
5 sory Council shall convene to evaluate the following topics
6 and develop recommendations for reducing disaster costs
7 and losses:

8 (1) DISASTER LOSSES.—

9 (A) COST TRENDS.—Trends in disaster
10 costs including loss of life and injury, property
11 damage to individuals, the private sector, and
12 each level of government (State, local, and trib-
13 al) since the enactment of the Robert T. Staf-
14 ford Disaster Relief and Emergency Assistance
15 Act (42 U.S.C. 5121 et seq.), to the extent data
16 is available.

17 (B) CONTRIBUTING FACTORS.—Contrib-
18 uting factors such as shifting demographics and
19 aging infrastructure and their impacts on the
20 trends in disaster losses and costs.

21 (2) DISASTER COSTS.—

22 (A) TRENDS IN DECLARATIONS.—Trends
23 in disaster declarations, including factors con-
24 tributing to the trends.

1 (B) DISASTER ASSISTANCE.—Disaster as-
2 sistance available from all Federal sources, in-
3 cluding descriptions of programs, eligibility and
4 authorities, where assistance has been used geo-
5 graphically, how quickly the funds are used,
6 how that assistance is coordinated among the
7 various agencies and departments, and rec-
8 ommendations for ways to improve the effec-
9 tiveness and efficiency of the delivery of such
10 assistance.

11 (C) COSTS.—Disaster costs borne by the
12 private sector and individuals.

13 (3) DISASTER ROLES AND RESPONSIBILITY.—
14 Fundamental principles that should drive national
15 disaster assistance decision making, including the
16 appropriate roles for each level of government, the
17 private sector, and individuals.

18 (4) REDUCTION OF COSTS AND LOSSES.—

19 (A) MECHANISMS AND INCENTIVES.—
20 Mechanisms and incentives, including tax incen-
21 tives, to promote disaster cost reduction, miti-
22 gation, and recovery, including cost data, pro-
23 jections for the return on investment, and
24 measures of effectiveness.

1 (B) IDENTIFICATION OF CHALLENGES.—

2 Identify fundamental legal, societal, geographic,
3 and technological challenges to implementation.

4 (5) LEGISLATIVE PROPOSALS.—Legislative pro-
5 posals for implementing the recommendations in the
6 report compiled pursuant to the requirement in sec-
7 tion 1111 of the Sandy Recovery Improvement Act
8 of 2013 (Public Law 113–2).

9 (e) REPORT TO ADMINISTRATOR AND CONGRESS.—

10 Not later than 1 year after the date of enactment of this
11 section, the National Advisory Council shall submit a re-
12 port containing the data, analysis, and recommendations
13 developed under subsection (d) to—

14 (1) the Administrator of the Federal Emer-
15 gency Management Agency;

16 (2) the Committee on Transportation and In-
17 frastructure of the House of Representatives; and

18 (3) the Committee on Homeland Security and
19 Governmental Affairs of the Senate.

20 The Administrator shall make the data collected pursuant
21 to this section publically available on the Agency’s website.

1 **TITLE III—STAFFORD ACT AND**
2 **OTHER PROGRAMS**

3 **SEC. 301. REAUTHORIZATION OF URBAN SEARCH AND RES-**
4 **CUE RESPONSE SYSTEM.**

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

9 **“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RE-**
10 **SPONSE SYSTEM.**

11 “(a) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) ADMINISTRATOR.—The term ‘Adminis-
14 trator’ means the Administrator of the Federal
15 Emergency Management Agency.

16 “(2) AGENCY.—The term ‘Agency’ means the
17 Federal Emergency Management Agency.

18 “(3) HAZARD.—The term ‘hazard’ has the
19 meaning given that term by section 602.

20 “(4) NONEMPLOYEE SYSTEM MEMBER.—The
21 term ‘nonemployee System member’ means a System
22 member not employed by a sponsoring agency or
23 participating agency.

24 “(5) PARTICIPATING AGENCY.—The term ‘par-
25 ticipating agency’ means a State or local govern-

1 ment, nonprofit organization, or private organization
2 that has executed an agreement with a sponsoring
3 agency to participate in the System.

4 “(6) SPONSORING AGENCY.—The term ‘spon-
5 soring agency’ means a State or local government
6 that is the sponsor of a task force designated by the
7 Administrator to participate in the System.

8 “(7) SYSTEM.—The term ‘System’ means the
9 National Urban Search and Rescue Response Sys-
10 tem to be administered under this section.

11 “(8) SYSTEM MEMBER.—The term ‘System
12 member’ means an individual who is not a full-time
13 employee of the Federal Government and who serves
14 on a task force or on a System management or other
15 technical team.

16 “(9) TASK FORCE.—The term ‘task force’
17 means an urban search and rescue team designated
18 by the Administrator to participate in the System.

19 “(b) GENERAL AUTHORITY.—Subject to the require-
20 ments of this section, the Administrator shall continue to
21 administer the emergency response system known as the
22 National Urban Search and Rescue Response System.

