

115TH CONGRESS
2D SESSION

H. R. 7333

To provide for reform and reorganization of the Federal Emergency Management Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2018

Ms. JACKSON LEE (for herself, Ms. KAPTUR, Mr. JOHNSON of Georgia, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Small Business, Energy and Commerce, Education and the Workforce, the Judiciary, Financial Services, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for reform and reorganization of the Federal Emergency Management Agency, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “FEMA Modernization Act of 2018”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—DISASTER RESPONSE AND RECOVERY

- Sec. 101. Office of Disaster Response; Office of Disaster Recovery; Office of Long-Term Recovery.
 Sec. 102. Medical disaster response and recovery training facility.
 Sec. 103. Labor training program.
 Sec. 104. Disaster Emergency Housing Assistance Grant Program.
 Sec. 105. Housing post disaster stability.
 Sec. 106. Prohibition on enforcement of immigration.

TITLE II—REPORTS

- Sec. 201. Federal Emergency Management Agency reports.
 Sec. 202. Government Accountability Office.
 Sec. 203. Circumstances which may impact first responders during a terrorist event.

TITLE III—DISASTER RECOVERY SMALL BUSINESS GRANT PROGRAM

- Sec. 301. Short title.
 Sec. 302. Definitions.
 Sec. 303. Office of Disaster Recovery Small Business Grants.
 Sec. 304. Compensation for victims of a federally declared disaster.
 Sec. 305. Reports and audits.
 Sec. 306. Authorization of appropriations.
 Sec. 307. Termination of authority.

TITLE IV—ADMINISTRATIVE PROVISIONS

- Sec. 401. Extension of authorities for pandemic and all-hazards preparedness.
 Sec. 402. Transfer of the Surge Capacity Force.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
 4 trator” means the Administrator of FEMA.

5 (2) FEMA.—The term “FEMA” means the
 6 Federal Emergency Management Agency.

1 **TITLE I—DISASTER RESPONSE**
2 **AND RECOVERY**

3 **SEC. 101. OFFICE OF DISASTER RESPONSE; OFFICE OF DIS-**
4 **ASTER RECOVERY; OFFICE OF LONG-TERM**
5 **RECOVERY.**

6 (a) **ESTABLISHMENT.**—Not later than 1 year after
7 the date of enactment of this Act, the Administrator shall
8 take such actions as are necessary to ensure that the Of-
9 fice of Response and Recovery of the Agency is divided
10 into an Office of Disaster Response and an Office of Dis-
11 aster Recovery, subject to the requirements of this section.

12 (b) **OFFICE OF DISASTER RESPONSE.**—

13 (1) **DUTIES.**—The duties of the Office of Dis-
14 aster Response shall be as follows:

15 (A) Lead Federal disaster response.

16 (B) Prepare for, coordinate, and facilitate
17 Federal support for State managed and locally
18 executed multi-stakeholder engagement in plan-
19 ning and coordinating of disaster response.

20 (C) Coordinate and manage Federal Emer-
21 gency Management Agency assigned staff and
22 maintain awareness of other Federal agency
23 disaster response assigned staff or other per-
24 sonnel deployments to State or local govern-
25 ment offices to better collaborate and coordi-

1 nate Federal efforts in support of State man-
2 aged and locally executed disaster preparedness
3 and response activities.

4 (D) Conduct public education on the dis-
5 aster response roles of Federal, State and local
6 governments.

7 (E) Any other duty determined appropriate
8 by the Administrator.

9 (2) OFFICERS.—Not later than 1 year after the
10 date of enactment of this Act, the Administrator
11 shall appoint an Associate Administrator of the Of-
12 fice of Disaster Response and deputy associate ad-
13 ministrators, as determined appropriate.

14 (3) ADDITIONAL POSITIONS.—The Adminis-
15 trator may create, and appoint individuals to, such
16 positions as are considered necessary by the Admin-
17 istrator, including—

18 (A) a military liaison officer to work with
19 the defense coordinating officer; and

20 (B) a Liaison Officer for Asset Acquisition
21 and Deployment in Federal supported, State
22 managed, and locally executed plan to support
23 the delivery of funds, equipment, and resources
24 to local jurisdictions in advance of pending dis-
25 asters by facilitating engagement by the private

1 sector with State and local governments in sup-
2 port of meeting the pending disaster response
3 needs.

4 (c) OFFICE OF DISASTER RECOVERY.—

5 (1) DUTIES.—The duties of the Office of Dis-
6 aster Recovery shall be as follows:

7 (A) Assess recovery following a disaster
8 and make recommendations on the estimated
9 time for recovery.

10 (B) Provide definitions of what constitutes
11 a short-term recovery and a long-term recovery,
12 and how this determination shall be made in as-
13 ssuming post disaster recovery periods.

14 (C) Coordinate and manage Federal as-
15 signed staff from the Federal Emergency Man-
16 agement Agency to be sent to work in State or
17 local government agencies.

18 (D) Carry out the accurate collection, re-
19 tention, and reporting of data related to Fed-
20 eral disaster recovery and shall act as a re-
21 source on post-disaster recovery efforts.

22 (E) Submit to the Committee on Oversight
23 and Government Reform of the House of Rep-
24 resentatives and the Committee on Homeland
25 Security and Governmental Affairs of the Sen-

1 ate an annual report on the status of all recov-
2 ery projects during the prior year, including
3 whether Federal projects are on time, within
4 cost, and meeting the needs and objectives of
5 recovery.

6 (F) Provide for civil engineers that make
7 recommendations to the Administrator and
8 partnering Federal agencies on the scope and
9 severity of damage, projections on rehabilita-
10 tion, demolition, repair, and reconstruction of
11 critical infrastructure deemed essential to Fed-
12 eral, State, and local government, accessing im-
13 pacted areas, or achieving stability in the recov-
14 ery process.

15 (G) Any other duty determined appropriate
16 by the Administrator.

17 (2) OFFICERS.—Not later than 1 year after the
18 date of enactment of this Act, the Administrator
19 shall appoint an Associate Administrator of the Of-
20 fice of Disaster Recovery and deputy associate ad-
21 ministrators, as determined appropriate.

