

CRS Report for Congress

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RL30543: Disaster Mitigation Assistance Bills in the 106th Congress: Comparison of Provisions

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Summary

The Administration initiative to shift federal emergency management policy away from a "response and recovery" emphasis has generated little congressional controversy, although some have raised concerns about the cost effectiveness of implementing a mitigation strategy. Greater attention, it is generally argued, should be given to mitigation (loss reduction) efforts before disasters occur in order to reduce future losses. Legislation ([H.R. 707](#), [S. 1691](#)) pending before the 106th Congress would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act) which authorizes federal assistance when the President declares that a catastrophe has overwhelmed state and local resources.

Some future disasters may be prevented, or their impact lessened, by taking action beforehand. State and local governments have lowered disaster costs by retrofitting buildings in earthquake zones, elevating structures in floodplains, revising and enforcing building codes, or modifying land use plans. Advocates of the legislation seek to support these and other mitigation efforts.

[H.R. 707](#) and [S. 1691](#) would amend the Stafford Act to shift federal policy toward predisaster hazard mitigation. Both bills contain three titles, share an overall intent, and contain roughly similar provisions. Title I of each bill stresses the need to prepare for disasters and to take mitigative steps, and includes new authority for predisaster hazard mitigation grants. Title II of each bill would amend Stafford Act provisions concerning administrative reimbursement and facility repair and replacement authority. Also, private nonprofit organizations would need to apply for Small Business Administration loans before applying for Stafford Act assistance to repair or replace damaged facilities. Title III in both bills consists of miscellaneous changes.

While the bills are similar, details within the provisions of the bills differ. The hazard mitigation planning provision in the Senate bill would establish a new requirement that each state, local, or tribal government receiving Stafford Act assistance must submit a mitigation plan to FEMA; the House bill requires that states include mitigation components in their preparedness plan. [S. 1691](#) would require that the President identify "natural disaster mitigation zones" in which recurring flood and wind disasters occur; [H.R. 707](#) contains no similar provision. The House bill consolidates the temporary housing and individual cash assistance provisions in the Stafford Act; the Senate bill, as reported, does not.

This report will be updated as legislative action occurs on [S. 1691](#) and [H.R. 707](#) in the 106th Congress.

Introduction

Legislation pending before the 106th Congress ([H.R. 707](#), [S. 1691](#)) would amend the Stafford Act ⁽¹⁾ to authorize more federal assistance for state and local disaster mitigation activities in order to reduce losses in future disasters, or, to the extent possible, prevent them entirely. This report summarizes the two bills, identifies some policy issues that may be raised in debate on the bills, and compares provisions.

The Stafford Act authorizes federal assistance when the President determines that a catastrophe has overwhelmed state and local resources. Stafford Act assistance, administered by the Federal Emergency Management Agency (FEMA), includes the following: ⁽²⁾

- repair, reconstruction or replacement of public facilities and structures owned by certain private nonprofit organizations;
- provision of temporary housing assistance, including vouchers, minor repairs to homes, and, if necessary, the use of mobile homes;
- access to counseling and legal services;
- clearance of debris;
- aid for individuals and families through grants for personal, uninsured emergency needs such funeral expenses, health coverage, or clothing costs; and,
- funding for mitigation grants to help stricken communities reduce losses in future disasters. ⁽³⁾

Most of the assistance authorized under the Stafford Act helps communities and victims after the disaster has occurred. Mitigation assistance, on the other hand, is oriented toward the future. Mitigation activities enable communities to learn from past disasters and reduce or prevent losses that might otherwise occur.

Supporters of the Administration initiative advocate a shift in federal policy away from a "response and recovery" emergency management approach. They contend that greater attention should be given to mitigation efforts before disasters occur to save lives, prevent injuries, expedite recovery, and reduce federal disaster assistance costs. Few speak in opposition to mitigation policy. Some, however, have expressed concern with the dearth of information on the full costs of such activities, as well as the impact mitigation has on land use decisions.

Mitigation Issues: An Overview

Disaster mitigation policy emphasizes prevention and preparedness. Certain disasters likely to occur in the future may be prevented by taking action beforehand. For example, a potential flood may be averted by constructing floodway channels or inspecting dams on a regular basis. Other disasters may not be prevented, but their impact may be lessened. For example, wildfires may be controlled or minimized by using prescribed burning, and the destruction caused by earthquakes may be reduced by modifying building designs.