23 “(c) FUNCTIONS.—In administering the System, the
24 Administrator shall provide for a national network of

1 standardized search and rescue resources to assist States
2 and local governments in responding to hazards.

3 “(d) TASK FORCES.—

4 “(1) DESIGNATION.—The Administrator shall
5 designate task forces to participate in the System.
6 The Administration shall determine the criteria for
7 such participation.

8 “(2) SPONSORING AGENCIES.—Each task force
9 shall have a sponsoring agency. The Administrator
10 shall enter into an agreement with the sponsoring
11 agency with respect to the participation of each task
12 force in the System.

13 “(3) COMPOSITION.—

14 “(A) PARTICIPATING AGENCIES.—A task
15 force may include, at the discretion of the spon-
16 soring agency, one or more participating agen-
17 cies. The sponsoring agency shall enter into an
18 agreement with each participating agency with
19 respect to the participation of the participating
20 agency on the task force.

21 “(B) OTHER INDIVIDUALS.—A task force
22 may also include, at the discretion of the spon-
23 soring agency, other individuals not otherwise
24 associated with the sponsoring agency or a par-
25 ticipating agency. The sponsoring agency of a

1 task force may enter into a separate agreement
2 with each such individual with respect to the
3 participation of the individual on the task force.

4 “(e) MANAGEMENT AND TECHNICAL TEAMS.—The
5 Administrator shall maintain such management teams and
6 other technical teams as the Administrator determines are
7 necessary to administer the System.

8 “(f) APPOINTMENT OF SYSTEM MEMBERS INTO
9 FEDERAL SERVICE.—

10 “(1) IN GENERAL.—The Administrator may ap-
11 point a System member into Federal service for a
12 period of service to provide for the participation of
13 the System member in exercises, preincident staging,
14 major disaster and emergency response activities,
15 and training events sponsored or sanctioned by the
16 Administrator.

17 “(2) NONAPPLICABILITY OF CERTAIN CIVIL
18 SERVICE LAWS.—The Administrator may make ap-
19 pointments under paragraph (1) without regard to
20 the provisions of title 5, United States Code, gov-
21 erning appointments in the competitive service.

22 “(3) RELATIONSHIP TO OTHER AUTHORI-
23 TIES.—The authority of the Administrator to make
24 appointments under this subsection shall not affect

1 any other authority of the Administrator under this
2 Act.

3 “(4) LIMITATION.—A System member who is
4 appointed into Federal service under paragraph (1)
5 shall not be considered an employee of the United
6 States for purposes other than those specifically set
7 forth in this section.

8 “(g) COMPENSATION.—

9 “(1) PAY OF SYSTEM MEMBERS.—Subject to
10 such terms and conditions as the Administrator may
11 impose by regulation, the Administrator shall make
12 payments to the sponsoring agency of a task force—

13 “(A) to reimburse each employer of a Sys-
14 tem member on the task force for compensation
15 paid by the employer to the System member for
16 any period during which the System member is
17 appointed into Federal service under subsection
18 (f)(1); and

19 “(B) to make payments directly to a non-
20 employee System member on the task force for
21 any period during which the non-employee Sys-
22 tem member is appointed into Federal service
23 under subsection (f)(1).

24 “(2) REIMBURSEMENT FOR EMPLOYEES FILL-
25 ING POSITIONS OF SYSTEM MEMBERS.—

1 “(A) IN GENERAL.—Subject to such terms
2 and conditions as the Administrator may im-
3 pose by regulation, the Administrator shall
4 make payments to the sponsoring agency of a
5 task force to reimburse each employer of a Sys-
6 tem member on the task force for compensation
7 paid by the employer to an employee filling a
8 position normally filled by the System member
9 for any period during which the System mem-
10 ber is appointed into Federal service under sub-
11 section (f)(1).

12 “(B) LIMITATION.—Costs incurred by an
13 employer shall be eligible for reimbursement
14 under subparagraph (A) only to the extent that
15 the costs are in excess of the costs that would
16 have been incurred by the employer had the
17 System member not been appointed into Fed-
18 eral service under subsection (f)(1).

19 “(3) METHOD OF PAYMENT.—A System mem-
20 ber shall not be entitled to pay directly from the
21 Agency for a period during which the System mem-
22 ber is appointed into Federal service under sub-
23 section (f)(1).

24 “(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR
25 DEATH.—

1 “(1) IN GENERAL.—A System member who is
2 appointed into Federal service under subsection
3 (f)(1) and who suffers personal injury, illness, dis-
4 ability, or death as a result of a personal injury sus-
5 tained while acting in the scope of such appointment
6 shall, for the purposes of subchapter I of chapter 81
7 of title 5, United States Code, be treated as though
8 the member were an employee (as defined by section
9 8101 of that title) who had sustained the injury in
10 the performance of duty.