22 (3) ADDITIONAL POSITIONS.—The Adminis-
23 trator may create, and appoint individuals to, such
24 positions as are considered necessary by the Admin-
25 istrator.

1 (d) OMBUDSMAN.—The Office of Disaster Response
2 and the Office of Disaster Recovery shall both employ an
3 ombudsman.

4 (e) OFFICE OF LONG-TERM RECOVERY.—Not later
5 than 18 months after the date of enactment of this Act,
6 the Administrator shall establish an Office of Long Term
7 Recovery. The duties of such Office shall be determined
8 by the Administrator.

9 **SEC. 102. MEDICAL DISASTER RESPONSE AND RECOVERY**
10 **TRAINING FACILITY.**

11 Section 303 of the Robert T. Stafford Disaster Relief
12 and Emergency Assistance Act (42 U.S.C. 5143) is
13 amended by adding at the end the following:

14 “(c) MEDICAL DISASTER RESPONSE AND RECOVERY
15 TRAINING FACILITY.—

16 “(1) ESTABLISHMENT.—Not later than 18
17 months after the date of enactment of the FEMA
18 Modernization Act of 2018, the President, acting
19 through the Secretary of Health and Human Serv-
20 ices in consultation with the Administrator of the
21 Federal Emergency Management Agency, shall es-
22 tablish a medical disaster response and recovery
23 training facility in accordance with this subsection.

24 “(2) MANAGEMENT.—The medical facility es-
25 tablished under paragraph (1) shall be managed by

1 the Secretary of Health and Human Services and in
2 consultation with the Administrator of the Federal
3 Emergency Management Agency.

4 “(3) CAPACITY.—The facility established under
5 this subsection shall have a capacity to train 800
6 medical personnel annually, which shall increase to
7 1,200 annually on the date that is 5 years after the
8 date of enactment of the FEMA Modernization Act
9 of 2018.

10 “(4) REPORT.—Not later than 240 days after
11 the date of enactment of the FEMA Modernization
12 Act of 2018 the Administrator shall submit to the
13 Committee on Homeland Security, the Committee on
14 Energy and Commerce, the Committee on Ways and
15 Means, and the Committee on Veterans’ Affairs of
16 the House of Representatives, the Committee on
17 Homeland Security and Governmental Affairs, the
18 Committee on Banking, Housing, and Urban Af-
19 fairs, the Committee on Health, Education, Labor,
20 and Pensions, and the Committee on Veterans’ Af-
21 fairs of the Senate a report containing a plan to en-
22 gage local and State government partners in pro-
23 motion of the development of surge teams.

24 “(d) NATIONAL DISASTER MEDICAL TRIAGE.—

1 “(1) IN GENERAL.—The President, acting
2 through the Administrator of the Federal Emer-
3 gency Management Agency, in consultation with the
4 National Association of Emergency Medical Techni-
5 cians and the Military Health System, shall establish
6 a National Disaster Medical Triage capacity that
7 shall include the development of guidelines for Tac-
8 tical Disaster Casualty Care which shall be used for
9 medical evacuation protocols to be implemented by
10 local and State governments in advance of certain
11 major disasters, as designated by the Administrator
12 in consultation with the Secretary of Health and
13 Human Services and the Secretary of Veterans Af-
14 fairs to—

15 “(A) remove individuals with requisite
16 health conditions, including dialysis patients,
17 heart patients, diabetics, physically impaired in-
18 dividuals, pregnant individuals, those who have
19 recently delivered a child, and individuals recov-
20 ering from surgery, out of the path of danger;
21 and

22 “(B) establish medical priorities policies
23 for certain disaster situations, as determined by
24 the Administrator, to reduce loss of life and
25 human suffering.

1 “(2) LOCAL EFFORTS.—In carrying out this
2 subsection, the Administrator shall promote local ef-
3 forts to develop compacts with medical systems to
4 take patients for short-term disaster evacuation or
5 to host locations for field hospitals when needed.

6 “(3) LIABILITY PROTECTIONS.—

7 “(A) IN GENERAL.—Subject to this para-
8 graph, a covered person shall be immune from
9 suit and liability under Federal and State law
10 with respect to all claims for medical care by a
11 board certified or accredited practitioner arising
12 out of medical services provided to an individual
13 in the course of a medical evacuation protocol
14 described in paragraph (1).

15 “(B) COVERED PERSON.—The term ‘cov-
16 ered person’ means a person—

17 “(i) who is a health care provider li-
18 censed under the laws of the State in
19 which the action giving rise to the claim
20 described in subparagraph (A) occurred;

21 “(ii) who was providing medical serv-
22 ices that are within the scope of the per-
23 son’s license;

24 “(iii) was acting in accordance with a
25 protocol described in paragraph (1); and

1 “(iv) is acting in a volunteer capacity.

2 “(C) WILLFUL MISCONDUCT.—This para-
3 graph shall not apply in the case of willful mis-
4 conduct (as such term is defined in section
5 319F–3 of the Public Health Service Act (42
6 U.S.C. 247–6d)).

7 “(e) INCIDENT MEDICAL RECOVERY MANAGEMENT
8 TEAM.—Not later than 18 months after the date of enact-
9 ment of the FEMA Modernization Act of 2018, the Presi-
10 dent, acting through the Administrator of the Federal
11 Emergency Management Agency and in consultation with
12 the American College of Surgeons and the Department of
13 Defense Health Agency, shall establish an Incident Med-
14 ical Recovery Management Team to determine best prac-
15 tices in implementing an Advanced Trauma Life Support
16 capabilities, to assess health impacts that result from fed-
17 erally declared disasters.”.

18 **SEC. 103. LABOR TRAINING PROGRAM.**

19 (a) ESTABLISHMENT.—The Administrator shall es-
20 tablish a program to provide education and job training
21 to those who become unemployed or underemployed due
22 to the effects of a federally declared disaster and who have
23 enrolled for disaster assistance through a federally created
24 or recognized program. To qualify for assistance under
25 this section, an individual shall have been employed, re-

1 ceiving government employment assistance or benefits, or
2 enrolled in a high school, college, or training program at
3 the time of the disaster. Such assistance may be in the
4 form of unemployment benefits, job training programs,
5 and displaced worker assistance.