Individuals and homeowners reduce future disaster consequences by stockpiling water and food supplies, buying generators, and taking other steps to protect themselves and their families. Similarly, state and local governments, and nonprofit organizations, have decreased future disaster costs through actions such as the following:

- retrofitting buildings, bridges, and other structures in earthquake zones to reduce shaking impacts;
- providing funds or other support for elevating or floodproofing residences and businesses in flood prone areas;
- removing entire communities, or parts of a community, from flood zones;
- constructing, strengthening, or reconsidering the design of flood control structures such as dams, levees, or berms;
- subsidizing the purchase and installation of hurricane shutters on homes in high wind zones;
- disseminating information on the construction of "safe rooms" in tornado areas;
- purchasing more effective fire equipment and training personnel;
- participating in the National Flood Insurance Program (NFIP);
- revising and enforcing more stringent building code ordinances and,
- modifying land use patterns by revising comprehensive land use plans.⁽⁴⁾

Some analysts classify mitigation activities as *structural* or *non-structural*. Structural mitigation projects involve building or altering the physical environment, including activities such as the construction of water channeling or retaining facilities and the relocation, redesign, or improvement of homes and other buildings. Non-structural activities include regulatory or informational efforts, such as the adoption and enforcement of stringent building code revisions, education programs, insurance, and land use planning.

Emergency management officials and policymakers increasingly associate mitigation with the concept of "sustainable development." The concept provides a framework of social, environmental, and economic policies for undertaking both structural and nonstructural activities to avoid such consequences as storm and flood damage and environmental degradation, thus reducing disaster losses. The sustainable development process involves community and land use planning and decisionmaking processes that bring together elected officials, property owners, and other interested parties. The goal, according to one author, is to build "communities that are able to withstand natural hazard stresses and keep on functioning."⁽⁵⁾

Advocates of sustainable development argue that the implementation of mitigation strategies, both pre- and post-disaster, will reduce future losses and alleviate broader problems associated with poorly planned development and construction. An author associated with the Natural Hazards Center of the University of Colorado at Boulder⁽⁶⁾ summarizes federal policy that helps communities reconsider existing practices after disasters occur as follows:

The post disaster period is an opportunity to upgrade the quality of construction to better resist subsequent events and begin to think through ways to mitigate future damage. Recovery processes can also be used as opportunities to advance programs already in place, such as urban renewal, traffic bottlenecks, architectural incompatibilities, and nonconforming uses. Since the early 1980s FEMA has required post disaster mitigation planning. With amendments to the Disaster Act in 1988, the rules were modified to allow a greater percentage of disaster relief monies for funding mitigation programs. This provides an important link between recovery processes and disaster mitigation efforts.

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Although the Administration's mitigation initiative has not been directly challenged, some private property owners and property rights advocates remain wary of land use planning and policies associated with sustainable development. They may contend that mitigation activities, especially if they are perceived to be associated with sustainable development, may inhibit economic development and unnecessarily interfere with decisions by property owners to use their land. For example, one writer associated with the Competitive Enterprise Institute⁽⁸⁾ has written that an "agenda has coalesced around the phrase [sustainable development]" that leads to market distortions, benefits to developers, and the cooptation of citizen control over local decisions.⁽⁹⁾ Some advocates of sustainable development equate the term with environmental protection, and critics object to giving environmental concerns a priority over other community goals. However, advocates of sustainable development have never developed a single definition of the concept, and environmental interests sometimes object that their goals are subsumed by economic or other objectives. Controversies at the community level are likely to be engendered by any land use planning process, under whatever description, that limits choices available to property owners.

Others, while not opposing the concept, may question whether mitigation actions taken to prevent or lessen future disasters are cost effective. Additional studies, they argue, must fill in the information gap before federal financial commitments are made. For example, the Senate Appropriations Committee report accompanying the FY2000 appropriations legislation for FEMA and other agencies noted the following:

The Committee recognizes that investing in mitigation will yield reductions in future disaster losses, and that mitigation should be strongly promoted. However, an analytical assessment is needed to support the degree to which mitigation activities will result in future "savings." Therefore, the Committee directs FEMA to fund an independent study to assess the future savings resulting from the various types of mitigation activities.

