

# Union Calendar No. 333

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1471

**[Report No. 114-436]**

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2015

Mr. BARLETTA (for himself, Mr. CARSON of Indiana, Mr. SHUSTER, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

FEBRUARY 29, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on March 19, 2015]

# **A BILL**

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,*

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

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

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

*Sec. 1. Short title; table of contents.*

**TITLE I—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. Reauthorization of emergency management assistance compact grants.*

*Sec. 303. Nonprofit facilities.*

*Sec. 304. Statute of limitations.*

*Sec. 305. Action plan to improve field transition.*

*Sec. 306. Simplified procedures.*

*Sec. 307. Management costs.*

*Sec. 308. Debts owed to the United States related to disaster assistance.*

*Sec. 309. Statute of limitations for debts owed to the United States related to dis-*  
*aster assistance.*

*Sec. 310. Technical assistance and recommendations.*

*Sec. 311. Local impact.*

*Sec. 312. Proof of insurance.*

**TITLE IV—WILDFIRE PREVENTION AND MITIGATION**

*Sec. 401. Wildfire mitigation assistance.*

*Sec. 402. Additional activities.*

**TITLE I—FEMA  
REAUTHORIZATION**

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

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

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

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

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

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

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

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

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

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

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

*(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall commence,*

1 *through the National Advisory Council, a comprehensive*  
2 *study related to disaster costs and losses (referred to in the*  
3 *subsection as the “Study”).*

4 *(b) ADDITIONAL MEMBERSHIP.—For the purposes of*  
5 *the Study, as soon as practicable after the date of enactment*  
6 *of this section, the Administrator shall appoint additional*  
7 *qualified members to the National Advisory Council from*  
8 *the following:*

9 *(1) Individuals that have the requisite technical*  
10 *knowledge and expertise on issues related to disaster*  
11 *costs and losses.*

12 *(2) Representatives of the insurance industry.*

13 *(3) Experts in and representatives of the con-*  
14 *struction and building industry.*

15 *(4) Individuals nominated by national organiza-*  
16 *tions representing local governments and personnel.*

17 *(5) Academic experts.*

18 *(6) Vendors, developers, and manufacturers of*  
19 *systems, facilities, equipment, and capabilities for*  
20 *emergency management services.*

21 *(7) Representatives of such other stakeholders*  
22 *and interested and affected parties as the Adminis-*  
23 *trator considers appropriate.*

24 *(c) CONSULTATION WITH NONMEMBERS.—The Na-*  
25 *tional Advisory Council shall consult with other relevant*

1 *agencies and groups that are not represented on the Na-*  
2 *tional Advisory Council to consider research, data, findings,*  
3 *recommendations, innovative technologies and develop-*  
4 *ments, including—*

5 *(1) entities engaged in federally funded research;*

6 *and*

7 *(2) academic institutions engaged in relevant*  
8 *work and research.*

9 *(d) RECOMMENDATIONS.—Not later than 120 days*  
10 *after the date of enactment of this Act, the National Advi-*  
11 *sory Council shall convene to evaluate the following topics*  
12 *and develop recommendations for reducing disaster costs*  
13 *and losses:*

14 *(1) DISASTER LOSSES.—*

15 *(A) COST TRENDS.—Trends in disaster*  
16 *costs including loss of life and injury, property*  
17 *damage to individuals, the private sector, and*  
18 *each level of government (State, local and tribal)*  
19 *since the enactment of the Robert T. Stafford*  
20 *Disaster Relief and Emergency Assistance Act*  
21 *(42 U.S.C. 5121 et seq.), to the extent data is*  
22 *available.*

23 *(B) CONTRIBUTING FACTORS.—Contrib-*  
24 *uting factors such as shifting demographics and*

1           aging infrastructure and their impacts on the  
2           trends in disaster losses and costs.

3           (2) *DISASTER COSTS.*—

4                   (A) *TRENDS IN DECLARATIONS.*—Trends in  
5           disaster declarations, including factors contrib-  
6           uting to the trends.

7                   (B) *DISASTER ASSISTANCE.*—Disaster as-  
8           sistance available from all Federal sources, in-  
9           cluding descriptions of programs, eligibility and  
10          authorities, where assistance has been used geo-  
11          graphically, how quickly the funds are used, how  
12          that assistance is coordinated among the various  
13          agencies and departments, and recommendations  
14          for ways to improve the effectiveness and effi-  
15          ciency of the delivery of such assistance.