11 “(2) ELECTION OF BENEFITS.—

12 “(A) IN GENERAL.—If a System member
13 (or, in the case of the death of the System
14 member, the System member’s dependent) is
15 entitled—

16 “(i) under paragraph (1) to receive
17 benefits under subchapter I of chapter 81
18 of title 5, United States Code, by reason of
19 personal injury, illness, disability, or death,
20 and

21 “(ii) to receive benefits from a State
22 or local government by reason of the same
23 personal injury, illness, disability, or death,

1 the System member or dependent shall elect to
2 receive either the benefits referred to in clause
3 (i) or (ii).

4 “(B) DEADLINE.—A System member or
5 dependent shall make an election of benefits
6 under subparagraph (A) not later than 1 year
7 after the date of the personal injury, illness,
8 disability, or death that is the reason for the
9 benefits or until such later date as the Sec-
10 retary of Labor may allow for reasonable cause
11 shown.

12 “(C) EFFECT OF ELECTION.—An election
13 of benefits made under this paragraph is irrev-
14 ocable unless otherwise provided by law.

15 “(3) REIMBURSEMENT FOR STATE OR LOCAL
16 BENEFITS.—Subject to such terms and conditions as
17 the Administrator may impose by regulation, in the
18 event that a System member or dependent elects
19 benefits from a State or local government under
20 paragraph (2)(A), the Administrator shall reimburse
21 the State or local government for the value of those
22 benefits.

23 “(4) PUBLIC SAFETY OFFICER CLAIMS.—Noth-
24 ing in this subsection shall be construed to bar any
25 claim by, or with respect to, any System member

1 who is a ‘public safety officer’, as defined in section
2 1204 of the Omnibus Crime Control and Safe
3 Streets Act of 1968, for any benefits authorized pur-
4 suant to section 1001(a)(4) of that Act.

5 “(5) TECHNICAL AMENDMENT.—Section
6 1086(d) of the National Defense Authorization Act
7 for Fiscal Year 2013 is amended as follows (which
8 amendments shall take effect as if enacted on Janu-
9 ary 2, 2013)—

10 “(A) in paragraph (1)—

11 “(i) by striking ‘paragraph (1)’ and
12 inserting ‘paragraph (2)’; and

13 “(ii) in subparagraph (B) by striking
14 ‘filed or’ and inserting ‘filed (consistent
15 with pre-existing effective dates) or’; and

16 “(B) in paragraph (2)(A), by striking
17 ‘amendments made by this Act’ and inserting
18 ‘amendments made to section 1204 of the Om-
19 nibus Crime Control and Safe Streets Act of
20 1968 (42 U.S.C. 3796b) by this Act’.

21 “(i) LIABILITY.—A System member appointed into
22 Federal service under subsection (f)(1), while acting with-
23 in the scope of the appointment, is deemed an employee
24 of the Federal Government under section 1346(b) of title

1 28, United States Code, and chapter 171 of that title, re-
2 lating to tort claims procedure.

3 “(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—
4 With respect to a System member who is not a regular
5 full-time employee of a sponsoring agency or participating
6 agency, the following terms and conditions apply:

7 “(1) SERVICE.—Service as a System member is
8 deemed ‘service in the uniformed services’ for pur-
9 poses of chapter 43 of title 38, United States Code,
10 relating to employment and reemployment rights of
11 individuals who have performed service in the uni-
12 formed services (regardless of whether the individual
13 receives compensation for such participation). All
14 rights and obligations of such persons and proce-
15 dures for assistance, enforcement, and investigation
16 shall be as provided for in such chapter.

17 “(2) PRECLUSION.—Preclusion of giving notice
18 of service by necessity of appointment under this
19 section is deemed preclusion by ‘military necessity’
20 for purposes of section 4312(b) of title 38, United
21 States Code, pertaining to giving notice of absence
22 from a position of employment. A determination of
23 such necessity shall be made by the Administrator
24 and shall not be subject to judicial review.

1 “(k) LICENSES AND PERMITS.—If a System member
2 holds a valid license, certificate, or other permit issued by
3 any State or other governmental jurisdiction evidencing
4 the member’s qualifications in any professional, mechan-
5 ical, or other skill or type of assistance required by the
6 System, the System member is deemed to be performing
7 a Federal activity when rendering aid involving such skill
8 or assistance during a period of appointment into Federal
9 service under subsection (f)(1).

10 “(l) ADVISORY COMMITTEE.—

11 “(1) IN GENERAL.—The Administrator shall es-
12 tablish and maintain an advisory committee to pro-
13 vide expert recommendations to the Administrator in
14 order to assist the Administrator in administering
15 the System.

16 “(2) COMPOSITION.—The advisory committee
17 shall be composed of members from geographically
18 diverse areas, and shall include—

19 “(A) the chief officer or senior executive
20 from at least three sponsoring agencies;

21 “(B) the senior emergency manager from
22 at least two States that include sponsoring
23 agencies; and

24 “(C) at least one representative rec-
25 ommended by the leaders of the task forces.