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Overview of Pending Legislation

[H.R. 707](#) and [S. 1691](#) have much in common. Both bills contain three titles that would accomplish generally similar objectives. Details in the two bills, however, differ in several respects. This section summarizes the legislation, notably the more significant similarities and differences in the bills. Tables 1 through 3 in the next section of this report correspond to each title and present detail on the distinctions.

Similarities. In general terms, the bills are more similar than dissimilar. They share the following features.

Title I. Title I establishes congressional findings that greater emphasis should be given to hazard mitigation to reduce losses and federal costs, and that state and local governments should form partnerships to undertake related activities. Similar findings and purposes appear in both bills.

Title II. Both titles authorize federal assistance for "management costs" incurred by state and local governments and require that nonprofit organizations first apply for a Small Business Administration loan before applying for a Stafford Act grant.⁽¹¹⁾

Title III. Both bills change definitions and amend the Stafford Act provision concerning fire suppression assistance.

Differences. The House and Senate bills include provisions that differ in aspects such as funding mechanisms and requirements for federal assistance.

Title I. [H.R. 707](#) continues the existing Stafford Act authorization for planning grants, removes the limit of \$50,000 per year on federal assistance for updating state plans, and authorizes grants for developing floodplain mapping technologies. By comparison, the hazard mitigation planning provision in [S. 1691](#) establishes a new requirement that each state, local, or tribal government that receives Stafford Act assistance must submit a mitigation plan to FEMA. Also, [H.R. 707](#) authorizes appropriations for the new predisaster hazard mitigation grant program, whereas the Senate bill establishes a National Predisaster Mitigation Fund to consist of appropriated funds and donations. The House bill increases funding for the Section 404 Hazard Mitigation Grant Program (HMGP)⁽¹²⁾ by raising the total amount that may be contributed per disaster from 15% of the aggregate assistance provided under the Stafford Act to 20%. [S. 1691](#), by comparison permits this funding increase only if the state developed an approved hazard mitigation plan.

Title II. [S. 1691](#) includes several amendments to the Stafford Act not found in [H.R. 707](#). Concerning the repair or restoration of damaged facilities, the Senate bill requires that: applicants hold property insurance, facility repair or restoration grants exceeding \$20 million be reported to Congress, federal assistance decrease if a damaged facility has been previously damaged and the owner has not taken appropriate mitigation actions, and, facilities in flood zones be ineligible for assistance. Also of significance, [H.R. 707](#) consolidates existing authorities for housing and cash assistance grants; [S. 1691](#) does not.

Title III. The Senate bill includes two provisions not in the House bill. [S. 1691](#) would include federal, state and local emergency management officials in the definition of "public safety officer," ensuring that benefits would be provided to family members of such persons killed or disabled in the line of duty. Also, the Senate bill would prohibit any federal effort to recover disaster assistance payments made to state or local governments more than three years after the date of the final expenditure, except when evidence of fraud or criminal conduct exists. While both bills amend the fire suppression assistance provision of the Stafford Act, the extent of the amendment differs. [H.R. 707](#) would make local governments, not just state governments, eligible for assistance. [S. 1691](#), by comparison, would make the same change, but would also require coordination with state departments of forestry and make other changes.

Detailed Comparison

The remainder of this report provides a detailed comparison of the provisions in [H.R. 707](#) and [S. 1691](#). The tables correspond to the three titles in each bill.

**Table 1. Comparison of Title I Provisions (Findings, New Grant Authority)
in H.R. 707 and S. 1691, 106th Congress**

H.R. 707 (passed House)	S. 1691 (reported)
Findings and purpose	
No similar provision	Natural disasters pose great danger to life and property
Greater emphasis is needed to identify hazards, reduce losses, and continue services after a disaster.	Similar provision
Post-disaster assistance is increasing but future losses are likely.	Similar provision
Local predisaster efforts should be a high priority in Stafford Act funding.	Similar provision
Through coordinated action and federal support, state and local governments will be able to accomplish mitigation and other objectives.	Similar provision
The purpose of the legislation is to establish a predisaster hazard mitigation program to reduce future losses and provide funding. <i>Sec. 101</i>	Similar provision <i>Sec. 101</i>