6 (b) USE OF FUNDS.—Funds provided under the pro-
7 gram shall be used for—

8 (1) retraining or new employment skills train-
9 ing or education to fill positions that will transition
10 the person into new jobs; and

11 (2) providing incentives to employers who em-
12 ploy individuals who are receiving housing assistance
13 under section 102 or have filed a disaster claim
14 under the Robert T. Stafford Disaster Relief and
15 Emergency Assistance Act.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Administrator to
18 carry out this section \$100,000,000, for each of fiscal
19 years 2019 through 2029.

20 **SEC. 104. DISASTER EMERGENCY HOUSING ASSISTANCE**
21 **GRANT PROGRAM.**

22 (a) ESTABLISHMENT.—There shall be established a
23 Disaster Emergency Housing Assistance Grant Program
24 under which Administrator of FEMA may authorize the
25 Secretary of Housing and Urban Development, pursuant

1 to the authority under section 408 of the Robert T. Staf-
2 ford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5174) and according to the terms of such section,
4 to provide immediate housing and urban development as-
5 sistance that meets the particular housing needs of sur-
6 vivors of a federally declared disaster event.

7 (b) FUNDING.—There are authorized to be appro-
8 priated not more than \$300,000,000, for each of fiscal
9 years 2019 through 2029 to carry out the program under
10 this section.

11 (c) AUTHORITY.—The President may grant to the
12 Administrator of FEMA approval to activate a Disaster
13 Emergency Housing Assistance Grant Program.

14 (d) WAIVER.—The requirements of section 408 of
15 such Act may be waived for 180 days by the President
16 if a request for a waiver is made by the Administrator
17 and agreed to by the Secretary of Housing and Urban De-
18 velopment in the case of a federally declared major dis-
19 aster wherein 60 percent or more of the housing stock is
20 severely damaged, destroyed, or is otherwise render medi-
21 cally unsafe for human habitation, which shall include con-
22 dominiums and housing cooperatives.

23 **SEC. 105. HOUSING POST DISASTER STABILITY.**

24 (a) ESTABLISHMENT.—Not later than 365 days after
25 the date of enactment of this Act, the Administrator of

1 FEMA, in coordination with the Secretary of Housing and
2 Urban Development and with the advice of the Bureau
3 of Consumer Financial Protection, shall establish mecha-
4 nisms to stabilize housing economies within areas des-
5 igned as Federal disasters for the period of 60 months
6 into a long-term recovery such that the available housing
7 designated as low- and moderate-income housing is main-
8 tained at a rate that meets 90 percent or more of the pre-
9 disaster low- to moderate-income housing levels for the
10 population impacted by the disaster.

11 (b) REQUIREMENTS.—In establishing the mecha-
12 nisms under subsection (a), the Secretary shall ensure the
13 following:

14 (1) Multi-unit housing owners or operators who
15 receive disaster-related loans provided by the Small
16 Business Administration, or provided with other
17 Federal funding to recover, rehabilitate, or construct
18 new housing, are prohibited from raising rents on
19 those multi-family housing units for the first 18
20 months of occupancy following the disaster-related
21 repairs or construction have ended.

22 (2) Beginning on the date that is 18 months
23 after a report of construction is completed and an
24 necessary inspections certify that a segment of mul-
25 tifamily housing is approved for occupancy, for a pe-

1 riod of 30 months after occupancy begins with re-
2 spect to each unit that was repaired or created using
3 Federal assistance, the cost of rent for such unit
4 shall not increase by more than 10 percent of the
5 rent charged for the month prior to the disaster.

6 (3) New multi-unit housing rental rates should
7 be comparable to the rents charged for similar rent-
8 als serving the market impacted by the disaster.

9 (4) With respect to any unit of housing des-
10 ignated as a single, individually owned housing unit
11 in a multi-unit building by local tax records at least
12 24 months prior to a Federally declared major dis-
13 aster—

14 (A) homeowners or purchasers of such a
15 unit shall qualify for housing repair and new
16 construction assistance under a loan program
17 carried out by the Secretary that provides for
18 Federal guaranteed loans at the 1.25 percent;
19 and

20 (B) owners or operators of such a multi-
21 unit building shall qualify for assistance for re-
22 construction or repair of common areas under
23 a loan program carried out by the Secretary
24 that provides for Federal guaranteed loans at a
25 rate of 4.5 percent.

1 **SEC. 106. PROHIBITION ON ENFORCEMENT OF IMMIGRA-**
2 **TION.**

3 Notwithstanding any other provision of law, during
4 a federally declared disaster, the Secretary of Homeland
5 Security may not enforce the immigration laws (as such
6 term is defined in section 101 of the Immigration and Na-
7 tionality Act (8 U.S.C. 1101)) with respect to any alien
8 who is seeking assistance, including housing, as a result
9 of such disaster.

10 **TITLE II—REPORTS**

11 **SEC. 201. FEDERAL EMERGENCY MANAGEMENT AGENCY**
12 **REPORTS.**

13 (a) CASEWORK MANAGEMENT SYSTEM REPORT.—
14 Not later than 1 year after the date of enactment of this
15 Act, the Administrator shall submit a report on the ability
16 of FEMA to support a State managed and locally executed
17 casework management system to coordinate and deliver di-
18 rect assistance to disaster survivors in placing applications
19 for Federal post disaster assistance to the following:

20 (1) The Committee on Homeland Security of
21 the House of Representatives.

22 (2) The Committee on Energy and Commerce
23 of the House of Representatives.

24 (3) The Committee on Ways and Means of the
25 House of Representatives.

1 (4) The Committee on Veterans' Affairs of the
2 House of Representatives.

3 (5) The Committee on House Administration of
4 the House of Representatives.

5 (6) The Committee on Homeland Security and
6 Governmental Affairs of the Senate.

7 (7) The Committee on Banking, Housing, and
8 Urban Affairs of the Senate.

9 (8) The Committee on Health, Education,
10 Labor, and Pensions of the Senate.

11 (9) The Committee on Veterans' Affairs of the
12 Senate.