1 “(3) INAPPLICABILITY OF TERMINATION RE-
2 QUIREMENT.—Section 14(a)(2) of the Federal Advi-
3 sory Committee Act (5 U.S.C. App.) shall not apply
4 to the advisory committee under this subsection.

5 “(m) PREPAREDNESS COOPERATIVE AGREE-
6 MENTS.—

7 “(1) IN GENERAL.—Subject to the availability
8 of appropriations for such purpose, the Adminis-
9 trator shall enter into an annual preparedness coop-
10 erative agreement with each sponsoring agency.
11 Amounts made available to a sponsoring agency
12 under such a preparedness cooperative agreement
13 shall be for the following purposes:

14 “(A) Training and exercises, including
15 training and exercises with other Federal,
16 State, and local government response entities.

17 “(B) Acquisition and maintenance of
18 equipment, including interoperable communica-
19 tions and personal protective equipment.

20 “(C) Medical monitoring required for re-
21 sponder safety and health in anticipation of and
22 following a major disaster, emergency, or other
23 hazard, as determined by the Administrator.

24 “(2) AVAILABILITY OF APPROPRIATIONS.—Not-
25 withstanding section 1552(b) of title 31, United

1 States Code, amounts made available for cooperative
2 agreements under this subsection that are not ex-
3 pended shall be deposited in an agency account and
4 shall remain available for such agreements without
5 fiscal year limitation.

6 “(n) RESPONSE COOPERATIVE AGREEMENTS.—The
7 Administrator shall enter into a response cooperative
8 agreement with each sponsoring agency, as appropriate,
9 under which the Administrator agrees to reimburse the
10 sponsoring agency for costs incurred by the sponsoring
11 agency in responding to a major disaster or emergency.

12 “(o) OBLIGATIONS.—The Administrator may incur
13 all necessary obligations consistent with this section in
14 order to ensure the effectiveness of the System.

15 “(p) AUTHORIZATION OF APPROPRIATIONS.—

16 “(1) IN GENERAL.—There is authorized to be
17 appropriated to carry out the System and the provi-
18 sions of this section \$50,000,000 for each of fiscal
19 years 2016, 2017, and 2018.

20 “(2) ADMINISTRATIVE EXPENSES.—The Ad-
21 ministrator may use not to exceed 6 percent of the
22 funds appropriated for a fiscal year pursuant to
23 paragraph (1) for salaries, expenses, and other ad-
24 ministrative costs incurred by the Administrator in
25 carrying out this section.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) APPLICABILITY OF TITLE 5, UNITED
3 STATES CODE.—Section 8101(1) of title 5, United
4 States Code, is amended—

5 (A) in subparagraph (D) by striking “and”
6 at the end;

7 (B) by moving subparagraph (F) to appear
8 after subparagraph (E);

9 (C) in subparagraph (F)—

10 (i) by striking “United States Code,”;

11 and

12 (ii) by adding “and” at the end; and

13 (D) by inserting after subparagraph (F)
14 the following:

15 “(G) an individual who is a System mem-
16 ber of the National Urban Search and Rescue
17 Response System during a period of appoint-
18 ment into Federal service pursuant to section
19 327 of the Robert T. Stafford Disaster Relief
20 and Emergency Assistance Act;”.

21 (2) INCLUSION AS PART OF UNIFORMED SERV-
22 ICES FOR PURPOSES OF USERRA.—Section 4303 of
23 title 38, United States Code, is amended—

24 (A) in paragraph (13) by inserting “, a pe-
25 riod for which a System member of the Na-

1 tional Urban Search and Rescue Response Sys-
2 tem is absent from a position of employment
3 due to an appointment into Federal service
4 under section 327 of the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act”
6 before “, and a period”; and

7 (B) in paragraph (16) by inserting after
8 “Public Health Service,” the following: “System
9 members of the National Urban Search and
10 Rescue Response System during a period of ap-
11 pointment into Federal service under section
12 327 of the Robert T. Stafford Disaster Relief
13 and Emergency Assistance Act,”.

14 **SEC. 302. STATUTE OF LIMITATIONS.**

15 (a) IN GENERAL.—Section 705(a)(1) of the Robert
16 T. Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5205) is amended—

18 (1) by striking “Except” and inserting “Not-
19 withstanding section 3716(e) of title 31, United
20 States Code, and except”; and

21 (2) by striking “report for the disaster or emer-
22 gency” and inserting “report for project completion
23 as certified by the grantee”.

24 (b) APPLICABILITY.—

1 (1) IN GENERAL.—With respect to disaster or
2 emergency assistance provided to a State or local
3 government on or after January 1, 2004—

4 (A) no administrative action may be taken
5 to recover a payment of such assistance after
6 the date of enactment of this Act if the action
7 is prohibited under section 705(a)(1) of the
8 Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5205(a)(1)),
10 as amended by subsection (a); and

11 (B) any administrative action to recover a
12 payment of such assistance that is pending on
13 such date of enactment shall be terminated if
14 the action is prohibited under section 705(a)(1)
15 of that Act, as amended by subsection (a).