16                  (C) *COSTS.*—Disaster costs borne by the  
17          private sector and individuals.

18           (3) *DISASTER ROLES AND RESPONSIBILITY.*—  
19          Fundamental principles that should drive national  
20          disaster assistance decision making, including the ap-  
21          propriate roles for each level of government, the pri-  
22          vate sector and individuals.

23           (4) *REDUCTION OF COSTS AND LOSSES.*—

24                   (A) *MECHANISMS AND INCENTIVES.*—Mech-  
25          anisms and incentives, including tax incentives,

1           to promote disaster cost reduction, mitigation,  
2           and recovery, including cost data, projections for  
3           the return on investment, and measures of effec-  
4           tiveness.

5                   (B) IDENTIFICATION OF CHALLENGES.—  
6           Identify fundamental legal, societal, geographic  
7           and technological challenges to implementation.

8                   (5) LEGISLATIVE PROPOSALS.—Legislative pro-  
9           posals for implementing the recommendations in the  
10          report compiled pursuant to the requirement in sec-  
11          tion 1111 of the Sandy Recovery Improvement Act of  
12          2013 (Public Law 113–2).

13          (e) REPORT TO ADMINISTRATOR AND CONGRESS.—Not  
14          later than 1 year after the date of enactment of this section,  
15          the National Advisory Council shall submit a report con-  
16          taining the data, analysis, and recommendations developed  
17          under subsection (d) to—

18                   (1) the Administrator of the Federal Emergency  
19           Management Agency;

20                   (2) the Committee on Transportation and Infra-  
21           structure of the House of Representatives; and

22                   (3) the Committee on Homeland Security and  
23           Governmental Affairs of the Senate.

24          The Administrator shall make the data collected pursuant  
25          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 following:*

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

10            *“(a) DEFINITIONS.—In this section, the following defi-*  
11     *nitions apply:*

12                     *“(1) ADMINISTRATOR.—The term ‘Adminis-*  
13     *trator’ means the Administrator of the Federal Emer-*  
14     *gency Management Agency.*

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

17                     *“(3) HAZARD.—The term ‘hazard’ has the mean-*  
18     *ing given that term by section 602.*

19                     *“(4) NONEMPLOYEE SYSTEM MEMBER.—The*  
20     *term ‘nonemployee System member’ means a System*  
21     *member not employed by a sponsoring agency or par-*  
22     *ticipating agency.*

23                     *“(5) PARTICIPATING AGENCY.—The term ‘par-*  
24     *ticipating agency’ means a State or local government,*  
25     *nonprofit organization, or private organization that*

1       *has executed an agreement with a sponsoring agency*  
2       *to participate in the System.*

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

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

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

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

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

22              “(c) *FUNCTIONS.*—*In administering the System, the*  
23       *Administrator shall provide for a national network of*  
24       *standardized search and rescue resources to assist States*  
25       *and local governments in responding to hazards.*

1       “(d) *TASK FORCES.*—

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

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

11              “(3) *COMPOSITION.*—

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

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

1           *with each such individual with respect to the*  
2           *participation of the individual on the task force.*

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

7           “(f) *APPOINTMENT OF SYSTEM MEMBERS INTO FED-*  
8           *ERAL SERVICE.—*

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

16          “(2) *NONAPPLICABILITY OF CERTAIN CIVIL SERV-*  
17          *ICE LAWS.—The Administrator may make appoint-*  
18          *ments under paragraph (1) without regard to the pro-*  
19          *visions of title 5, United States Code, governing ap-*  
20          *pointments in the competitive service.*

21          “(3) *RELATIONSHIP TO OTHER AUTHORITIES.—*  
22          *The authority of the Administrator to make appoint-*  
23          *ments under this subsection shall not affect any other*  
24          *authority of the Administrator under this Act.*

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

6           “(g) *COMPENSATION.*—

7           “(1) *PAY OF SYSTEM MEMBERS.*—*Subject to such*  
8           *terms and conditions as the Administrator may im-*  
9           *pose by regulation, the Administrator shall make pay-*  
10           *ments to the sponsoring agency of a task force—*

