

COMMUNITY SHELTER PROTECTION ACT OF 2011

DECEMBER 20, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MICA, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2919]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2919) to eliminate the reimbursement requirement for certain tornado shelters constructed with Federal assistance, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Community Shelter Protection Act of 2011”.

SEC. 2. NO REIMBURSEMENT REQUIRED FOR COVERED TORNADO SHELTER FACILITIES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Federal Emergency Management Agency (FEMA) may not require an educational institution to reimburse FEMA for the market value of a covered temporary tornado shelter facility.

(b) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **COVERED TEMPORARY TORNADO SHELTER FACILITY.**—The term “covered temporary tornado shelter facility” means a structure—

(A) designed to provide children protection from a tornado; and

(B) constructed or acquired with Federal financial assistance.

(2) **EDUCATIONAL INSTITUTION.**—The term “educational institution” means any elementary school or any secondary school provided FEMA assistance pursuant to section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b).

PURPOSE OF LEGISLATION

H.R. 2919 would eliminate the reimbursement requirement for certain tornado shelters constructed with Federal assistance, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2919, the Community Shelter Protection Act of 2011, would eliminate the reimbursement requirement for certain tornado shelters constructed with Federal assistance, and for other purposes.

This bill addresses a problem with the Federal Emergency Management Agency (FEMA) policy concerning temporary tornado shelters for schools that were severely damaged by tornados earlier this year. Under current FEMA regulations, elementary and secondary schools are required to pay FEMA the fair market value of a covered temporary tornado shelter facility when the facility is no longer needed for its temporary purpose or pay to have it disposed.

This legislation would prevent FEMA from requiring an educational institution Public Assistance applicant to reimburse FEMA for these shelters. This legislation fixes the current policy that forces cash-strapped schools to choose between purchasing a life-saving shelter or having it removed or demolished, putting the safety of children at risk, while wasting taxpayer funds to tear down a functioning shelter that taxpayers have already paid to erect.

HEARINGS

No hearings were held on H.R. 2919.

LEGISLATIVE HISTORY AND CONSIDERATION

On September 14, 2011, Congressman Spencer Bachus, introduced H.R. 2919, the Community Shelter Protection Act of 2011. H.R. 2919 has eight co-sponsors.

On October 13, 2011, the Committee on Transportation and Infrastructure met in open session, and ordered the bill reported favorably to the House by voice vote with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no record votes

taken in connection with consideration of H.R. 2919, or ordering the bill reported. A motion to order H.R. 2919 reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 2919 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 31, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2919, a bill to eliminate the reimbursement requirement for certain tornado shelters constructed with federal assistance, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 2919—A bill to eliminate the reimbursement requirement for certain tornado shelters constructed with federal assistance, and for other purposes

H.R. 2919 would allow elementary and secondary schools to retain temporary tornado shelters constructed using federal funds without reimbursing the Federal Emergency Management Agency (FEMA). Enacting this legislation would affect direct spending; therefore, pay-as-you-go procedures would apply. However, CBO estimates that the net effects would be insignificant for each year.

Under current law, schools receiving federal disaster assistance may construct a temporary tornado shelter when a pre-existing shelter has been damaged. Once the temporary shelter is no longer in use, the property may be transferred back to the federal government for disposal or retained by the school for sale or use. If the

shelter is retained by the school, FEMA must be reimbursed in an amount equal to the sale proceeds or market value, multiplied by the federal share of construction costs (typically 75 percent).

H.R. 2919 would allow schools to retain a temporary tornado shelter without reimbursing FEMA, thereby decreasing receipts to the federal government (recorded as an increase in direct spending). Based on information from FEMA, CBO estimates those receipts will be insignificant over the next 10 years. Under current law, proceeds from the disposal of temporary shelters are available to provide future disaster assistance without further appropriation action. Thus, a decrease in receipts from property disposal also would reduce direct spending by an equivalent amount, resulting in no net impact on the budget.

Because this legislation would reduce amounts available to FEMA for disaster relief, additional appropriations to FEMA may be necessary in the future. CBO estimates the cost of any additional appropriations under this bill would be insignificant in each year.

H.R. 2919 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Daniel Hoople. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to eliminate the reimbursement requirement for certain tornado shelters constructed with Federal assistance, and for other purposes.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the “Unfunded Mandates Reform Act” (P.L. 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 2919 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (P.L. 104–1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1. Short title

This section establishes the short title as the Community Shelter Protection Act of 2011.

Section 2. No reimbursement required for covered tornado shelter facilities

This section prohibits FEMA from requiring an educational institution Public Assistance applicant to reimburse FEMA for the market value of a covered temporary tornado shelter facility when the facility is no longer needed for its temporary purpose. This section also establishes definitions for a “Covered Temporary Tornado Shelter” and “Educational Institution.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 2919 makes no changes in existing law.