16 (2) LIMITATION.—This section, including the
17 amendments made by this section, may not be con-
18 strued to invalidate or otherwise affect any adminis-
19 tration action completed before the date of enact-
20 ment of this Act.

21 **SEC. 303. ACTION PLAN TO IMPROVE FIELD TRANSITION.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of enactment of this Act, the Administrator of the
24 Federal Emergency Management Agency shall report to
25 the Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on
2 Homeland Security and Governmental Affairs of the Sen-
3 ate regarding the plans the agency will undertake to pro-
4 vide the following:

5 (1) Consistent guidance to applicants on FEMA
6 disaster funding procedures during the response to
7 an emergency.

8 (2) Appropriate record maintenance and trans-
9 fer of documents to new teams during staff transi-
10 tions.

11 (3) Accurate assistance to applicants and grant-
12 ees to ease the administrative burden throughout the
13 process of obtaining and monitoring assistance.

14 (b) MAINTAINING RECORDS.—The report shall also
15 include a plan for implementing operating procedures and
16 document retention requirements to ensure the mainte-
17 nance of appropriate records throughout the lifecycle of
18 the disaster.

19 (c) NEW TECHNOLOGIES.—Finally, the report shall
20 identify new technologies that further aid the disaster
21 workforce in partnering with State, local, and tribal gov-
22 ernments and private nonprofits in the wake of a disaster
23 or emergency to educate, assist, and inform applicants on
24 the status of their disaster assistance applications and
25 projects.

1 **SEC. 304. SIMPLIFIED PROCEDURES.**

2 Section 422(a) of the Robert T. Stafford Disaster Re-
3 lief and Emergency Assistance Act (42 U.S.C. 5189) is
4 amended—

5 (1) by striking “\$35,000” the first place it ap-
6 pears and inserting “\$1,000,000”; and

7 (2) by striking the second sentence.

8 **SEC. 305. MANAGEMENT COSTS.**

9 Section 324 of the Robert T. Stafford Disaster Relief
10 and Emergency Assistance Act (42 U.S.C. 5165b) is
11 amended—

12 (1) in subsection (a) by striking “any adminis-
13 trative expense, and any other expense not directly
14 chargeable to” and inserting “direct administrative
15 cost, and any other administrative expense associ-
16 ated with”; and

17 (2) in subsection (b)—

18 (A) by striking “Notwithstanding” and in-
19 serting the following:

20 “(1) IN GENERAL.—Notwithstanding”;

21 (B) by striking “establish” and inserting
22 the following: “implement the following”; and

23 (C) by adding at the end the following:

24 “(2) SPECIFIC MANAGEMENT COSTS.—The Ad-
25 ministrator shall provide the following percentage
26 rates, in addition to the eligible project costs, to

1 cover direct and indirect costs of administering the
2 following programs:

3 “(A) HAZARD MITIGATION.—A grantee
4 under section 404 may be reimbursed not more
5 than 15 percent of the total amount of the
6 grant award under such section of which not
7 more than 10 percent may be used by the
8 grantee and 5 percent by the subgrantee for
9 such costs.

10 “(B) PUBLIC ASSISTANCE.—A grantee
11 under sections 403, 406, 407, and 502, may be
12 reimbursed not more than 10 percent of the
13 total award amount under such sections, of
14 which not more than 6 percent may be used by
15 the grantee and 4 percent by the subgrantee for
16 such costs.”.

17 **SEC. 306. DEBTS OWED TO THE UNITED STATES RELATED**
18 **TO DISASTER ASSISTANCE.**

19 (a) DEFINITION.—In this section, the term “covered
20 assistance” means assistance provided—

21 (1) under section 408 of the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act (42
23 U.S.C. 5174); and

24 (2) in relation to a major disaster or emergency
25 declared by the President under section 401 or 501

1 of the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 5170; 42 U.S.C.
3 5191) on or after October 30, 2012.

4 (b) WAIVER AUTHORITY.—Notwithstanding section
5 3716(e) of title 31, United States Code, the Administrator
6 of the Federal Emergency Management Agency—

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

10 (A) the covered assistance was distributed
11 based on an error by the Federal Emergency
12 Management Agency;

13 (B) there was no fault on behalf of the
14 debtor; and

15 (C) the collection of the debt would be
16 against equity and good conscience; and

17 (2) may not waive a debt under paragraph (1)
18 if the debt involves fraud, the presentation of a false
19 claim, or misrepresentation by the debtor or any
20 party having an interest in the claim.