Planning	
Requires that states set out a comprehensive mitigation program. <i>Sec. 102</i>	No similar provision, but see planning requirement in <i>Sec. 204</i> , proposed section 323.
Requires that annual state plans be updated to be consistent with section 409 hazard mitigation planning, removes cap of \$50,000 per year per state, and allows funds to be used for floodplain mapping technologies. <i>Sec. 103</i>	No similar provision, but see planning requirement in <i>Sec. 204</i> , proposed section 323.
Predisaster hazard mitigation grants	
Adds new authority for the President to provide predisaster hazard mitigation assistance to states and localities. Projects must be cost effective. <i>Sec. 104</i>	Similar provision, but authorizes the Director of FEMA to provide the assistance and requires that funded projects reduce losses, including damage to state and local infrastructure. State and local governments determined by the Director to have formed effective partnerships may receive technical and financial assistance for specified purposes. <i>Sec. 102</i>
Authorizes grantees to use up to 10% of aid to disseminate information on cost effective mitigation. <i>Sec. 104</i>	No similar provision
Sets out process for allocating funds to the states. <i>Sec. 104</i>	No similar provision
Sets out criteria to be considered by the President in awarding grants, including cost-effective activities, consistency with state mitigation program and hazard mitigation plan, funding abilities, and private partnerships, among others. <i>Sec. 104</i>	Sets out criteria to be considered by the Director in awarding grants, including the nature of hazards and degree of state and local commitment. <i>Sec. 102</i>
Authorizes each governor to recommend at least five local governments to be funded. <i>Sec. 104</i>	No similar provision
Defines "small impoverished communities." <i>Sec. 104</i>	No similar provision

Limits federal assistance to 75% of approved mitigation activities, except for 90% for small impoverished communities. <i>Sec. 104</i>	Limits federal share to 75% of total costs of hazard mitigation proposals. <i>Sec. 102</i>
Authorizes appropriations of \$80 million for FY2000 and use of unobligated section 404 HMGP funds. <i>Sec. 104</i>	No similar provision
Requires report on the new program that includes recommendations to transfer administrative authority to certain states. <i>Sec. 104</i>	No similar provision
No similar provision	Establishes a National Predisaster Mitigation Fund to implement this section, with requirements set forth on the investment of money in the Fund, transfers, and limitations on assistance to be provided. <i>Sec. 102</i>
No similar provision	Terminates the new grant authority on Dec. 31, 2003. <i>Sec. 102</i>
Interagency task force	
Requires establishment of an interagency task force to coordinate implementation of the predisaster hazard mitigation program. <i>Sec. 105</i>	Requires establishment of an interagency task force to coordinate federal hazard mitigation programs. <i>Sec. 104</i>
Increases federal funding for Section 404 HMGP grants from 15% of total Stafford Act assistance to 20%. <i>Sec. 106</i>	Similar provision, but allows such increase only if a state has in effect an approved mitigation plan. <i>Sec. 204, proposed Sec. 323</i>
Mitigation zones	
No similar provision	Requires that the President designate areas that experience recurring flood and wind hazards as "natural disaster mitigation zones." Directs the use of information and technology in those zones to reduce the likelihood or impact of hazards. Requires that new federal construction meet professional standards, and allows incentives to property owners to comply with those standards. <i>Sec. 103</i>

**Table 2. Comparison of Title II Provisions (Insurance, Management Costs, Public Facility Repair)
in H.R. 707 and S. 1691, 106th Congress**