13 (10) The Committee on Rules and Administra-
14 tion of the Senate.

15 (b) AFTER-ACTION REPORTS.—Not later than 2
16 years after the date of enactment of this Act, and annually
17 thereafter, the Administrator of FEMA shall submit to the
18 committees listed in subsection (a) an after-action report
19 on the activities of the Office of Disaster Response and
20 the Office of Disaster Recovery, including—

21 (1) the types of disasters responded to;

22 (2) the resources needed;

23 (3) strengths and weaknesses of the response or
24 mitigation effort;

25 (4) lessons learned; and

1 (5) recommendations on how to improve.

2 (c) CATASTROPHIC RESOURCE REPORTS.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, and annually
5 thereafter, the Administrator of FEMA shall develop
6 and submit to the committees listed in subsection
7 (a) an estimate of the resources of FEMA and other
8 Federal agencies that are needed for and devoted
9 specifically to developing the disaster response capa-
10 bilities of Federal, State, local, and Tribal govern-
11 ments.

12 (2) CLASSIFIED ANNEX.—At the discretion of
13 the Secretary, the Administrator may include in the
14 estimate under paragraph (1) a classified annex that
15 reports on what the Federal Government has on
16 hand to meet a range of response or recovery needs
17 related to specific types of events, which may include
18 floods, wildfires, earth movements, windstorms, dis-
19 ease outbreaks, manmade disasters such as chemical
20 attacks, cyberattacks, or radiological incidents.

21 (3) CONTENTS.—Each estimate under para-
22 graph (1) shall include an estimate of the resources
23 both necessary for and devoted to—

24 (A) planning;

25 (B) training and exercises;

1 (C) Regional Office enhancements;

2 (D) staffing, including for surge capacity
3 during a catastrophic incident;

4 (E) additional logistics capabilities;

5 (F) other responsibilities under the cata-
6 strophic incident annex and the catastrophic in-
7 cident supplement of the National Response
8 Framework;

9 (G) reporting on the costs of support of
10 State, local, and Tribal governments' cata-
11 strophic incident preparedness planning; and

12 (H) covering increases in the fixed costs or
13 expenses of FEMA, including rent or property
14 acquisition costs or expenses, taxes, contribu-
15 tions to the working capital fund of the Depart-
16 ment of Homeland Security, and security costs
17 for the year after the year in which such esti-
18 mate is submitted.

19 (d) REPORT ON TECHNOLOGY.—Not later than 180
20 days after the date of enactment of this Act, the Adminis-
21 trator of FEMA shall submit to the appropriate congres-
22 sional committees a study on what technology may provide
23 better predictive information on the detection of pending
24 disasters and what technology may better measure the
25 scope of a disaster.

1 (e) VOLUNTEERS AND DISASTER RESPONSE RE-
2 PORT.—Not later than 180 days after the date of enact-
3 ment of this Act, the head of the Office of Disaster Re-
4 sponse shall submit to the appropriate congressional com-
5 mittees a volunteers and disaster response report that
6 specifies—

7 (1) the role that volunteers fill in disaster re-
8 sponse and rescue; and

9 (2) recommendations on the contributions of
10 volunteers and best practices for official disaster re-
11 sponse, without formalizing the role of volunteers in
12 disaster response.

13 (f) COMPILATION OF FATALITY AND MISSING PER-
14 SONS DATA.—Not later than 1 year after the date on
15 which the President declares a major disaster or emer-
16 gency under the Robert T. Stafford Disaster Relief and
17 Emergency Assistance Act (42 U.S.C. 5121 et seq.), the
18 Administrator of FEMA shall submit to the Committee
19 on Transportation and Infrastructure and the Committee
20 on Homeland Security of the House of Representatives
21 and the Committee on Homeland Security and Govern-
22 mental Affairs and the Committee on Commerce, Science,
23 and Transportation of the Senate a report that compiles
24 the number of fatalities and missing persons as a result

1 of such major disaster or emergency, including the causes
2 of such fatalities, based on data from—

3 (1) local and State jurisdictions;

4 (2) mortuary services that operated in the area
5 of such major disaster or emergency; and

6 (3) forensics experts, anthropologists, and other
7 resources the Administrator deems appropriate for
8 determining accurate and complete fatality and
9 missing persons data.

10 (g) FEDERAL REIMBURSEMENTS.—Not later than
11 240 days after the date of enactment of this Act, the Ad-
12 ministrator of FEMA shall submit to the Committee on
13 Transportation and Infrastructure and the Committee on
14 Homeland Security of the House of Representatives and
15 the Committee on Homeland Security and Governmental
16 Affairs and the Committee on Commerce, Science, and
17 Transportation of the Senate a report on the status of
18 Federal reimbursements owed to local and State govern-
19 ments for activities related to disaster recovery incurred
20 following a presidential declaration of a major disaster or
21 emergency under the Robert T. Stafford Disaster Relief
22 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
23 in the years 2010 through 2017.

24 (h) LONG-TERM RECOVERY.—

1 (1) IN GENERAL.—Not later than 240 days
2 after the date of enactment of this Act, the Adminis-
3 trator of FEMA, acting through the Office of Long-
4 Term Recovery, shall submit to the committees spec-
5 ified in paragraphs (1) through (8) of subsection (a)
6 a report that assesses the means of providing short-
7 and long-term housing for people impacted by feder-
8 ally declared disasters following September 11,
9 2001, Hurricanes Katrina, Sandy, Harvey, and
10 Maria, and the Camp Fire (Paradise, California).

11 (2) CONSIDERATIONS.—The report required
12 under paragraph (1) shall consider—

13 (A) how mucking out of homes or property
14 post disaster occurred;

15 (B) how long it took for construction re-
16 pairs to be performed; and

17 (C) the adequacy of labor and materials to
18 meet demand and note any challenges to a
19 rapid recovery of housing and critical infra-
20 structure posed by materials supply, labor sup-
21 ply or contracting expertise in the disaster area.