21 (c) MONITORING OF COVERED ASSISTANCE DISTRIB-
22 UTED BASED ON ERROR.—

23 (1) IN GENERAL.—The Inspector General shall
24 monitor the distribution of covered assistance to in-

dividuals and households to determine the percentage of such assistance distributed based on an error.

(2) REMOVAL OF WAIVER AUTHORITY BASED ON EXCESSIVE ERROR RATE.—If the Inspector General determines, with respect to any 12-month period, that the amount of covered assistance distributed based on an error by the Federal Emergency Management Agency exceeds 4 percent of the total amount of covered assistance distributed—

(A) the Inspector General shall notify the Administrator and publish the determination in the Federal Register; and

(B) with respect to any major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) after the date of the determination, the authority of the Administrator to waive debt under subsection (b) shall no longer be effective.

**SEC. 307. STATUTE OF LIMITATIONS FOR DEBTS OWED TO
THE UNITED STATES RELATED TO DISASTER
ASSISTANCE.**

Notwithstanding section 3716(g) of title 31, United States Code, and unless there is evidence of civil or criminal fraud, the Administrator, on behalf of the President,

1 shall not initiate new administrative action in any forum
2 to recover—

3 (1) payments made to an individual or house-
4 hold under section 408 of the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act (42
6 U.S.C. 5174) more than 3 years after the last date
7 on which such payments were made; or

8 (2) funds owed by an individual or household
9 for assistance provided under section 408 of the
10 Robert T. Stafford Disaster Relief and Emergency
11 Assistance Act (42 U.S.C. 5174) more than 3 years
12 after the last date on which such funds were deter-
13 mined to be owed.

14 **SEC. 308. TECHNICAL ASSISTANCE AND RECOMMENDA-**
15 **TIONS.**

16 (a) **TECHNICAL ASSISTANCE.**—The Administrator of
17 the Federal Emergency Management Agency shall provide
18 technical assistance to a common interest community that
19 provides essential services of a governmental nature on ac-
20 tions that a common interest community may take in
21 order to be eligible to receive reimbursement from a grant-
22 ee that receives funds from the Agency for certain activi-
23 ties performed after an event that results in a disaster
24 declaration.

1 (b) RECOMMENDATIONS.—Not later than 1 year
2 after the date of enactment of this Act, the Administrator
3 shall provide recommendations to the House Committee
4 on Transportation and Infrastructure and the Senate
5 Committee on Homeland Security and Governmental Af-
6 fairs on how common areas of condominiums and housing
7 cooperatives may be eligible for assistance, including any
8 progress the Agency has made in its explorations of this
9 issue and the potential challenges identified since the
10 Agency issued its report on May 22, 2014.

11 **SEC. 309. LOCAL IMPACT.**

12 In making recommendations to the President regard-
13 ing a major disaster declaration, the Administrator shall
14 give greater weight and consideration to severe localized
15 impact. Further, the Administrator shall make cor-
16 responding adjustments to the Agency’s policies and regu-
17 lations. Not later than 1 year after the date of enactment
18 of this section, the Administrator shall report to the Com-
19 mittees on Transportation and Infrastructure of the
20 House of Representatives and the Committee on Home-
21 land Security and Governmental Affairs of the Senate on
22 the changes made to regulations and policies and the num-
23 ber of declarations that have been declared based on the
24 new criteria.

1 **SEC. 310. PROOF OF INSURANCE.**

2 A State shall be deemed to have proven that an appli-
3 cant has satisfied the purchase of insurance requirements
4 under the Robert T. Stafford Disaster Relief and Emer-
5 gency Assistance Act (42 U.S.C. 5121 et. seq.) when an
6 encumbrance requiring the purchase and maintenance of
7 insurance has been placed on the title of the property re-
8 ceiving the benefit of the grant or assistance. This section
9 in no way removes or reduces the insurance requirements
10 on an applicant under the Act and in no way limits the
11 requirement that assistance provided under the Stafford
12 Act be reduced or eliminated when the requirements are
13 not met.

14 **SEC. 311. AUTHORITIES.**

15 The Federal Emergency Management Agency shall
16 not, pursuant to consultation with another Federal agency
17 or otherwise, expand its statutory authorities as they re-
18 late to floodplain management or floodplain mapping un-
19 less the requirement to do so is explicitly and specifically
20 stated in statute, nor shall the Agency's authorities be
21 construed to impute the privately-funded actions of private
22 parties on private land to such Agency for the purpose
23 of extending the requirements of any Federal law applica-
24 ble to Federal agencies to such actions.

1 **SEC. 312. RESPONSIBILITIES.**

2 The Administrator of the Federal Emergency Man-
3 agement Agency shall be responsible for the Nation's ef-
4 forts to reduce the loss of life and property and to protect
5 the Nation from an earthquake, tsunami, or a combined
6 earthquake and tsunami event by developing the ability
7 to prepare and plan for, mitigate against, respond to, re-
8 cover from, and more successfully adapt to such an event.

