

- (C) GUIDANCE - Not later than 90 days after the date on which the Administrator issues the final rulemaking under this paragraph, the Administrator shall issue any necessary guidance related to the rulemaking.
- (D) REPORT - Not later than [Oct. 5, 2020], the Administrator shall submit to Congress a report summarizing the regulations and guidance issued pursuant to this paragraph.

Sec. 407. Debris Removal (42 U.S.C. 5173)

- (a) PRESIDENTIAL AUTHORITY - The President, whenever he determines it to be in the public interest, is authorized -
 - (1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters; and
 - (2) to make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.
- (b) AUTHORIZATION BY STATE OR LOCAL GOVERNMENT; INDEMNIFICATION AGREEMENT - No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal.
- (c) RULES RELATING TO LARGE LOTS - The President shall issue rules which provide for recognition of differences existing among urban, suburban, and rural lands in implementation of this section so as to facilitate adequate removal of debris and wreckage from large lots.
- (d) FEDERAL SHARE - The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of debris and wreckage removal carried out under this section.
- (e) EXPEDITED PAYMENTS -
 - (1) GRANT ASSISTANCE - In making a grant under subsection (a)(2), the President shall provide not less than 50 percent of the President's initial estimate of the Federal share of assistance as an initial payment in accordance with paragraph (2).
 - (2) DATE OF PAYMENT - Not later than 60 days after the date of the estimate described in paragraph (1) and not later than 90 days after the date on which the State or local government or owner or operator of a private nonprofit facility applies for assistance under this section, an initial payment described in paragraph (1) shall be paid.

Sec. 408. Federal Assistance to Individuals and Households (42 U.S.C. 5174)

- (a) IN GENERAL -
 - (1) PROVISION OF ASSISTANCE - In accordance with this section, the President, in
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consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.*

- (2) RELATIONSHIP TO OTHER ASSISTANCE - Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) of this section solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

(b) HOUSING ASSISTANCE -

- (1) ELIGIBILITY - The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable, or with respect to individuals with disabilities, rendered inaccessible or uninhabitable, as a result of damage caused by a major disaster.

(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE -

(A) IN GENERAL - The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

(B) MULTIPLE TYPES OF ASSISTANCE - One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

(c) TYPES OF HOUSING ASSISTANCE -

* Sec. 1216 of DRRRA provides debt waiver authority as follows: “(a) WAIVER AUTHORITY.—(1) DEFINITION.—In this subsection, the term “covered assistance” means assistance provided—(A) under section 408 of the [Stafford Act] (42 U.S.C. 5174); and (B) in relation to a major disaster or emergency declared by the President under section 401 or 501, respectively, of the [Stafford Act] (42 U.S.C. 5170, 5191) on or after October 28, 2012. (2) AUTHORITY. - Notwithstanding section 3716(e) of title 31, United States Code, the Administrator—(A) subject to subparagraph (B), may waive a debt owed to the United States related to covered assistance provided to an individual or household if—(i) the covered assistance was distributed based on an error by the Agency; (ii) there was no fault on behalf of the debtor; and (iii) the collection of the debt would be against equity and good conscience; and (B) may not waive a debt under subparagraph (A) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.” This waiver authority will not apply to any major disaster or emergency declared after the OIG publishes a determination of excessive error rate.

Sec. 1216(b)(1) of DRRRA provides “Notwithstanding [31 U.S.C. 3716(e)] and unless there is evidence of civil or criminal fraud, the Agency may not take any action to recoup covered assistance from the recipient of such assistance if the receipt of such assistance occurred on a date that is more than 3 years before the date on which the Agency first provides to the recipient written notification of an intent to recoup.”

- (1) TEMPORARY HOUSING -
 - (A) FINANCIAL ASSISTANCE -
 - (i) IN GENERAL - The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings. Such assistance may include the payment of the cost of utilities, excluding telephone service.
 - (ii) AMOUNT - The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, security deposits, or unit installation not provided directly by the President.
 - (B) DIRECT ASSISTANCE -
 - (i) IN GENERAL - The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).
 - (ii) LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING -
 - (I) IN GENERAL - The President, to the extent the President determines it would be a cost-effective alternative to other temporary housing options, may -
 - (aa) enter into lease agreements with owners of multifamily rental property impacted by a major disaster or located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and
 - (bb) make repairs or improvements to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.
 - (II) IMPROVEMENTS OR REPAIRS - Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement.
 - (iii) PERIOD OF ASSISTANCE - The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.
 - (iv) COLLECTION OF RENTAL CHARGES - After the end of the 18-month period referred to in clause (iii), the President may charge fair market rent for each temporary housing unit provided.