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

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

22           “(2) *REIMBURSEMENT FOR EMPLOYEES FILLING*  
23           *POSITIONS OF SYSTEM MEMBERS.*—

24           “(A) *IN GENERAL.*—*Subject to such terms*  
25           *and conditions as the Administrator may impose*

1           *by regulation, the Administrator shall make pay-*  
2           *ments to the sponsoring agency of a task force to*  
3           *reimburse each employer of a System member on*  
4           *the task force for compensation paid by the em-*  
5           *ployer to an employee filling a position normally*  
6           *filled by the System member for any period dur-*  
7           *ing which the System member is appointed into*  
8           *Federal service under subsection (f)(1).*

9           “(B) *LIMITATION.*—*Costs incurred by an*  
10          *employer shall be eligible for reimbursement*  
11          *under subparagraph (A) only to the extent that*  
12          *the costs are in excess of the costs that would*  
13          *have been incurred by the employer had the Sys-*  
14          *tem member not been appointed into Federal*  
15          *service under subsection (f)(1).*

16          “(3) *METHOD OF PAYMENT.*—*A System member*  
17          *shall not be entitled to pay directly from the Agency*  
18          *for a period during which the System member is ap-*  
19          *pointed into Federal service under subsection (f)(1).*

20          “(h) *PERSONAL INJURY, ILLNESS, DISABILITY, OR*  
21          *DEATH.*—

22          “(1) *IN GENERAL.*—*A System member who is*  
23          *appointed into Federal service under subsection (f)(1)*  
24          *and who suffers personal injury, illness, disability, or*  
25          *death as a result of a personal injury sustained while*

1     *acting in the scope of such appointment shall, for the*  
2     *purposes of subchapter I of chapter 81 of title 5,*  
3     *United States Code, be treated as though the member*  
4     *were an employee (as defined by section 8101 of that*  
5     *title) who had sustained the injury in the perform-*  
6     *ance of duty.*

7             “(2) *ELECTION OF BENEFITS.*—

8                 “(A) *IN GENERAL.*—*If a System member*  
9                 *(or, in the case of the death of the System mem-*  
10                *ber, the System member’s dependent) is enti-*  
11                *tled—*

12                     “(i) *under paragraph (1) to receive*  
13                     *benefits under subchapter I of chapter 81 of*  
14                     *title 5, United States Code, by reason of*  
15                     *personal injury, illness, disability, or death,*  
16                     *and*

17                     “(ii) *to receive benefits from a State or*  
18                     *local government by reason of the same per-*  
19                     *sonal injury, illness, disability, or death,*  
20                     *the System member or dependent shall elect to*  
21                     *receive either the benefits referred to in clause (i)*  
22                     *or (ii).*

23                 “(B) *DEADLINE.*—*A System member or de-*  
24                 *pendent shall make an election of benefits under*  
25                 *subparagraph (A) not later than 1 year after the*

1           *date of the personal injury, illness, disability, or*  
2           *death that is the reason for the benefits or until*  
3           *such later date as the Secretary of Labor may*  
4           *allow for reasonable cause shown.*

5           “(C) *EFFECT OF ELECTION.*—*An election of*  
6           *benefits made under this paragraph is irrev-*  
7           *ocable unless otherwise provided by law.*

8           “(3) *REIMBURSEMENT FOR STATE OR LOCAL*  
9           *BENEFITS.*—*Subject to such terms and conditions as*  
10          *the Administrator may impose by regulation, in the*  
11          *event that a System member or dependent elects bene-*  
12          *fits from a State or local government under para-*  
13          *graph (2)(A), the Administrator shall reimburse the*  
14          *State or local government for the value of those bene-*  
15          *fits.*

16          “(i) *CERTAIN BENEFITS.*—*In the case of a death or*  
17          *disability, a System member (or in the case of the death*  
18          *of the System member, the System member’s dependent)*  
19          *shall be able to apply for the Public Safety Officers’ Benefits*  
20          *program (as described in subpart 1 of part L of title I of*  
21          *the Omnibus Crime Control and Safe Streets Act of 1968*  
22          *(42 U.S.C. chapter 46, subchapter XII) if the System mem-*  
23          *ber meets the requirements of a ‘public safety officer’ as de-*  
24          *finied in section 1204 of the Omnibus Crime Control and*  
25          *Safe Streets Act of 1968 (42 U.S.C. 3796b).*



1       “(j) *LIABILITY.*—A System member appointed into  
2 Federal service under subsection (f)(1), while acting within  
3 the scope of the appointment, is deemed an employee of the  
4 Federal Government under section 1346(b) of title 28,  
5 United States Code, and chapter 171 of that title, relating  
6 to tort claims procedure.