22 (3) ASSESSMENT.—The report required under
23 paragraph (1) shall—

1 (A) assess the feasibility and efficiency of
2 providing long-term housing at hotels or other
3 equivalent daily rate accommodation;

4 (B) consider alternatives that may include
5 private residences, mass construction of tem-
6 porary housing, Federal property, or planned
7 communities for occupancy for under 5 years in
8 the event of significant loss of housing stock;
9 and

10 (C) make recommendations on how best to
11 resettle individuals who will be displaced from
12 homes permanently or for a long-term recovery
13 that will last 3 or more years.

14 **SEC. 202. GOVERNMENT ACCOUNTABILITY OFFICE.**

15 (a) BIENNIAL REPORTS.—Not later than 3 years
16 after the date of enactment of this Act, and biennially
17 thereafter, the Comptroller General of the United States
18 shall submit to the appropriate congressional committees
19 a report on the activities of the Office of Disaster Re-
20 sponse and the Office of Disaster Recovery, including rec-
21 ommendations and assessments of the effectiveness of the
22 offices.

23 (b) OFFICE OF DISASTER RECOVERY EFFORTS RE-
24 PORT.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Comptroller
3 General shall submit to the appropriate congress-
4 sional committees a report on long-term recovery ef-
5 forts following Hurricane Andrew, the attacks of
6 September 11, 2001, Hurricane Katrina, Hurricane
7 Ike, Hurricane Sandy, Hurricane Harvey, Hurricane
8 Maria, Hurricane Florence, and California wild fires.

9 (2) CONTENT OF REPORT.—The report shall
10 contain the following:

11 (A) Information on defining a long-term
12 recovery, the stages of a long-term recovery,
13 and the transition from Federal Government re-
14 sponsibilities for long-term recovery efforts to
15 State and local leadership.

16 (B) An assessment of the personnel need-
17 ed, and the types of expertise or certifications
18 required, to accomplish the administration and
19 management of recovery efforts for each of the
20 disasters described in subsection (a).

21 (C) An analysis of the success and effi-
22 ciency of the long-term disaster recovery, and
23 best practices learned that may be applied to
24 future long-term disaster recovery plans.

1 (D) Recommendations of the Comptroller
2 General for what should be defined as a long-
3 term disaster recovery project using existing au-
4 thority and responsibility of FEMA to advise
5 and make recommendations to the President re-
6 garding Presidential Disaster Declarations.

7 (E) Recommendations of FEMA on the ca-
8 pacity and competence of FEMA to manage
9 multiple major Presidential Disaster Declara-
10 tions simultaneously of the magnitude of 3, 4,
11 or all 5 of the disasters described in subsection
12 (a) occurring within weeks of each other.

13 (F) FEMA's capability (as such term is
14 defined in section 741 of title 6, United States
15 Code) and capacities of the Federal Govern-
16 ment to respond to a range of catastrophic
17 events occurring either singularly or concu-
18 rrently, including an assessment of the capacities
19 of each Federal agency and the total capacity
20 of the Federal Government.

21 (c) PETS.—Not later than 180 days after the date
22 of enactment of this Act, the Comptroller General shall
23 submit to the appropriate congressional committees a re-
24 port assessing the activity of the Federal Government re-
25 lating to—

1 (1) the Pets Evacuation and Transportation
2 Standards Act of 2006 (Public Law 109–308);

3 (2) disaster response resources for pets; and

4 (3) the activity of the Federal Government dur-
5 ing the 2017 hurricane season with respect to—

6 (A) evacuation, rescue, and boarding facili-
7 ties for animals;

8 (B) feeding and housing of animals; and

9 (C) transition to post-disaster placement of
10 animals.

11 (d) NATIONAL ALL-HAZARDS DISASTER INSURANCE
12 PROGRAM.—Not later than 320 days after the date of en-
13 actment of this Act, the Comptroller General shall submit
14 to Congress a report on—

15 (1) the feasibility and design of a national all-
16 hazards disaster insurance program;

17 (2) the risk of property owners continuing to
18 underinsure or have no insurance on homes and the
19 implications of those actions on the financial sta-
20 bility of the housing market;

21 (3) the challenge of developing actuarial tables
22 to determine premiums and the setting options for
23 premium payments for disaster declaration policies
24 to be collected annual, quarterly, or monthly; and

1 (4) the challenges and feasibility of selling poli-
2 cies at the same time a property casualty policy is
3 purchased.

4 (e) HOMELESSNESS.—Not later than 12 months
5 after the date of enactment of the FEMA Modernization
6 Act of 2018, and annually thereafter, the Comptroller
7 General shall submit to Congress a report on homelessness
8 that contains a collection of data based upon registrations
9 for disaster assistance, information provided by National
10 Voluntary Organizations Active in Disaster, Bureau of the
11 Census data, and other sources that provide information
12 on the state of homelessness in an area impacted by a
13 disaster. Such report shall—

14 (1) include an analysis of individuals who were
15 housed or receiving housing assistance at the time of
16 the disaster and because of the disaster may be at
17 risk of homelessness;

18 (2) determine the best measures for assessing
19 the potential for homelessness during the long-term
20 recovery from a disaster; and

21 (3) make recommendations on how local and
22 State jurisdictions can identify the homeless during
23 disaster response and how to structure recovery ef-
24 forts to minimize homelessness.

1 (f) PEER-TO-PEER LODGING.—Not later than 240
2 days after the date of enactment of the FEMA Moderniza-
3 tion Act of 2018, the Comptroller General shall submit
4 to Congress a report on the use of emergency disaster
5 housing provided by peer-to-peer lodging or short-term
6 rental by FEMA staff and other owners of peer-to-peer
7 lodging who donate, rent, or lease housing to individuals
8 impacted by disasters during 2017 and 2018.

9 (g) POST-DISASTER CIVIC ENGAGEMENT.—Not later
10 than 8 months after the date of enactment of the FEMA
11 Modernization Act of 2018, the Comptroller General shall
12 submit to Congress a report on civic engagement following
13 a disaster, including 9/11 and Hurricanes Katrina, Har-
14 vey, Michael, Marie, and Florence. The report shall—

15 (1) analyze how jurisdictions provided support
16 for citizen voting after those events;

17 (2) include analysis of the role that Federal,
18 State, and local governments play in facilitating dis-
19 aster survivors' reconnection with the public election
20 voting process;

21 (3) state any actions governments have taken
22 that have impeded civic participation in the form of
23 registering to vote and casting a ballot in a public
24 election; and

1 (4) make recommendations on what can be
2 done to protect voting by persons impacted by disas-
3 ters.