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- (2) REPAIRS -
- (A) IN GENERAL - The President may provide financial assistance for -
- (i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and
 - (ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.
- (B) RELATIONSHIP TO OTHER ASSISTANCE - A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.
- (3) REPLACEMENT -
- (A) IN GENERAL - The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.
- (B) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT - With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.
- (4) PERMANENT HOUSING CONSTRUCTION - The President may provide financial assistance or direct assistance to individuals or households to construct permanent or semi-permanent housing in insular areas outside the continental United States and in other locations in cases in which -
- (A) no alternative housing resources are available; and
 - (B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.
- (d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE -
- (1) SITES -
- (A) IN GENERAL - Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that -
- (i) is complete with utilities;
 - (ii) meets the physical accessibility requirements for individuals with disabilities; and
 - (iii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.
- (B) SITES PROVIDED BY THE PRESIDENT - A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.
- (2) DISPOSAL OF UNITS -
- (A) SALE TO OCCUPANTS -
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- (i) IN GENERAL - Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.
 - (ii) SALE PRICE - A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.
 - (iii) DEPOSIT OF PROCEEDS - Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.
 - (iv) HAZARD AND FLOOD INSURANCE - A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.
 - (v) USE OF GSA SERVICES - The President may use the services of the General Services Administration to accomplish a sale under clause (i).
- (B) OTHER METHODS OF DISPOSAL - If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims -
- (i) may be sold to any person; or
 - (ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees -
 - (I) to comply with the nondiscrimination provisions of section 5151 of this title [Section 308]; and
 - (II) to obtain and maintain hazard and flood insurance on the housing unit.
- (e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS* -
- (1) MEDICAL, DENTAL, CHILD CARE, AND FUNERAL EXPENSES - The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, child care, and funeral expenses.
 - (2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES - The President, in consultation with the Governor of a State, may provide financial assistance under

* Sec. 1238 of DRRRA provides that, notwithstanding section 1 of the Passport Act of 1920 or any other provision of law, the President, in consultation with the Governor of a State, may waive document replacement fees as specified in that provision for an individual or household described in sec. 408(e)(1). This assistance is not subject to assistance limits in sec. 408(h).

this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

- (f) STATE ROLE -
- (1) STATE- OR INDIAN TRIBAL GOVERNMENT-ADMINISTERED ASSISTANCE AND OTHER NEEDS ASSISTANCE -
- (A) GRANT TO STATE* - Subject to subsection (g) of this section, a Governor may request a grant from the President to provide assistance to individuals and households in the State under subsections (c)(1)(B), (c)(4), and (e) if the President and the State or Indian tribal government comply, as determined by the Administrator, with paragraph (3) of this section.
- (B) ADMINISTRATIVE COSTS - A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing assistance to individuals and households in the State under subsections (c)(1)(B), (c)(4), and (e) of this section.
- (2) ACCESS TO RECORDS - In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.
- (3) REQUIREMENTS -
- (A) APPLICATION - A State or Indian tribal government desiring to provide assistance under subsection (c)(1)(B), (c)(4), or (e) shall submit to the President an application for a grant to provide financial assistance under the program.
- (B) CRITERIA - The President, in consultation and coordination with State and Indian tribal governments, shall establish criteria for the approval of applications submitted under subparagraph (A). The criteria shall include, at a minimum—
- (i) a requirement that the State or Indian tribal government submit a housing strategy under subparagraph (C);
- (ii) the demonstrated ability of the State or Indian tribal government to manage the program under this section;
- (iii) there being in effect a plan approved by the President as to how the State or Indian tribal government will comply with applicable Federal

* Sec. 1211(b) of DRRRA provides that FEMA shall reimburse State and local units of government “for requests received within a period of 3 years after the declaration of a major disaster” upon a determination that a locally implemented housing solution, implemented by State or local units of government: (1) costs 50 percent of comparable FEMA solution or whatever the locally implemented solution costs, whichever is lower; (2) complies with local housing regulations and ordinances; and (3) the housing solution was implemented within 90 days of the disaster.

laws and regulations and how the State or Indian tribal government will provide assistance under its plan;

- (iv) a requirement that the State or Indian tribal government comply with rules and regulations established pursuant to subsection (j); and
- (v) a requirement that the President, or the designee of the President, comply with subsection (i).