7       “(k) *EMPLOYMENT AND REEMPLOYMENT RIGHTS.*—  
8 With respect to a System member who is not a regular full-  
9 time employee of a sponsoring agency or participating  
10 agency, the following terms and conditions apply:

11               “(1) *SERVICE.*—Service as a System member is  
12 deemed ‘service in the uniformed services’ for purposes  
13 of chapter 43 of title 38, United States Code, relating  
14 to employment and reemployment rights of individ-  
15 uals who have performed service in the uniformed  
16 services (regardless of whether the individual receives  
17 compensation for such participation). All rights and  
18 obligations of such persons and procedures for assist-  
19 ance, enforcement, and investigation shall be as pro-  
20 vided for in such chapter.

21               “(2) *PRECLUSION.*—Preclusion of giving notice  
22 of service by necessity of appointment under this sec-  
23 tion is deemed preclusion by ‘military necessity’ for  
24 purposes of section 4312(b) of title 38, United States  
25 Code, pertaining to giving notice of absence from a

1        *position of employment. A determination of such ne-*  
2        *cessity shall be made by the Administrator and shall*  
3        *not be subject to judicial review.*

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

13       *“(m) ADVISORY COMMITTEE.—*

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

19                *“(2) COMPOSITION.—The advisory committee*  
20        *shall be composed of members from geographically di-*  
21        *verse areas, and shall include—*

22                        *“(A) the chief officer or senior executive*  
23        *from at least three sponsoring agencies;*

1           “(B) *the senior emergency manager from at*  
2           *least two States that include sponsoring agencies;*  
3           *and*

4           “(C) *at least one representative rec-*  
5           *ommended by the leaders of the task forces.*

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

10          “(n) *PREPAREDNESS COOPERATIVE AGREEMENTS.—*

11           “(1) *IN GENERAL.—Subject to the availability of*  
12           *appropriations for such purpose, the Administrator*  
13           *shall enter into an annual preparedness cooperative*  
14           *agreement with each sponsoring agency. Amounts*  
15           *made available to a sponsoring agency under such a*  
16           *preparedness cooperative agreement shall be for the*  
17           *following purposes:*

18           “(A) *Training and exercises, including*  
19           *training and exercises with other Federal, State,*  
20           *and local government response entities.*

21           “(B) *Acquisition and maintenance of equip-*  
22           *ment, including interoperable communications*  
23           *and personal protective equipment.*

24           “(C) *Medical monitoring required for re-*  
25           *sponder safety and health in anticipation of and*

1           *following a major disaster, emergency, or other*  
2           *hazard, as determined by the Administrator.*

3           “(2) *AVAILABILITY OF APPROPRIATIONS.*—*Not-*  
4           *withstanding section 1552(b) of title 31, United*  
5           *States Code, amounts made available for cooperative*  
6           *agreements under this subsection that are not ex-*  
7           *pende d shall be deposited in an agency account and*  
8           *shall remain available for such agreements without*  
9           *fiscal year limitation.*

10          “(o) *RESPONSE COOPERATIVE AGREEMENTS.*—*The*  
11          *Administrator shall enter into a response cooperative agree-*  
12          *ment with each sponsoring agency, as appropriate, under*  
13          *which the Administrator agrees to reimburse the sponsoring*  
14          *agency for costs incurred by the sponsoring agency in re-*  
15          *sponding to a major disaster or emergency.*

16          “(p) *OBLIGATIONS.*—*The Administrator may incur all*  
17          *necessary obligations consistent with this section in order*  
18          *to ensure the effectiveness of the System.*

19          “(q) *AUTHORIZATION OF APPROPRIATIONS.*—

20                 “(1) *IN GENERAL.*—*There is authorized to be ap-*  
21                 *propriated to carry out the System and the provisions*  
22                 *of this section \$50,000,000 for each of fiscal years*  
23                 *2016, 2017, and 2018.*

24                 “(2) *ADMINISTRATIVE EXPENSES.*—*The Admin-*  
25                 *istrator may use not to exceed 6 percent of the funds*