4 **SEC. 203. CIRCUMSTANCES WHICH MAY IMPACT FIRST RE-**
5 **SPONDERS DURING A TERRORIST EVENT.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Comptroller General
8 of the United States shall submit to the Committee on
9 Homeland Security of the House of Representatives and
10 the Committee on Homeland Security and Governmental
11 Affairs of the Senate a report that describes select State
12 and local programs and policies, as appropriate, related
13 to the preparedness and protection of first responders.
14 The report may include information on—

15 (1) the degree to which such programs and poli-
16 cies include consideration of the presence of a first
17 responder’s family in an area impacted by a terrorist
18 attack;

19 (2) the availability of personal protective equip-
20 ment for first responders;

21 (3) the availability of home Medkits for first re-
22 sponders and their families for biological incident re-
23 sponse; and

24 (4) other related factors.

1 (b) CONTEXT.—In preparing the report required
2 under subsection (a), the Comptroller General of the
3 United States may, as appropriate, provide information—

4 (1) in a format that delineates high risk urban
5 areas from rural communities; and

6 (2) on the degree to which the selected State
7 and local programs and policies included in such re-
8 port were developed or are being executed with fund-
9 ing from the Department of Homeland Security, in-
10 cluding grant funding from the State Homeland Se-
11 curity Grant Program or the Urban Area Security
12 Initiative under sections 2002 and 2003, respec-
13 tively, of the Homeland Security Act of 2002 (6
14 U.S.C. 603; 604).

15 (c) HOMELAND SECURITY CONSIDERATION.—After
16 issuance of the report required under subsection (a), the
17 Secretary of Homeland Security shall consider such re-
18 port’s findings and assess its applicability for Federal first
19 responders.

20 **TITLE III—DISASTER RECOVERY**
21 **SMALL BUSINESS GRANT**
22 **PROGRAM**

23 **SEC. 301. SHORT TITLE.**

24 This title may be cited as the “Disaster Recovery
25 Small Business Grant Act”.

1 **SEC. 302. DEFINITIONS.**

2 In this title, the following definitions apply:

3 (1) CLAIM.—The term “claim” means a claim
4 by an injured concern under this title for payment
5 for substantial economic injury suffered by the in-
6 jured concern as a result of a federally declared dis-
7 aster.

8 (2) CLAIMANT.—The term “claimant” means
9 an injured concern that submits a claim under sec-
10 tion 304(b).

11 (3) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Small Busi-
13 ness Administration.

14 (4) INJURED CONCERN.—The term “injured
15 concern”—

16 (A) means a small business concern that is
17 located in an area that is a qualified disaster
18 area as a result of a federally declared disaster;
19 and

20 (B) does not include—

21 (i) a lender that holds a mortgage on
22 or security interest in real or personal
23 property affected by a federally declared
24 disaster; or

1 (ii) a person that holds a lien on real
2 or personal property affected by the a fed-
3 erally declared disaster.

4 (5) OFFICE.—The term “Office” means the Of-
5 fice of Disaster Recovery Small Business Grants es-
6 tablished by section 303.

7 **SEC. 303. OFFICE OF DISASTER RECOVERY SMALL BUSI-**
8 **NESS GRANTS.**

9 (a) IN GENERAL.—There is established within the
10 Small Business Administration an office to be known as
11 the “Office of Disaster Recovery Small Business Grants”.

12 (b) PURPOSE.—The Office shall receive, process, and
13 pay claims in accordance with section 304.

14 (c) FUNDING.—The Office—

15 (1) shall be funded from funds made available
16 under this title; and

17 (2) may reimburse any other Federal agency
18 for provision of assistance in the receipt and proc-
19 essing of claims.

20 (d) PERSONNEL.—

21 (1) IN GENERAL.—The Office may appoint and
22 fix the compensation of such temporary personnel as
23 are necessary to carry out the duties of the Office,
24 without regard to the provisions of title 5, United

1 States Code, governing appointments in the competi-
2 tive service.

3 (2) PERSONNEL FROM OTHER AGENCIES.—On
4 the request of the Administrator, the head of any
5 other Federal agency may detail, on a reimbursable
6 basis, any of the personnel of the agency to the Fed-
7 eral Emergency Management Agency to assist the
8 Office in carrying out the duties of the Office under
9 this title.

10 (3) EFFECT ON OTHER SBA DUTIES.—The es-
11 tablishment of the Office shall not diminish the au-
12 thority of, or funding available to, the Administrator
13 to carry out the responsibilities of the Small Busi-
14 ness Act.

15 **SEC. 304. COMPENSATION FOR VICTIMS OF A FEDERALLY**
16 **DECLARED DISASTER.**

17 (a) IN GENERAL.—Each injured concern may receive
18 compensation for substantial economic injury suffered as
19 a result of a federally declared disaster, as determined by
20 the Administrator.

21 (b) SUBMISSION OF CLAIMS.—Not later than 1 year
22 after the date on which interim final regulations are pro-
23 mulgated under subsection (h), an injured concern may
24 submit to the Administrator a written claim for compensa-

1 tion for substantial economic injury suffered as a result
2 of a federally declared disaster.

3 (c) HANDLING OF CLAIMS.—The Administrator shall
4 investigate, adjust, grant, deny, settle, or compromise any
5 claim submitted under subsection (b).

6 (d) AMOUNT OF GRANT.—

7 (1) IN GENERAL.—Any grant made to an in-
8 jured concern—

9 (A) shall be limited to the amount nec-
10 essary to compensate the injured concern for
11 substantial economic injury described in para-
12 graph (2) suffered as a result of a federally de-
13 clared disaster during the period beginning on
14 August 25, 2017, and ending on August 25,
15 2029;

16 (B) shall not include—

17 (i) interest on the amount of the pay-
18 ment before the date of settlement or pay-
19 ment of a claim; or

20 (ii) punitive damages or any other
21 form of noncompensatory damages; and

22 (C) shall not exceed \$100,000, except in
23 the case of a grant application for which the
24 Administrator determines that a greater
25 amount up to \$250,000 is appropriate.