(C) REQUIREMENT OF HOUSING STRATEGY -

- (i) IN GENERAL—A State or Indian tribal government submitting an application under this paragraph shall have an approved housing strategy, which shall be developed and submitted to the President for approval.
- (ii) REQUIREMENTS—The housing strategy required under clause (i) shall—
 - (I) outline the approach of the State in working with Federal partners, Indian tribal governments, local communities, nongovernmental organizations, and individual disaster survivors to meet disaster-related sheltering and housing needs; and
 - (II) include the establishment of an activation plan for a State Disaster Housing Task Force, as outlined in the National Disaster Housing Strategy, to bring together State, tribal, local, Federal, nongovernmental, and private sector expertise to evaluate housing requirements, consider potential solutions, recognize special needs populations, and propose recommendations.

(D) QUALITY ASSURANCE - Before approving an application submitted under this section, the President, or the designee of the President, shall institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and program mismanagement for this program and for programs under subsections (c)(1)(B), (c)(4), and (e). The President shall monitor and conduct quality assurance activities on a State or Indian tribal government's implementation of programs under subsections (c)(1)(B), (c)(4), and (e). If, after approving an application of a State or Indian tribal government submitted under this paragraph, the President determines that the State or Indian tribal government is not administering the program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

(E) AUDITS - The Inspector General of the Department of Homeland Security shall provide for periodic audits of the programs administered by States and Indian tribal governments under this subsection.

(F) APPLICABLE LAWS - All Federal laws applicable to the management, administration, or contracting of the programs by [FEMA] under this section shall be applicable to the management, administration, or contracting by a non-Federal entity under this section.

(G) REPORT ON EFFECTIVENESS - Not later than 18 months after the date of enactment of this paragraph, the Inspector General of the Department of

Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the State or Indian tribal government's role to provide assistance under this section. The report shall contain an assessment of the effectiveness of the State or Indian tribal government's role in providing assistance under this section, including—

- (i) whether the State or Indian tribal government's role helped to improve the general speed of disaster recovery;
- (ii) whether the State or Indian tribal government providing assistance under this section had the capacity to administer this section; and
- (iii) recommendations for changes to improve the program if the State or Indian tribal government's role to administer the programs should be continued.

(H) REPORT ON INCENTIVES—Not later than 12 months after the date of enactment of this paragraph, the Administrator of [FEMA] shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on a potential incentive structure for awards made under this section to encourage participation by eligible States and Indian tribal governments. In developing this report, the Administrator of [FEMA] shall consult with State, local, and Indian tribal entities to gain their input on any such incentive structure to encourage participation and shall include this information in the report. This report should address, among other options, potential adjustments to the cost-share requirement and management costs to State and Indian tribal governments.

(I) PROHIBITION - The President may not condition the provision of Federal assistance under this Act on a State or Indian tribal government requesting a grant under this section.

(J) MISCELLANEOUS -

(i) NOTICE AND COMMENT - The Administrator of [FEMA] may waive notice and comment rulemaking with respect to rules to carry out this section, if the Administrator determines doing so is necessary to expeditiously implement this section, and may carry out this section as a pilot program until such regulations are promulgated.

(ii) FINAL RULE - Not later than 2 years after the date of enactment of this paragraph, the Administrator of [FEMA] shall issue final regulations to implement this subsection as amended by [DRRA].

(iii) WAIVER AND EXPIRATION - The authority under clause (i) and any pilot program implemented pursuant to such clause shall expire 2 years after the date of enactment of this paragraph or upon issuance of final regulations pursuant to clause (ii), whichever occurs sooner.