1       *appropriated for a fiscal year pursuant to paragraph*  
2       *(1) for salaries, expenses, and other administrative*  
3       *costs incurred by the Administrator in carrying out*  
4       *this section.”.*

5       ***(b) CONFORMING AMENDMENTS.—***

6               ***(1) APPLICABILITY OF TITLE 5, UNITED STATES***  
7       ***CODE.—Section 8101(1) of title 5, United States***  
8       ***Code, is amended—***

9               ***(A) in subparagraph (D) by striking “and”***  
10              ***at the end;***

11              ***(B) by moving subparagraph (F) to appear***  
12              ***after subparagraph (E);***

13              ***(C) in subparagraph (F)—***

14                      ***(i) by striking “United States Code;”;***

15                      ***and***

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

17                      ***(D) by inserting after subparagraph (F) the***  
18              ***following:***

19                      ***“(G) an individual who is a System mem-***  
20                      ***ber of the National Urban Search and Rescue***  
21                      ***Response System during a period of appoint-***  
22                      ***ment into Federal service pursuant to section***  
23                      ***327 of the Robert T. Stafford Disaster Relief and***  
24                      ***Emergency Assistance Act;”.***

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

4           (A) *in paragraph (13) by inserting “, a pe-*  
5 *riod for which a System member of the National*  
6 *Urban Search and Rescue Response System is*  
7 *absent from a position of employment due to an*  
8 *appointment into Federal service under section*  
9 *327 of the Robert T. Stafford Disaster Relief and*  
10 *Emergency Assistance Act” before “, and a pe-*  
11 *riod”; and*

12           (B) *in paragraph (16) by inserting after*  
13 *“Public Health Service,” the following: “System*  
14 *members of the National Urban Search and Res-*  
15 *cue Response System during a period of appoint-*  
16 *ment into Federal service under section 327 of*  
17 *the Robert T. Stafford Disaster Relief and Emer-*  
18 *gency Assistance Act,”.*

19 **SEC. 302. REAUTHORIZATION OF EMERGENCY MANAGE-**  
20 **MENT ASSISTANCE COMPACT GRANTS.**

21           (a) *IN GENERAL.*—*Subtitle A of title VI of the Robert*  
22 *T. Stafford Disaster Relief and Emergency Assistance Act*  
23 *(42 U.S.C. 5196 et seq.) is amended by adding at the end*  
24 *the following:*

1 **“SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COM-**  
2 **PACT GRANTS.**

3       “(a) *IN GENERAL.*—*The Administrator of the Federal*  
4 *Emergency Management Agency may make grants to pro-*  
5 *vide for implementation of the Emergency Management As-*  
6 *sistance Compact consented to by Congress in the joint reso-*  
7 *lution entitled ‘Joint resolution granting the consent of*  
8 *Congress to the Emergency Management Assistance Com-*  
9 *pact’ (Public Law 104–321; 110 Stat. 3877).*

10       “(b) *ELIGIBLE GRANT RECIPIENTS.*—*States and the*  
11 *Administrator of the Emergency Management Assistance*  
12 *Compact shall be eligible to receive grants under subsection*  
13 *(a).*

14       “(c) *USE OF FUNDS.*—*A grant received under this sec-*  
15 *tion shall be used—*

16               “(1) *to carry out recommendations identified in*  
17 *the Emergency Management Assistance Compact*  
18 *after-action reports for the 2004 and 2005 hurricane*  
19 *seasons;*

20               “(2) *to administer compact operations on behalf*  
21 *of States, as such term is defined in the compact, that*  
22 *have enacted the compact;*

23               “(3) *to continue coordination with the Federal*  
24 *Emergency Management Agency and appropriate*  
25 *Federal agencies;*

1           “(4) to continue coordination with States and  
2           local governments and their respective national orga-  
3           nizations; and

4           “(5) to assist State and local governments, emer-  
5           gency response providers, and organizations rep-  
6           resenting such providers with credentialing the pro-  
7           viders and the typing of emergency response resources.