H.R. 707 (passed House)	S. 1691 (reported)
Insurance	
No similar provision	Requires the President to issue regulations that require Stafford Act grantees to obtain insurance protection for property. Specifies that the regulations set out definitions of "adequate insurance" and "self-insurance," cost-benefit analysis, and other related matters. <i>Sec. 201</i>
Management costs	
Requires that the President establish "management cost rates" to determine federal assistance to be provided to grantees for management costs. <i>Sec. 201(a)</i>	Similar provision <i>Sec. 202(a)</i>
Sets out specific elements of "management costs." <i>Sec. 201(a)</i>	Contains similar general definition, but requires President to issue regulations defining specific elements. <i>Sec. 202(a)</i>
Requires review of management cost rates within three years, and "periodically thereafter." <i>Sec. 201(a)</i>	Similar provision <i>Sec. 202(a)</i>
Applies management cost rate authority to disaster declarations issued after enactment, but continues application of existing "associated expenses" authority (Sec. 406(f)) until new rates are set. <i>Sec. 201(b)</i>	Similar provision <i>Sec. 202(b)</i>
Applies the review of management cost rates to disasters declared after establishment of the rates. <i>Sec. 201(b)</i>	Similar provision <i>Sec. 202(b)</i>
Repair or restoration of damaged facilities	
Amends Section 406 of the Stafford Act to require that owners of private nonprofit facilities may receive assistance only if the facility provides critical services <i>or</i> if the owner has first applied for SBA loan assistance. Defines "critical services" to include, but not be limited to, power, water, sewer, wastewater treatment, communications, and emergency medical care. <i>Sec. 202(a)</i>	Similar provision, but requires that, in order to receive assistance, the facility provide critical "infrastructure," <i>and</i> that the owner first apply for SBA loan assistance. Defines "critical infrastructure" in terms similar to the House bill, but includes "water (including water provided by a nongovernment entity)" and "essential medical care." <i>Sec. 203(a)(e)</i>
No similar provision	Requires that Congress be notified before

	any assistance over \$20 million is provided to a state, locality, or nonprofit organization. <i>Sec. 203(a)</i>
Maintains the existing floor on federal assistance ("not less than 75%") and deletes references to "associated expenses." {"Management cost rates," noted above, would replace "associated expenses."} <i>Sec. 202(b)</i>	Similar provision; also requires that the President issue regulations to reduce federal assistance if a facility has been previously damaged and the owner fails to address the hazard. <i>Sec. 203(b)</i>
Amends the existing provision whereby a state or local government may elect to receive an "in lieu" contribution if the damaged or destroyed public facility should not be replaced. Reduces the federal share from 90% to 75%, except in areas with unstable soils. <i>Sec. 202(c)</i>	Similar provision, but does not make an exception for areas with unstable soils. <i>Sec. 203(c)</i>
Retains existing provision concerning the use of "in lieu" funds by state and local governments. <i>Sec. 202(c)</i>	Prohibits "in lieu" grants for public facilities in flood prone areas. <i>Sec. 203(c)</i>
Amends the existing provision whereby, in general, a nonprofit organization may elect to receive an "in lieu" contribution if the damaged or destroyed facility should not be replaced. Reduces the federal share from 90% to 75%. <i>Sec. 202(c)</i>	Similar provision <i>Sec. 203(c)</i>
Retains existing provision concerning the use of "in lieu" funds by private nonprofit organizations. <i>Sec. 202(c)</i>	Prohibits "in lieu" grants for private nonprofit facilities in flood prone areas. <i>Sec. 203(c)</i>
Authorizes the President to modify the federal share of "in lieu" cost estimates, with a cap of 90% and a floor of 50%. <i>Sec. 202(c)</i>	No similar provision
Amends the procedure to be followed in determining the net eligible cost of restoring or replacing damaged or destroyed facilities. Specifies that the estimate of the cost will be considered the eligible cost. Current law provides that the cost of repair or replacement will "at a minimum" be considered the net eligible cost. <i>Sec. 202(d)</i>	Similar provision, but requires that the President estimate the eligible cost of repairing or replacing facilities. <i>Sec. 203(d)</i>
Within 18 months of enactment, requires establishment of an expert panel to develop procedures for estimating costs of facility replacement or repair. <i>Sec. 202(d)</i>	Similar provision, but authorizes expert panel to set ceiling and floor percentages for estimated costs. <i>Sec. 203(d)</i>