9 **SEC. 313. EARTHQUAKE AND TSUNAMI INTERAGENCY TASK**
10 **FORCE.**

11 (a) IN GENERAL.—The President shall establish a
12 Federal Interagency Task Force for the purpose of devel-
13 oping a comprehensive strategy and recommendations on
14 how the Nation should prepare and plan for, mitigate
15 against, respond to, recover from, and more successfully
16 adapt to an earthquake, tsunami, or a combined earth-
17 quake and tsunami event in the Cascadia Subduction
18 Zone, including identifying potential administrative or leg-
19 islative changes required to implement the strategy, the
20 funding required to implement the strategy and rec-
21 ommendations, and the priority in which the strategy
22 should be implemented.

23 (b) CHAIRPERSON.—The Administrator of the Fed-
24 eral Emergency Management Agency, or his designee,
25 shall serve as the chairperson of the Task Force.

1 (c) MEMBERSHIP.—The membership of the Task
2 Force shall include a cross section of subject matter ex-
3 perts representing the following:

4 (1) Relevant Federal agencies.

5 (2) The States of Oregon, Washington, and
6 California.

7 (3) Indian tribes, local governments, and pri-
8 vate sector representatives that may be impacted by
9 a mega-thrust earthquake, tsunami, or a combined
10 earthquake and tsunami event in the Cascadia
11 Subduction Zone.

12 (4) Universities, academia, and research institu-
13 tions with expertise in topics relevant to the work of
14 the Task Force.

15 (d) DETAILED EMPLOYEES.—Members of the Task
16 Force may detail employees to assist the Administrator,
17 or his designee, in fulfilling the responsibilities of the Task
18 Force.

19 (e) CASCADIA SUBDUCTION ZONE.—The term
20 “Cascadia Subduction Zone” means the approximately
21 684 miles long landward-dipping fault that separates the
22 Juan de Fuca and North America plates and that
23 stretches along a portion of the western coast of the
24 United States beginning off Cape Mendocino, California,

1 along the State of Oregon, the State of Washington, to
2 Northern Vancouver Island, British Columbia.

3 (f) STRATEGY.—The comprehensive strategy, which
4 may build upon existing plans, studies, or other resources,
5 shall include the following:

6 (1) Define how Federal agencies will coordinate
7 to develop the ability to prepare and plan for, miti-
8 gate against, respond to, recover from, and more
9 successfully adapt to the impacts of a mega-thrust
10 earthquake, tsunami, or a combined earthquake and
11 tsunami event in the Cascadia Subduction Zone.

12 (2) Ensure collaboration between the Depart-
13 ment of Transportation, the Department of Energy,
14 the United States Coast Guard, the United States
15 Army Corps of Engineers, and other Federal agen-
16 cies as appropriate to complete a needs assessment
17 of Federal facilities in need of hardening for an
18 event and develop a strategic plan to mitigate and
19 retrofit Federal, State, tribal, and local critical as-
20 sets for freight, energy, and transit purposes to
21 withstand an event and to help save lives during and
22 immediately after an event.

23 (3) Assist State, tribal, and local governments
24 in developing and implementing a coordinated and
25 comprehensive plan to prioritize Federal, State, trib-

1 al, local, and private investments and activities to
2 develop the ability to prepare and plan for, mitigate
3 against, respond to, recover from, and more success-
4 fully adapt to the impacts of a mega-thrust earth-
5 quake, tsunami, or a combined earthquake and tsu-
6 nami event in the Cascadia Subduction Zone, and to
7 link to any existing State-wide mitigation plan, in-
8 cluding examining the feasibility of the public and
9 private sector and individuals to acquire earthquake
10 insurance.

11 (4) Identify existing funding opportunities
12 across Federal agencies and other sources to imple-
13 ment the comprehensive strategy and any rec-
14 ommendations made by the Task Force and make
15 recommendations for new funding opportunities.

16 (5) Identify barriers to obtaining funding and
17 implementing the comprehensive strategy and to de-
18 velop recommendations on how to remove such bar-
19 riers.

20 (6) Collaborate with and assist State, tribal,
21 and local governments in developing recommenda-
22 tions for cost-effective mitigation alternatives for
23 aging State, tribal, or locally owned critical infra-
24 structure.

1 (7) Assist State, tribal, and local governments
2 with developing a recovery plan prior to an earth-
3 quake, tsunami, or combined earthquake and tsu-
4 nami event in the Cascadia Subduction Zone as to
5 how State, tribal, and local governments may want
6 to rebuild after the event;

7 (8) Identify steps taken to date to develop an
8 onshore and offshore earthquake early warning sys-
9 tem and define the purpose and scope of an onshore
10 and offshore earthquake early warning system.

11 (9) Evaluate types of offshore earthquake early
12 warning systems and provide recommendations and
13 a cost estimate for an earthquake early warning sys-
14 tem appropriate for the Cascadia Subduction Zone.