8           “(d) *COORDINATION.*—*The Administrator of the Fed-*  
9           *eral Emergency Management Agency shall consult with the*  
10           *Administrator of the Emergency Management Assistance*  
11           *Compact to ensure effective coordination of efforts in re-*  
12           *sponding to requests for assistance.*

13           “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
14           *authorized to be appropriated to carry out this section*  
15           *\$2,000,000 for each of the fiscal years 2016, 2017, and 2018.*  
16           *Such sums shall remain available until expended.”.*

17           “(b) *REPEAL.*—*Section 661 of the Post-Katrina Emer-*  
18           *gency Management Reform Act of 2006 (Public Law 109–*  
19           *295; 6 U.S.C. 761) is repealed.*

20           **SEC. 303. NONPROFIT FACILITIES.**

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



1           “(B) *ADDITIONAL FACILITIES.*—*In addition*  
2           *to the facilities described in subparagraph (A),*  
3           *the term ‘private nonprofit facility’ includes any*  
4           *private nonprofit facility that provides essential*  
5           *services of a governmental nature to the general*  
6           *public (including museums, zoos, performing*  
7           *arts facilities, community arts centers, libraries,*  
8           *homeless shelters, senior citizen centers, rehabili-*  
9           *tation facilities, shelter workshops, public broad-*  
10           *casting facilities, and facilities that provide*  
11           *health and safety services of a governmental na-*  
12           *ture), as defined by the President.”.*

13           **(b) *REPAIR, RESTORATION, AND REPLACEMENT OF***  
14           ***DAMAGED FACILITIES.***—*Section 406(a)(3)(B) of the Robert*  
15           ***T. Stafford Disaster Relief and Emergency Assistance Act***  
16           ***(42 U.S.C. 5172(a)(3)) is amended by striking “commu-***  
17           ***nications,” and inserting “communications (including pub-***  
18           ***lic broadcasting),”.***

19           ***SEC. 304. STATUTE OF LIMITATIONS.***

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

23                   ***(1) by striking “Except” and inserting “Not-***  
24                   ***withstanding section 3716(e) of title 31, United States***  
25                   ***Code, and except”; and***

1           (2) *by striking “report for the disaster or emer-*  
2 *gency” and inserting “report for project completion*  
3 *as certified by the grantee”.*

4           **(b) APPLICABILITY.—**

5           **(1) IN GENERAL.—***With respect to disaster or*  
6 *emergency assistance provided to a State or local gov-*  
7 *ernment on or after January 1, 2004—*

8           **(A)** *no administrative action may be taken*  
9 *to recover a payment of such assistance after the*  
10 *date of enactment of this Act if the action is pro-*  
11 *hibited under section 705(a)(1) of the Robert T.*  
12 *Stafford Disaster Relief and Emergency Assist-*  
13 *ance Act (42 U.S.C. 5205(a)(1)), as amended by*  
14 *subsection (a); and*

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

20           **(2) LIMITATION.—***This section, including the*  
21 *amendments made by this section, may not be con-*  
22 *strued to invalidate or otherwise affect any adminis-*  
23 *tration action completed before the date of enactment*  
24 *of this Act.*

1 **SEC. 305. ACTION PLAN TO IMPROVE FIELD TRANSITION.**

2 (a) *IN GENERAL.*—Not later than 90 days after the  
3 date of enactment of this Act, the Administrator of the Fed-  
4 eral Emergency Management Agency shall report to the  
5 Committee on Transportation and Infrastructure of the  
6 House of Representatives and the Committee on Homeland  
7 Security and Governmental Affairs of the Senate regarding  
8 the plans the agency will undertake to provide the following:

9 (1) *Consistent guidance to applicants on FEMA*  
10 *disaster funding procedures during the response to an*  
11 *emergency.*

12 (2) *Appropriate record maintenance and trans-*  
13 *fer of documents to new teams during staff transi-*  
14 *tions.*

15 (3) *Accurate assistance to applicants and grant-*  
16 *ees to ease the administrative burden throughout the*  
17 *process of obtaining and monitoring assistance.*

18 (b) *MAINTAINING RECORDS.*—The report shall also in-  
19 clude a plan for implementing operating procedures and  
20 document retention requirements to ensure the maintenance  
21 of appropriate records throughout the lifecycle of the dis-  
22 aster.