<p>Sets out the procedure for estimating costs of facility repair or replacement, with allowances provided if actual costs differ from estimated costs. Persons receiving assistance must reimburse the President for federal assistance provided in excess of eligible cost. Allows use of surplus funds for mitigation activities if actual cost is less than 100% but not less than 80% of cost estimate. <i>Sec. 202(d)</i></p>	<p>Roughly similar provision, but establishes different thresholds for comparing actual to estimated costs. Requires use of maximum and minimum eligible costs set by expert panel for projects costing more than \$35,000, provides for allowance if actual costs differ from estimates, allows use of surplus funds for mitigation if actual cost is less than 100% of estimate and greater or equal to floor set by expert panel. Grantees must return aid beyond the actual project cost that does not reach the floor set by the panel. <i>Sec. 203(d)</i></p>
<p>No similar provision</p>	<p>Requires review of cost estimation procedures within 2 years of promulgation of regulations, with report to Congress and biennial reports thereafter, based on expert panel findings. <i>Sec. 203(d)</i></p>
<p>New cost estimation procedures will take effect on date of enactment and after development of procedures, and will apply to funds appropriated after that date. <i>Sec. 202(d)</i></p>	<p>Similar provision, but does not refer to appropriations. <i>Sec. 203(d)</i></p>
<p>Repeals "associated expenses" provision in current law. <i>Sec. 202(e)</i></p>	<p>Similar provision <i>Sec. 202(c)</i></p>
<p>Incorporates elements of associated expenses eligible for reimbursement (costs of National Guard, prison labor, and other labor costs) in "other eligible costs." <i>Sec. 202(e)</i></p>	<p>Similar provision, but adds "associated expenses" list to Section 406(a) of Stafford Act. <i>Sec. 203(a)</i></p>
<p>Makes associated expenses amendments effective on the date the President establishes management cost rates and applies only to disasters declared after cost rates have been established. <i>Sec. 202(e)</i></p>	<p>Makes associated expenses effective on the date management cost rates are published. <i>Sec. 202(c)</i></p>
<p>Individual and household assistance</p>	
<p>Generally consolidates provisions in current law (42 U.S.C. 5174, 5178) that authorize temporary housing assistance and cash grants to victims of disasters. Limits grants to \$25,000, adjusted annually. Allows victims to apply to FEMA for housing aid regardless of the availability of other federal aid, except applicants for housing repair grants must first apply to the SBA</p>	<p>No similar provision. {S. 1691, as introduced on October 5, 1999, included a roughly similar provision.}</p>

or other agency. Authorizes aid for the replacement of owner-occupied residences, not to exceed \$10,000. Authorizes construction of permanent housing in insular areas outside the continental United States and "other remote areas." Specifies that cash grants are to be limited to medical, dental, funeral, personal property, transportation or other necessary expenses. Repeals Sec. 411 (42 U.S.C. 5178) of Stafford Act, provision would take effect 545 days after enactment. <i>Sec. 203</i>	
Repeals existing authority (42 U.S.C. 5184) to provide loans to local governments that suffer tax revenue losses, and for simplified procedure grants (42 U.S.C. 5189) for losses under \$35,000. <i>Sec. 204</i>	No similar provisions. Retains existing provisions, but limits each loan to \$5 million and requires local government to repay loans to retain eligibility. <i>Sec. 209</i>
Mitigation planning, standards	
No similar provision, but see planning provisions in Title I.	Adds new section to the Stafford Act requiring state, local, or tribal governments to develop mitigation plans, with funding available under the Section 404 HMGP authority. Funding limited to 5% of contributions made to the unit of government. <i>Sec. 204(a), proposed Sec. 323</i>
No similar provision	Applicants receiving loan or grant assistance through the Stafford Act must use funds in conformance with applicable standards. Also, authorizes the President to require the use of land use and construction practices after consultation with state and local officials. Recipients of assistance must provide evidence of compliance as required by the President. <i>Sec. 204(a), proposed Sec. 324</i>
No similar provision	Repeals Section 409 of the Stafford Act (42 U.S.C. 5176), "Minimum standards for public and private structures." <i>Sec. 204(b)</i>
State administration	
Authorizes states to apply to administer HMGP authority <i>Sec. 205</i>	Similar provision <i>Sec. 205</i>

Sets out criteria to be followed in approving applications from the states. <i>Sec. 205</i>	Similar provisions <i>Sec. 205</i>
Authorizes pilot program for states to administer public facility repair program (Section 406). <i>Sec. 206</i>	No similar provision
Studies and reports	
Requires the Comptroller General to conduct a study on the reduction of federal disaster assistance costs that result from enactment. <i>Sec. 207</i>	Similar provision, but requires the National Academy of Sciences to conduct the study. <i>Sec. 206</i>
Requires the Director of FEMA to report on accelerating federal disaster aid to rural communities. <i>Sec. 208</i>	No similar provision
Requires the Comptroller General to study the availability of disaster insurance for public infrastructure. <i>Sec. 209</i>	No similar provision
Public comment	
Requires the FEMA Director to provide opportunity for public comment before adopting new policy. Prohibits the Director from adopting new policy to retroactively reduce Stafford Act assistance. <i>Sec. 210</i>	Requires the FEMA Director to provide opportunity for public comment before adopting new policy: (1) for the public assistance program or (2) that would reduce federal assistance. Requires consultation with grantees before adopting public assistance policy changes. Requires public access to policies governing implementation of the public assistance program. Does not confer legal right of action through this amendment. <i>Sec. 208</i>

Table 3. Comparison of Title III (Miscellaneous) Provisions in H.R. 707 and S. 1691, 106th Congress

H.R. 707 (passed House)	S. 1691 (reported)
Technical correction to the title of the Act. <i>Sec 301</i>	Similar provision. <i>Sec. 301</i>
Amends the definition of "state" to refer to the name change for the Commonwealth of the Northern Mariana Islands. <i>Sec. 302</i>	Similar provision. <i>Sec. 302</i>

No similar provision	Adds emergency management officials to the definition of "public safety officer," enabling family members of killed or disabled officials to receive benefits. <i>Sec. 303</i>
No similar provision	Prohibits any administrative action from being taken to recover Stafford Act payments provided to state or local governments more than 3 years after transmission of the final expenditure report for a particular disaster, with the exception of fraud. <i>Sec. 304</i>
Authorizes fire suppression grants to local governments, as well as to states. <i>Sec. 303</i>	Similar provision, also specifies aid for fires on "grassland with urban interface," requires coordination with state departments of forestry, and authorizes Section 403 assistance (42 U.S.C. 5170b) with such fires. <i>Sec. 207</i>
Requires compliance with Buy American Act (41 U.S.C. 10a) in expenditure of Stafford Act funds. <i>Sec. 304</i>	No similar provision

Conclusion

Congress may continue action on legislation that would shift federal policy toward predisaster hazard mitigation. The bills, [H.R. 707](#) and [S. 1691](#), share an overall intent and contain similar provisions; they differ, however, in details, with some provisions unique to each bill. Among the most notable are the following: the House bill proposes to consolidate individual and family housing and cash grants; the Senate bill authorizes the President to establish zones in which property owners would be encouraged to adopt land use and construction standards; and, the Senate bill requires that federal funds be reduced if property owners fail to take mitigation action after declared disasters damage facilities.

Footnotes

1. [\(back\)](#) The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*
2. [\(back\)](#) For information on statutory and executive authorities administered by FEMA see: U.S. Library of Congress, Congressional Research Service, *FEMA's Mission: Policy Directives for the Federal Emergency Management Agency*, by Keith Bea, CRS Report RS20272 (Washington: Feb. 8, 2000), p. 6.
3. [\(back\)](#) For information on assistance provided by FEMA after the President issues a Stafford Act declaration see: <http://www.fema.gov/r-n-r/>, visited Feb. 25, 2000.
4. [\(back\)](#) For information on mitigation strategies and federal assistance see: <http://www.fema.gov/mit/>, visited Feb. 25, 2000.
5. [\(back\)](#) David R. Godschalk, et al., *Natural Hazard Mitigation: Recasting Disaster Policy and Planning*

(Washington: Island Press, 1999), p. 525.

6. [\(back\)](#) See: <http://www.Colorado.EDU/hazards/>, visited March 1, 2000.
7. [\(back\)](#) Dennis S. Mileti, *Disasters by Design* (Washington: Joseph Henry Press, 1999), p. 236.
8. [\(back\)](#) Information on the Institute may be obtained at <http://www.cei.org/>, visited March 1, 2000.
9. [\(back\)](#) Jesse Walker, "Urban Sustainability," <http://www.cei.org/UpdateReader.asp?ID=177>, visited March 1, 2000.
10. [\(back\)](#) U.S. Congress, Senate Committee on Appropriations, *Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill, 2000*, report to accompany [S. 1596](#), 106th Cong., 1st sess., [S.Rpt. 106-161](#) (Washington: GPO, 1999), p. 103.
11. [\(back\)](#) For information on the Small Business Administration physical disaster loan program see: <http://www.sba.gov/DISASTER/>, visited Feb. 28, 2000.
12. [\(back\)](#) 42 U.S.C. 5170c

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