1 (2) SUBSTANTIAL ECONOMIC INJURY.—Under
2 paragraph (1), an injured concern may receive pay-
3 ment for substantial economic injury consisting of 1
4 or more of the following:

5 (A) An uninsured or underinsured property
6 loss.

7 (B) Damage to or destruction of physical
8 infrastructure.

9 (C) Damage to or destruction of tangible
10 assets or inventory.

11 (D) A business interruption loss.

12 (E) Overhead costs.

13 (F) Employee wages for work not per-
14 formed.

15 (G) An insurance deductible.

16 (H) A temporary relocation expense.

17 (I) Debris removal and other cleanup
18 costs.

19 (J) Any other type of substantial economic
20 injury that the Administrator determines to be
21 appropriate.

22 (3) BURDEN OF PROOF.—

23 (A) IN GENERAL.—A claimant shall have
24 the burden of demonstrating substantial eco-
25 nomic injury.

1 (B) ABSENCE OF DOCUMENTS.—If docu-
2 mentary evidence substantiating substantial
3 economic injury is not reasonably available, the
4 Administrator may pay a claim based on an af-
5 fidavit or other documentation executed by the
6 claimant.

7 (e) PAYMENT OF CLAIMS.—

8 (1) DETERMINATION AND PAYMENT OF
9 AMOUNT.—

10 (A) IN GENERAL.—To the maximum ex-
11 tent practicable, not later than 180 days after
12 the date on which a claim is submitted under
13 subsection (b), the Administrator shall—

14 (i) determine the amount, if any, to
15 be paid for the claim; and

16 (ii) pay the amount.

17 (B) PRIORITY.—The Administrator may
18 establish priorities for processing and paying
19 claims based on—

20 (i) an assessment of the needs of the
21 claimants; and

22 (ii) any other criteria that the Admin-
23 istrator determines to be appropriate.

1 (C) PARAMETERS OF DETERMINATION.—

2 In determining and paying a claim, the Admin-
3 istrator shall determine only—

4 (i) whether the claimant is an injured
5 concern; and

6 (ii) whether the injuries that are the
7 subject of the claim resulted from a feder-
8 ally declared disaster.

9 (D) INSURANCE AND OTHER BENEFITS.—

10 (i) IN GENERAL.—Subject to clause
11 (ii), to prevent recovery by a claimant in
12 excess of the equivalent of actual amount
13 of the substantial economic injury suffered
14 by the claimant in accordance with sub-
15 section (d), the Administrator shall reduce
16 the amount to be paid for the claim by an
17 amount that is equal to the sum of the
18 payments or settlements of any kind that
19 were paid, or will be paid, with respect to
20 the claim, including payments by an insur-
21 ance company.

22 (ii) GOVERNMENT LOANS.—Clause (i)
23 shall not apply to the receipt by a claimant
24 of any Federal, State, or local government

1 loan that is required to be repaid by the
2 claimant.

3 (2) ADVANCE OR PARTIAL PAYMENTS.—At the
4 request of a claimant, the Administrator may make
5 1 or more advance or partial payments before the
6 final approval of a grant.

7 (f) RECOVERY OF FUNDS IMPROPERLY PAID OR MIS-
8 USED.—The Administrator may recover any portion of a
9 payment on a grant that was improperly paid to the claim-
10 ant as a result of—

11 (1) fraud or misrepresentation on the part of
12 the claimant or a representative of the claimant;

13 (2) a material mistake on the part of the Ad-
14 ministrator;

15 (3) the payment of insurance or benefits de-
16 scribed in subsection (e)(1)(D) that were not taken
17 into account in determining the amount of the pay-
18 ment; or

19 (4) the failure of the claimant to cooperate in
20 an audit.

21 (g) APPEALS OF DECISIONS.—

22 (1) RIGHT OF APPEAL.—A claimant may appeal
23 a decision concerning payment of a claim by filing,
24 not later than 60 days after the date on which the
25 claimant is notified that the claim of the claimant

1 will or will not be paid, a notice of appeal in the case
2 of a decision on a claim relating to a business loss,
3 with the Administrator of the Federal Emergency
4 Management Administration.

5 (2) PERIOD FOR DECISION.—A decision con-
6 cerning an appeal under paragraph (1) shall be ren-
7 dered not later than 90 days after the date on which
8 the notice of appeal is received.

9 (h) REGULATIONS.—Notwithstanding any other pro-
10 vision of law, not later than 45 days after the date of en-
11 actment of this title—

12 (1) the Administrator shall promulgate and
13 publish in the Federal Register interim final regula-
14 tions for the processing and payment of claims; and

15 (2) the Administrator and the Administrator of
16 the Federal Emergency Management Agency shall
17 jointly promulgate and publish in the Federal Reg-
18 ister procedures under which a dispute concerning
19 payment of a claim may be settled through an ap-
20 peals process described in subsection (g).

21 (i) PUBLIC INFORMATION.—At the time of publica-
22 tion of interim final regulations under subsection (h), the
23 Administrator shall publish a clear, concise, and easily un-
24 derstandable explanation of the grant program established
25 under this title the procedural and other requirements of

1 the regulations promulgated under subsection (h). Such
2 explanation shall be—

3 (1) disseminated through brochures, pamphlets,
4 radio, television, the print news media, and such
5 other media as the Administrator determines to be
6 likely to reach prospective claimants; and

7 (2) provided in English, Spanish, and any other
8 language that the Administrator determines to be
9 appropriate.

10 (j) COORDINATION.—In carrying out this section, the
11 Administrator shall coordinate with the Administrator of
12 the Federal Emergency Management Agency, other Fed-
13 eral, State and local agencies, and any other individual
14 or entity, as the Administrator determines to be necessary
15 to ensure the efficient administration of the claims proc-
16 ess.

17 (k) APPLICABILITY OF DEBT COLLECTION REQUIRE-
18 MENTS.—

19 (1) IN GENERAL.—Section 3716 of title 31,
20 United States Code, shall not preclude any payment
21 on a claim.