23 (c) *NEW TECHNOLOGIES.*—Finally, the report shall  
24 identify new technologies that further aid the disaster work-  
25 force in partnering with State, local, and tribal govern-  
26 ments and private nonprofits in the wake of a disaster or

1 *emergency to educate, assist, and inform applicants on the*  
 2 *status of their disaster assistance applications and projects.*

3 **SEC. 306. SIMPLIFIED PROCEDURES.**

4 *Section 422(a) of the Robert T. Stafford Disaster Relief*  
 5 *and Emergency Assistance Act (42 U.S.C. 5189) is amend-*  
 6 *ed—*

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

9 *(2) by striking the second sentence.*

10 **SEC. 307. MANAGEMENT COSTS.**

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

14 *(1) in subsection (a) by striking “any adminis-*  
 15 *trative expense, and any other expense not directly*  
 16 *chargeable to” and inserting “direct administrative*  
 17 *cost, and any other administrative expense associated*  
 18 *with”; and*

19 *(2) in subsection (b)—*

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

22 *“(1) IN GENERAL.—Notwithstanding”.*

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

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

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

6                   “(A) *HAZARD MITIGATION.*—*A grantee*  
7                   *under section 404 may be reimbursed not more*  
8                   *than 15 percent of the total amount of the grant*  
9                   *award under such section of which not more*  
10                   *than 10 percent may be used by the grantee and*  
11                   *5 percent by the subgrantee for such costs.*

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

18 **SEC. 308. DEBTS OWED TO THE UNITED STATES RELATED**  
19 **TO DISASTER ASSISTANCE.**

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

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

1           (2) *in relation to a major disaster or emergency*  
2           *declared by the President under section 401 or 501 of*  
3           *the Robert T. Stafford Disaster Relief and Emergency*  
4           *Assistance Act (42 U.S.C. 5170; 42 U.S.C. 5191) on*  
5           *or after October 30, 2012.*

6           (b) *WAIVER AUTHORITY.—Notwithstanding section*  
7           *3716(e) of title 31, United States Code, the Administrator*  
8           *of the Federal Emergency Management Agency—*

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

12                           (A) *the covered assistance was distributed*  
13                           *based on an error by the Federal Emergency*  
14                           *Management Agency;*

15                           (B) *there was no fault on behalf of the debt-*  
16                           *or; and*

17                           (C) *the collection of the debt would be*  
18                           *against equity and good conscience; and*

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

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

1           (1) *IN GENERAL.*—*The Inspector General shall*  
2           *monitor the distribution of covered assistance to indi-*  
3           *viduals and households to determine the percentage of*  
4           *such assistance distributed based on an error.*

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

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

15                   (B) *with respect to any major disaster de-*  
16                   *clared by the President under section 401 of the*  
17                   *Robert T. Stafford Disaster Relief and Emer-*  
18                   *gency Assistance Act (42 U.S.C. 5170) after the*  
19                   *date of the determination, the authority of the*  
20                   *Administrator to waive debt under subsection (b)*  
21                   *shall no longer be effective.*

1 **SEC. 309. STATUTE OF LIMITATIONS FOR DEBTS OWED TO**  
2 **THE UNITED STATES RELATED TO DISASTER**  
3 **ASSISTANCE.**

4 *Notwithstanding section 3716(g) of title 31, United*  
5 *States Code, and unless there is evidence of civil or criminal*  
6 *fraud, the Administrator, on behalf of the President, shall*  
7 *not initiate new administrative action in any forum to re-*  
8 *cover—*

9 *(1) payments made to an individual or house-*  
10 *hold under section 408 of the Robert T. Stafford Dis-*  
11 *aster Relief and Emergency Assistance Act (42 U.S.C.*  
12 *5174) more than 3 years after the last date on which*  
13 *such payments were made; or*

14 *(2) funds owed by an individual or household for*  
15 *assistance provided under section 408 of the Robert T.*  
16 *Stafford Disaster Relief and Emergency Assistance*  
17 *Act (42 U.S.C. 5174) more than 3 years after the last*  
18 *date on which such funds were determined to be owed.*

19 **SEC. 310. TECHNICAL ASSISTANCE AND RECOMMENDA-**  
20 **TIONS.**

21 *(a) TECHNICAL ASSISTANCE.—The Administrator of*  
22 *the Federal Emergency Management Agency shall provide*  
23 *technical assistance to a common interest community that*  
24 *provides essential services of a governmental nature on ac-*  
25 *tions that a common interest community may take in order*  
26 *to be eligible to receive reimbursement from a grantee that*



1 receives funds from the Agency for certain activities per-  
2 formed after an event that results in a disaster declaration.