(g) COST SHARING -

- (1) FEDERAL SHARE - Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.
 - (2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS - In the case of financial assistance provided under subsection (e) of this section -
 - (A) the Federal share shall be 75 percent; and
 - (B) the non-Federal share shall be paid from funds made available by the State.
- (h) MAXIMUM AMOUNT OF ASSISTANCE -
- (1) IN GENERAL - No individual or household shall receive financial assistance greater than \$25,000 under this section with respect to a single major disaster, excluding financial assistance to rent alternate housing accommodations under subsection (c)(1)(A)(i) and financial assistance to address other needs under subsection (e).
 - (2) OTHER NEEDS ASSISTANCE - The maximum financial assistance any individual or household may receive under subsection (e) shall be equivalent to the amount set forth in paragraph (1) with respect to a single major disaster.
 - (3) ADJUSTMENT OF LIMIT - The limit established under paragraphs (1) and (2) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.
 - (4) EXCLUSION OF NECESSARY EXPENSES FOR INDIVIDUALS WITH DISABILITIES -
 - (A) IN GENERAL - The maximum amount of assistance established under paragraph (1) shall exclude expenses to repair or replace damaged accessibility-related improvements under paragraphs (2), (3), and (4) of subsection (c) for individuals with disabilities.
 - (B) OTHER NEEDS ASSISTANCE - The maximum amount of assistance established under paragraph (2) shall exclude expenses to repair or replace accessibility-related personal property under subsection (e)(2) for individuals with disabilities.
- (i) VERIFICATION MEASURES - In carrying out this section, the President shall develop a system, including an electronic database, that shall allow the President, or the designee of the President, to -
- (1) verify the identity and address of recipients of assistance under this section to provide reasonable assurance that payments are made only to an individual or household that is eligible for such assistance;
 - (2) minimize the risk of making duplicative payments or payments for fraudulent claims under this section;
 - (3) collect any duplicate payment on a claim under this section, or reduce the amount of subsequent payments to offset the amount of any such duplicate payment;
 - (4) provide instructions to recipients of assistance under this section regarding the proper use of any such assistance, regardless of how such assistance is distributed; and
 - (5) conduct an expedited and simplified review and appeal process for an individual

or household whose application for assistance under this section is denied.

- (j) **RULES AND REGULATIONS** - The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.

Sec. 410. Unemployment Assistance (42 U.S.C. 5177)

- (a) **BENEFIT ASSISTANCE** - The President is authorized to provide to any individual unemployed as a result of a major disaster such benefit assistance as he deems appropriate while such individual is unemployed for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in [the Internal Revenue Code of 1986, 26 U.S.C. § 85(b)]) or a waiting period credit. Such assistance as the President shall provide shall be available to an individual as long as the individual's unemployment caused by the major disaster continues or until the individual is reemployed in a suitable position, but no longer than 26 weeks after the major disaster is declared. Such assistance for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred. The President is directed to provide such assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies.
- (b) **REEMPLOYMENT ASSISTANCE**
- (1) **STATE ASSISTANCE** - A State shall provide, without reimbursement from any funds provided under this Act, reemployment assistance services under any other law administered by the State to individuals receiving benefits under this section.
- (2) **FEDERAL ASSISTANCE** - The President may provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster and who reside in a State which does not provide such services.

Emergency Grants to Assist Low-Income Migrant and Seasonal Farmworkers
(42 U.S.C. 5177a)*

- (a) **IN GENERAL** - The Secretary of Agriculture may make grants to public agencies or private organizations with tax exempt status under section 501(c)(3) of title 26, that have experience in providing emergency services to low-income migrant and seasonal farmworkers where the Secretary determines that a local, State or national emergency or disaster has caused low-income migrant or seasonal farmworkers to lose income, to be unable to work, or to stay home or return home in anticipation of work shortages. Emergency services to be provided with assistance received under this section may include such types of assistance as the Secretary of Agriculture determines to be necessary and appropriate.
- (b) **“LOW-INCOME MIGRANT OR SEASONAL FARMWORKER” DEFINED** - For the purposes of this section, the term “low-income migrant or seasonal farmworker” means an individual -
- (1) who has, during any consecutive 12 month period within the preceding 24 month period, performed farm work for wages;

* This section was enacted as part of the Food, Agriculture, Conservation, and Trade Act of 1990.