15 (10) Make recommendations about how an
16 earthquake early warning system should operate, in-
17 cluding whether and how a system should interface
18 with the private sector.

19 (11) Define appropriate roles and responsibil-
20 ities for Federal, State, local, and tribal govern-
21 ments, including who should operate and maintain
22 an earthquake early warning system, the cost of a
23 system, and possible funding sources for a system.

24 (12) Develop a plan on how to integrate an
25 earthquake early warning system into existing and

1 new public alert warning systems and technologies,
2 including mobile systems.

3 (g) COLLABORATION.—The Task Force shall work si-
4 multaneously and collaboratively with the National Acad-
5 emies.

6 (h) NATIONAL ACADEMIES.—The Task Force shall
7 enter into an agreement with the National Academies
8 under which the National Academies shall develop rec-
9 ommendations for a Federal research strategy to advance
10 scientific understanding of a Cascadia Subduction Zone
11 earthquake and resulting tsunami preparedness, including
12 the following:

13 (1) Geologic conditions, ground motions, and
14 tsunami hazard.

15 (2) Implications of an effective automated early
16 warning system.

17 (3) Effects of mega-earthquake and tsunami
18 events on the built and natural environment.

19 (4) Social and behavioral factors for effective
20 disaster preparedness and response.

21 (5) Cost-effective mitigation alternatives for leg-
22 acy and aging infrastructure.

23 (6) Strategic planning for freight, energy, and
24 transit network robustness.

1 (7) Tools that help communities invest its re-
2 sources for the greatest benefit.

3 (8) Any other topics identified as necessary by
4 the Task Force or the National Academies.

5 (i) REPORT.—Not later than 18 months after the
6 date of enactment of this Act, the Administrator of the
7 Federal Emergency Management Agency shall submit to
8 the Committee on Transportation and Infrastructure of
9 the House of Representatives and the Committee on
10 Homeland Security and Government Affairs of the Senate
11 a report of the Task Force that provides the following:

12 (1) The comprehensive strategy identified in
13 subsection (f).

14 (2) Recommendations on administrative actions
15 that may be taken to further the strategy.

16 (3) Recommendations for legislative changes
17 that may be necessary to further the strategy.

18 (4) Recommendations on funding necessary to
19 carry out the strategy.

20 **SEC. 314. MITIGATION ASSISTANCE.**

21 (a) IN GENERAL.—Section 420 of the Robert T.
22 Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5187) is amended—

24 (1) by redesignating subsection (d) as sub-
25 section (e); and

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

3 “(d) HAZARD MITIGATION ASSISTANCE.—Whether
4 or not a major disaster is declared, the President may pro-
5 vide hazard mitigation assistance in accordance with sec-
6 tion 404 in any area affected by a fire for which assistance
7 was provided under this section.”.

8 (b) CONFORMING AMENDMENTS.—The Robert T.
9 Stafford Disaster Relief and Emergency Assistance Act
10 (42 U.S.C. 5121 et seq.) is amended—

11 (1) in section 404(a) (42 U.S.C. 5170c(a))—

12 (A) by inserting before the first period “,
13 or any area affected by a fire for which assist-
14 ance was provided under section 420”; and

15 (B) in the third sentence by inserting “or
16 event under section 420” after “major disaster”
17 each place it appears; and

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

21 **SEC. 315. ADDITIONAL ACTIVITIES.**

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

1 “(f) USE OF ASSISTANCE.—Recipients of hazard
2 mitigation assistance provided under this section and sec-
3 tion 203 may use the assistance to conduct the following
4 activities to help reduce the risk of future damage, hard-
5 ship, loss, or suffering in any area affected by—

6 “(1) a wildfire, including—

7 “(A) reseeding ground cover with quick-
8 growing or native species;

9 “(B) mulching with straw or chipped wood;

10 “(C) constructing straw, rock, or log dams
11 in small tributaries to prevent flooding;

12 “(D) placing logs and other erosion bar-
13 riers to catch sediment on hill slopes;

14 “(E) installing debris traps to modify road
15 and trail drainage mechanisms;

16 “(F) modifying or removing culverts to
17 allow drainage to flow freely;

18 “(G) adding drainage dips and con-
19 structing emergency spillways to keep roads
20 and bridges from washing out during floods;

21 “(H) planting grass to prevent the spread
22 of noxious weeds;

23 “(I) installing warning signs;

24 “(J) establishing defensible space meas-
25 ures; and

1 “(K) reducing hazardous fuels; and
2 “(2) earthquake hazards, including—
3 “(A) improvements to regional seismic net-
4 works in support of building a capability for
5 earthquake early warning;
6 “(B) improvements to geodetic networks in
7 support of building a capability for earthquake
8 early warning; or
9 “(C) seismometers, GPS receivers, and as-
10 sociated infrastructure in support of building a
11 capability for earthquake early warning.”.

Passed the House of Representatives February 29,
2016.

Attest:

KAREN L. HAAS,
Clerk.