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

13 **SEC. 311. LOCAL IMPACT.**

14 In making recommendations to the President regard-  
15 ing a major disaster declaration, the Administrator shall  
16 give greater weight and consideration to severe localized im-  
17 pact. Further, the Administrator shall make corresponding  
18 adjustments to the Agency’s policies and regulations. Not  
19 later than 1 year after the date of enactment of this section,  
20 the Administrator shall report to the Committees on Trans-  
21 portation and Infrastructure of the House of Representa-  
22 tives and the Committee on Homeland Security and Gov-  
23 ernmental Affairs of the Senate on the changes made to reg-  
24 ulations and policies and the number of declarations that  
25 have been declared based on the new criteria.

1 **SEC. 312. 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 en-*  
 6 *cumbrance requiring the purchase and maintenance of in-*  
 7 *surance has been placed on the title of the property receiving*  
 8 *the benefit of the grant or assistance. This section in no*  
 9 *way removes or reduces the insurance requirements on an*  
 10 *applicant under the Act and in no way limits the require-*  
 11 *ment that assistance provided under the Stafford Act be re-*  
 12 *duced or eliminated when the requirements are not met.*

13 **TITLE IV—WILDFIRE**  
 14 **PREVENTION AND MITIGATION**

15 **SEC. 401. WILDFIRE MITIGATION ASSISTANCE.**

16 *(a) IN GENERAL.—Section 420 of the Robert T. Staf-*  
 17 *ford Disaster Relief and Emergency Assistance Act (42*  
 18 *U.S.C. 5187) is amended—*

19 *(1) by redesignating subsection (d) as subsection*  
 20 *(e); and*

21 *(2) by inserting after subsection (c) the fol-*  
 22 *lowing:*

23 *“(d) HAZARD MITIGATION ASSISTANCE.—Whether or*  
 24 *not a major disaster is declared, the President may provide*  
 25 *hazard mitigation assistance in accordance with section*

1 404 in any area affected by a fire for which assistance was  
2 provided under this section.”.

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

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

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

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

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

16 (c) *AUTHORITY TO TRANSFER.*—*For major disaster re-*  
17 *lief funds made available to the Disaster Relief Fund for*  
18 *the specified purpose of wildfire suppression activities on*  
19 *Federal lands, the Administrator of the Federal Emergency*  
20 *Management Agency may authorize transfer of these funds*  
21 *to the Department of Interior and the Department of Agri-*  
22 *culture.*

1 **SEC. 402. ADDITIONAL ACTIVITIES.**

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

5 “(f) *USE OF ASSISTANCE.—Recipients of hazard miti-*  
6 *gation assistance provided under this section and section*  
7 *203 may use the assistance to conduct the following activi-*  
8 *ties to help reduce the risk of future damage, hardship, loss,*  
9 *or suffering in any area affected by—*

10 “(1) *a wildfire, including—*

11 “(A) *reseeding ground cover with quick-*  
12 *growing or native species;*

13 “(B) *mulching with straw or chipped wood;*

14 “(C) *constructing straw, rock, or log dams*  
15 *in small tributaries to prevent flooding;*

16 “(D) *placing logs and other erosion barriers*  
17 *to catch sediment on hill slopes;*

18 “(E) *installing debris traps to modify road*  
19 *and trail drainage mechanisms;*

20 “(F) *modifying or removing culverts to*  
21 *allow drainage to flow freely;*

22 “(G) *adding drainage dips and constructing*  
23 *emergency spillways to keep roads and bridges*  
24 *from washing out during floods;*

25 “(H) *planting grass to prevent the spread of*  
26 *noxious weeds;*

1                   “(I) installing warning signs;

2                   “(J) establishing defensible space measures;

3                   and

4                   “(K) reducing hazardous fuels; and

5                   “(2) earthquake hazards, including—

6                   “(A) improvements to regional seismic net-  
7                   works in support of building a capability for  
8                   earthquake early warning;

9                   “(B) improvements to geodetic networks in  
10                  support of building a capability for earthquake  
11                  early warning; or

12                  “(C) seismometers, GPS receivers, and asso-  
13                  ciated infrastructure in support of building a ca-  
14                  pability for earthquake early warning.”.

Union Calendar No. 333

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 1471**

[Report No. 114-436]

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## **A BILL**

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

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FEBRUARY 29, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed