

114TH CONGRESS
2D SESSION

S. 2969

To require the Administrator of the Federal Emergency Management Agency to conduct a comprehensive study relating to disaster costs and losses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2016

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the Administrator of the Federal Emergency Management Agency to conduct a comprehensive study relating to disaster costs and losses, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Management
5 Act of 2016”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Agency.

3 (2) AGENCY.—The term “Agency” means the
4 Federal Emergency Management Agency.

5 (3) NATIONAL ADVISORY COUNCIL.—The term
6 “National Advisory Council” means the National
7 Advisory Council of the Agency.

8 **SEC. 3. COMPREHENSIVE STUDY OF DISASTER LOSSES AND**
9 **FEDERAL DISASTER ASSISTANCE.**

10 (a) ESTABLISHMENT.—Not later than 30 days after
11 the date of enactment of this Act, the Administrator shall
12 commence, acting through the National Advisory Council,
13 a comprehensive study relating to disaster losses and Fed-
14 eral disaster assistance.

15 (b) ADDITIONAL MEMBERSHIP.—For the purposes of
16 the comprehensive study required under subsection (a), as
17 soon as practicable after the date of enactment of this Act,
18 the Administrator shall ensure the National Advisory
19 Council includes the following members:

20 (1) Individuals who have the requisite technical
21 knowledge and expertise on issues related to disaster
22 costs and losses.

23 (2) Representatives of the insurance industry.

24 (3) Experts in and representatives of the con-
25 struction and building industry.

1 (4) Individuals nominated by national organiza-
2 tions representing State and local governments and
3 personnel.

4 (5) Academic experts.

5 (6) Representatives of the private industry,
6 such as vendors, developers, and manufacturers of
7 systems, facilities, equipment, and capabilities for
8 emergency management services.

9 (7) Other members, as the Administrator con-
10 siders appropriate.

11 (c) CONSULTATION WITH NONMEMBERS.—For the
12 purposes of the comprehensive study required under sub-
13 section (a), the National Advisory Council shall consult
14 with other relevant agencies and entities that are not rep-
15 resented on the National Advisory Council to consider re-
16 search, data, findings, recommendations, innovative tech-
17 nologies and developments, including—

18 (1) entities engaged in federally funded re-
19 search; and

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

22 (d) STUDY REQUIREMENTS.—Not later than 120
23 days after the date of enactment of this Act, the National
24 Advisory Council shall convene to evaluate disaster losses

1 and Federal disaster assistance, including consideration of
2 the following:

3 (1) TRENDS AND CONTRIBUTING FACTORS.—

4 An assessment of trends, and factors contributing to
5 such trends, in disaster costs and losses and Federal
6 disaster assistance, including the following:

7 (A) Loss of life and injury.

8 (B) Property damage and other costs to
9 individuals, the private sector, and each level of
10 government.

11 (C) Presidentially declared disasters.

12 (D) Disaster assistance available from all
13 Federal sources.

14 (2) DISASTER ROLES AND RESPONSIBILITY.—

15 Fundamental principles that drive national disaster
16 assistance decisionmaking, including the appropriate
17 roles for each level of government, the private sector,
18 and individuals.

19 (e) RECOMMENDATIONS.—The National Advisory
20 Council shall develop recommendations to reduce disaster
21 costs and losses in the United States and to more effi-
22 ciently and effectively deliver Federal disaster assistance,
23 including consideration of the following:

24 (1) Actions to enhance national disaster assist-
25 ance decisionmaking.

1 (2) Incentives, including tax incentives, to re-
2 duce disaster costs and losses and promote a more
3 efficient and effective use of Federal disaster assist-
4 ance.

5 (3) Legislative proposals, including proposals
6 for implementing the recommendations in the report
7 compiled pursuant to the requirement in section
8 1111 of the Sandy Recovery Improvement Act of
9 2013 (Public Law 113–2; 127 Stat. 49).

10 (4) Legal, societal, geographic, technological,
11 and other challenges to implementation of rec-
12 ommendations.

13 (5) Projected dollar savings and efficiencies, in-
14 cluding measures of effectiveness, from recommenda-
15 tions.

16 (f) REPORT TO ADMINISTRATOR AND CONGRESS.—
17 Not later than 1 year after the National Advisory Council
18 convenes under subsection (d), the National Advisory
19 Council shall submit a report containing the data, anal-
20 ysis, and recommendations developed under subsections
21 (d) and (e) to—

22 (1) the Administrator;

23 (2) the Committee on Transportation and In-
24 frastructure of the House of Representatives; and

1 (3) the Committee on Homeland Security and
2 Governmental Affairs of the Senate.

3 (g) AVAILABILITY OF INFORMATION.—The Adminis-
4 trator shall make the data collected pursuant to this sec-
5 tion publically available on the website of the Agency.

6 **SEC. 4. ACTION PLAN TO IMPROVE FIELD OPERATIONS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Administrator shall sub-
9 mit to the Committee on Homeland Security and Govern-
10 mental Affairs of the Senate and the Committee on Trans-
11 portation and Infrastructure of the House of Representa-
12 tives a report that includes an action plan to improve field
13 operations after a major disaster or emergency declaration
14 by the President under section 401 or 501, respectively,
15 of the Robert T. Stafford Disaster Relief and Emergency
16 Assistance Act (42 U.S.C. 5170 or 5191).

17 (b) REQUIREMENTS.—The report required in sub-
18 section (a) shall, at a minimum, include a plan with mile-
19 stones and implementation timeframes, to address the fol-
20 lowing:

21 (1) Improving the consistency of grant program
22 guidance, including oral and written guidance, pro-
23 vided to applicants and potential applicants.

1 (2) Enhancing record maintenance throughout
2 the lifecycle of a disaster, including the maintenance
3 and transfer of documents during staff transitions.

4 (3) Improving technical and other support pro-
5 vided to applicants and grantees to reduce their ad-
6 ministrative burden and management costs.

7 (4) Implementing new technologies to educate
8 and assist applicants, and continuously inform appli-
9 cants on the status of their disaster assistance appli-
10 cations and projects.

11 **SEC. 5. SIMPLIFIED PROCEDURE PILOT.**

12 (a) PILOT PROGRAM.—Not later than 120 days after
13 the enactment of this Act, the Administrator shall estab-
14 lish a pilot program that increases the simplified proce-
15 dure threshold established under section 422 of the Robert
16 T. Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5189) for the purpose of determining whether
18 such increase can facilitate a more efficient and effective
19 delivery of assistance, without sacrificing oversight capa-
20 bilities, for a major disaster or emergency declaration by
21 the President under section 401 or 501, respectively, of
22 the Robert T. Stafford Disaster Relief and Emergency As-
23 sistance Act (42 U.S.C. 5170 or 5191).

24 (b) INCREASE THRESHOLD.—For emergency assist-
25 ance and major disasters subject to the pilot program es-

1 tablished under subsection (a), the simplified procedure
2 threshold, as established under section 422 of the Robert
3 T. Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5189), shall increase to not less than \$500,000
5 and not more than \$1,000,000.

6 (c) ELIGIBLE DECLARATIONS.—A major disaster or
7 emergency declared by the President under section 401
8 or 501, respectively, of the Robert T. Stafford Disaster
9 Relief and Emergency Assistance Act (42 U.S.C. 5170 or
10 5191) may be eligible for the pilot program established
11 under subsection (a) if the declaration is made after the
12 date of enactment of this Act.

13 (d) REVIEW.—The President, acting through the Ad-
14 ministrator, shall—

15 (1) review the results of the pilot program es-
16 tablished in subsection (a) and determine whether
17 the increase in the simplified procedure threshold fa-
18 cilitated a more efficient and effective delivery of as-
19 sistance, without sacrificing oversight capabilities,
20 for a major disaster or emergency declaration under
21 section 401 or 501, respectively, of the Robert T.
22 Stafford Disaster Relief and Emergency Assistance
23 Act (42 U.S.C. 5170 or 5191); and

24 (2) not later than January 31, 2020, report the
25 results of the review required in paragraph (1) to

1 the Committee on Homeland Security and Govern-
2 mental Affairs of the Senate and the Committee on
3 Transportation and Infrastructure of the House of
4 Representatives.

5 (e) SUNSET.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), a major disaster or emergency declared
8 by the President under section 401 or 501, respec-
9 tively, of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5170 or
11 5191) shall not be eligible for the pilot program es-
12 tablished under subsection (a) if the declaration is
13 made after January 31, 2020.

14 (2) EXCEPTION.—If the Administrator, based
15 on the review conducted under subsection (d), deter-
16 mines that an increase in the simplified procedure
17 threshold can facilitate a more efficient and effective
18 delivery of assistance for emergencies and major dis-
19 asters, the date in paragraph (1) may be extended
20 to April 30, 2020, for the purpose of promulgating
21 regulations to increase the simplified procedure
22 threshold.

23 (f) TECHNICAL AND CONFORMING AMENDMENT.—
24 Section 422(b) of the Robert T. Stafford Disaster Relief
25 and Emergency Assistance Act (42 U.S.C. 5189(b)) is

1 amended by striking paragraph (3) and inserting the fol-
2 lowing:

3 “(3) REVIEW.—Not later than January 31,
4 2020, and every 3 years thereafter, the President,
5 acting through the Administrator, shall review the
6 threshold for eligibility under this section.”.

7 (g) APPLICABILITY OF OTHER LAW.—In carrying
8 out this section, the Administrator shall not be subject to
9 the requirements of—

10 (1) section 553 of title 5, United States Code;

11 (2) chapter 6 of title 5, United States Code; or

12 (3) subchapter I of chapter 35 of title 44,
13 United States Code.

14 **SEC. 6. MANAGEMENT COSTS PILOT.**

15 (a) PILOT PROGRAM.—Not later than 120 days after
16 the date of enactment of this Act, the Administrator shall
17 establish a pilot program that modifies the management
18 cost rates established under section 324 of the Robert T.
19 Stafford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5165b) for the purpose of determining whether
21 such modifications can facilitate a more efficient and ef-
22 fective administration of disaster assistance grants for a
23 major disaster or emergency declared by the President
24 under section 401 or 501, respectively, of the Robert T.

1 Stafford Disaster Relief and Emergency Assistance Act
2 (42 U.S.C. 5170 or 5191).

3 (b) SPECIFIC MANAGEMENT COSTS.—For grantees
4 and subgrantees subject to the pilot program established
5 under subsection (a), the Administrator shall provide the
6 following percentage rates, in addition to the eligible
7 project costs, to cover direct and indirect costs of admin-
8 istering the following programs:

9 (1) HAZARD MITIGATION.—A grantee under
10 section 404 of the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 5170e)
12 may be reimbursed not more than 15 percent of the
13 total amount of the grant award under such section
14 404, of which not more than 10 percent may be used
15 by the grantee and not more than 5 percent may be
16 used by the subgrantee for such costs.

17 (2) PUBLIC ASSISTANCE.—A grantee under sec-
18 tions 403, 406, 407, or 502 of the Robert T. Staf-
19 ford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5170b, 5172, 5173, or 5192) may be re-
21 imbursement not more than 10 percent of the total
22 award amount under such section 403, 406, 407, or
23 502, of which not more than 6 percent may be used
24 by the grantee and not more than 4 percent may be
25 used by the subgrantee for such costs.

1 (c) ELIGIBLE DECLARATIONS.—A major disaster or
2 emergency declared by the President under section 401
3 or 501, respectively, of the Robert T. Stafford Disaster
4 Relief and Emergency Assistance Act (42 U.S.C. 5170 or
5 5191) may be eligible for the pilot program established
6 under subsection (a) if the declaration is made after the
7 date of enactment of this Act.

8 (d) REVIEW.—The President, acting through the Ad-
9 ministrator, shall—

10 (1) review the results of the pilot program es-
11 tablished under subsection (a) and determine wheth-
12 er the modifications to the management cost rates in
13 subsection (b) facilitated a more efficient and effec-
14 tive administration of disaster assistance grants for
15 a major disaster or emergency declared by the Presi-
16 dent under section 401 or 501, respectively, of the
17 Robert T. Stafford Disaster Relief and Emergency
18 Assistance Act (42 U.S.C. 5170 or 5191); and

19 (2) not later than January 31, 2020, report the
20 results of the review required under paragraph (1)
21 to the Committee on Homeland Security and Gov-
22 ernmental Affairs of the Senate and the Committee
23 on Transportation and Infrastructure of the House
24 of Representatives.

25 (e) SUNSET.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), a major disaster or emergency declared
3 by the President under section 401 or 501, respec-
4 tively, of the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act (42 U.S.C. 5170 or
6 5191) shall not be eligible for the pilot program es-
7 tablished under subsection (a) if the declaration is
8 made after January 31, 2020.

9 (2) EXCEPTION.—If the Administrator, based
10 on the review conducted under subsection (d), deter-
11 mines that the modifications to management cost
12 rates in subsection (b) can facilitate a more efficient
13 and effective administration of disaster assistance
14 grants for a major disaster or emergency declared by
15 the President under section 401 or 501, respectively,
16 of the Robert T. Stafford Disaster Relief and Emer-
17 gency Assistance Act (42 U.S.C. 5170 or 5191), the
18 date in paragraph (1) may be extended to April 30,
19 2020, for the purpose of promulgating regulations to
20 modify management cost rates.

21 (f) TECHNICAL AND CONFORMING AMENDMENT.—
22 Section 324(a) of the Robert T. Stafford Disaster Relief
23 and Emergency Assistance Act (42 U.S.C. 5165b(a)) is
24 amended by striking “any administrative expense, and any
25 other expense not directly chargeable to” and inserting

1 “direct administrative cost, and any other administrative
2 expense associated with”.

3 (g) APPLICABILITY OF OTHER LAW.—In carrying
4 out this section, the Administrator shall not be subject to
5 the requirements of—

6 (1) section 553 of title 5, United States Code;

7 (2) chapter 6 of title 5, United States Code; or

8 (3) subchapter I of chapter 35 of title 44,
9 United States Code.

○