

115TH CONGRESS  
1ST SESSION

# H. R. 4438

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to waive a prohibition, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2017

Mr. GRAVES of Louisiana (for himself, Mr. RICHMOND, Mr. McCAUL, Ms. PLASKETT, Mr. CULBERSON, Mr. CRIST, Mr. CARTER of Texas, Mr. HIGGINS of Louisiana, Mr. FARENTHOLD, Mr. WEBSTER of Florida, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. WEBER of Texas, and Mr. BABIN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to waive a prohibition, 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. DUPLICATION OF BENEFITS.**

4 (a) IN GENERAL.—Section 312(b) of the Robert T.  
5 Stafford Disaster Relief and Emergency Assistance Act  
6 (42 U.S.C. 5155(b)) is amended by adding at the end the  
7 following:

8 “(4) WAIVER OF GENERAL PROHIBITION.—

1           “(A) IN GENERAL.—The President may  
2 waive the general prohibition provided in sub-  
3 section (a) upon request of a Governor, if the  
4 President finds such waiver is in the public in-  
5 terest. In making this decision the President  
6 may consider the following:

7           “(i) The recommendations of the Ad-  
8 ministrator of the Federal Emergency  
9 Management Agency made in consultation  
10 with the Federal agency administering the  
11 duplicative program.

12           “(ii) The cost benefits to be achieved  
13 by funding the assistance if the waiver is  
14 granted.

15           “(iii) Equity and good conscience.

16           “(iv) Other matters of public policy  
17 considered appropriate by the President.

18           “(B) GRANT OR DENIAL OF WAIVER.—A re-  
19 quest under subparagraph (A) shall be granted or  
20 denied not later than 45 days after submission of  
21 such request.

22           “(C) PROHIBITION ON DETERMINATION THAT  
23 LOAN IS A DUPLICATION.—Notwithstanding sub-  
24 section (c), in carrying out subparagraph (A), the

1 President may not determine that a loan is a dupli-  
2 cation of assistance.”.

3 (b) FUNDING OF A FEDERALLY AUTHORIZED WATER  
4 RESOURCES DEVELOPMENT PROJECT.—

5 (1) Notwithstanding section 312 of the Robert  
6 T. Stafford Disaster Relief and Emergency Assist-  
7 ance Act and its implementing regulations, assist-  
8 ance provided pursuant to section 404 of such Act  
9 may be used to fund eligible activities under section  
10 404 associated with the construction of a federally  
11 authorized water resources development project of  
12 the Army Corps of Engineers.

13 (2) Nothing in this subsection shall be con-  
14 strued to change the cost share of the hazard miti-  
15 gation measures as determined under section 404.

16 (3) All Federal funding provided under section  
17 404 pursuant to this subsection shall be considered  
18 Federal funding for the purposes of a federally au-  
19 thorized water resources development project of the  
20 Army Corps of Engineers to which the State or local  
21 funding is applied.

22 (4) All non-Federal match funding provided  
23 under section 404 pursuant to this subsection shall  
24 be considered non-Federal funding for the purposes  
25 of a federally authorized water resources develop-

1        ment project of the Army Corps of Engineers to  
2        which State or local funding is applied.

3            (5) Funding provided under section 404 pursu-  
4        ant to this subsection may not exceed the total Fed-  
5        eral share for a federally authorized water resources  
6        development project of the Army Corps of Engi-  
7        neers.

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