22 (2) ASSIGNMENT AND EXEMPTION FROM
23 CLAIMS OF CREDITORS.—

1 (A) ASSIGNMENT.—No assignment, re-
2 lease, or commutation of a payment due or pay-
3 able under this title shall be valid.

4 (B) EXEMPTION.—

5 (i) IN GENERAL.—A payment under
6 this title shall be exempt from all claims of
7 creditors and from levy, execution, attach-
8 ment, or other remedy for recovery or col-
9 lection of a debt.

10 (ii) NONWAIVABLE EXEMPTION.—The
11 exemption provided by clause (i) may not
12 be waived.

13 **SEC. 305. REPORTS AND AUDITS.**

14 (a) REPORTS.—Not later than 1 year after the date
15 of promulgation of interim final regulations under section
16 304(h) and annually thereafter, the Administrator shall
17 submit to Congress a report that describes the claims sub-
18 mitted under section 304(b) during the year preceding the
19 date of submission of the report, including, with respect
20 to each claim—

21 (1) the amount claimed;

22 (2) a brief description of the nature of the
23 claim; and

24 (3) the status or disposition of the claim, in-
25 cluding the amount of any payment on the claim.

1 (b) AUDITS.—The Comptroller General of the United
2 States shall—

3 (1) conduct an annual audit of the payment of
4 all claims submitted under section 304(b); and

5 (2) not later than 120 days after the date on
6 which the Administrator submits the initial report
7 required by subsection (a) and annually thereafter,
8 submit to Congress a report on the results of the
9 audit.

10 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-
12 priated to carry out this title—

13 (1) to the Office of Disaster Recovery Small
14 Business Grants established under section 303 to
15 administer the claims process, \$25,000,000; and

16 (2) for payment of claims, \$975,000,000.

17 (b) AVAILABILITY.—Amounts made available under
18 subsection (a) shall remain available until expended.

19 **SEC. 307. TERMINATION OF AUTHORITY.**

20 The authority provided by this title terminates on the
21 date that is 20 years after the date of enactment of this
22 Act.

1 **TITLE IV—ADMINISTRATIVE**
2 **PROVISIONS**

3 **SEC. 401. EXTENSION OF AUTHORITIES FOR PANDEMIC**
4 **AND ALL-HAZARDS PREPAREDNESS.**

5 (a) TEMPORARY REASSIGNMENT OF STATE AND
6 LOCAL PERSONNEL DURING A PUBLIC HEALTH EMER-
7 GENCY.—Section 319(e)(8) of the Public Health Service
8 Act (42 U.S.C. 247d(e)(8)) is amended by striking
9 “2018” and inserting “2029”.

10 (b) EXEMPTION FROM CERTAIN DISCLOSURE RE-
11 QUIREMENTS.—Section 319L(e)(1)(C) of the Public
12 Health Service Act (42 U.S.C. 247d–7(e)(1)(C)) is
13 amended by striking “12 years after the date of enactment
14 of the Pandemic and All-Hazards Preparedness Act” and
15 inserting “12 years after the date of enactment of the
16 FEMA Modernization Act of 2018”.

17 **SEC. 402. TRANSFER OF THE SURGE CAPACITY FORCE.**

18 Section 303 of the Robert T. Stafford Disaster Relief
19 and Emergency Assistance Act (42 U.S.C. 5143) is fur-
20 ther amended by adding at the end the following:

21 “(d) SURGE CAPACITY FORCE.—

22 “(1) IN GENERAL.—The Administrator shall—

23 “(A) prepare and submit to the appro-
24 priate committees of Congress a plan to trans-
25 fer the authority of the Surge Capacity Force

1 for deployment of individuals to respond to nat-
2 ural disasters, acts of terrorism, and other
3 man-made disasters, including catastrophic inci-
4 dents; and

5 “(B) at such time as determined appro-
6 priate by the Administrator, transfer such au-
7 thority and continue the management and oper-
8 ation of the Surge Capacity Force.

9 “(2) EMPLOYEES DESIGNATED TO SERVE.—
10 The plan shall include procedures under which the
11 Administrator shall designate employees Executive
12 agencies, as appropriate, to serve on the Surge Ca-
13 pacity Force.

14 “(3) CAPABILITIES.—The plan shall ensure
15 that the surge capacity force—

16 “(A) includes a sufficient number of indi-
17 viduals credentialed in accordance with section
18 510 of the Post-Katrina Emergency Manage-
19 ment Reform Act of 2006 (6 U.S.C. 320) that
20 are capable of deploying rapidly and efficiently
21 after activation to prepare for, respond to, and
22 recover from natural disasters, acts of ter-
23 rorism, and other man-made disasters, includ-
24 ing catastrophic incidents; and

1 “(B) includes a sufficient number of full-
2 time, highly trained individuals credentialed in
3 accordance with such section to lead and man-
4 age the Surge Capacity Force.

5 “(4) TRAINING.—The plan shall ensure that
6 the Administrator provides appropriate and contin-
7 uous training to members of the Surge Capacity
8 Force to ensure such personnel are adequately
9 trained on the Agency’s programs and policies for
10 natural disasters, acts of terrorism, and other man-
11 made disasters.

12 “(5) NO IMPACT ON AGENCY PERSONNEL CEIL-
13 ING.—Surge Capacity Force members shall not be
14 counted against any personnel ceiling applicable to
15 the Federal Emergency Management Agency.

16 “(6) EXPENSES.—The Administrator may pro-
17 vide members of the Surge Capacity Force with
18 travel expenses, including per diem in lieu of subsist-
19 ence, at rates authorized for employees of agencies
20 under subchapter I of chapter 57 of title 5 for the
21 purpose of participating in any training that relates
22 to service as a member of the Surge Capacity Force.

23 “(7) IMMEDIATE IMPLEMENTATION OF SURGE
24 CAPACITY FORCE INVOLVING FEDERAL EMPLOY-
25 EES.—As soon as practicable, the Administrator

1 shall develop and implement any elements of the
2 plan needed to establish the portion of the Surge
3 Capacity Force consisting of individuals designated
4 under those procedures”.

○