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2D SESSION

H. R. 2903

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2012

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To reauthorize the programs and activities of the Federal
Emergency Management Agency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “FEMA Reauthorization Act of 2012”.

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

Sec. 1. Short title and table of contents.

TITLE I—REAUTHORIZATION OF FEMA AND MODERNIZATION OF
INTEGRATED PUBLIC ALERT AND WARNING SYSTEM

Sec. 101. Reauthorization of Federal Emergency Management Agency.

Sec. 102. Integrated Public Alert and Warning System Modernization.

TITLE II—STAFFORD ACT AND OTHER PROGRAMS

Sec. 201. Reauthorization of urban search and rescue response system.

Sec. 202. Reauthorization of emergency management assistance compact grants.

Sec. 203. Disposal of excess property to assist other disaster survivors.

Sec. 204. Storage, sale, transfer, and disposal of housing units.

Sec. 205. Other methods of disposal.

Sec. 206. Establishment of criteria relating to administration of hazard mitigation assistance by States.

Sec. 207. Review of regulations and policies.

Sec. 208. Appeals process.

Sec. 209. Implementation of cost estimating.

Sec. 210. Tribal requests for a major disaster or emergency declaration under the Stafford Act.

Sec. 211. Individual assistance factors.

Sec. 212. Public assistance pilot program.

Sec. 213. Public assistance debris removal procedures.

Sec. 214. Use of funds.

Sec. 215. Reduction of authorization for emergency management performance grants.

Sec. 216. Technical correction.

Sec. 217. National Dam Safety Program Act reauthorization.

1 **TITLE I—REAUTHORIZATION OF**
2 **FEMA AND MODERNIZATION**
3 **OF INTEGRATED PUBLIC**
4 **ALERT AND WARNING SYS-**
5 **TEM**

6 **SEC. 101. REAUTHORIZATION OF FEDERAL EMERGENCY**
7 **MANAGEMENT AGENCY.**

8 Section 699 of the Post-Katrina Emergency Manage-
9 ment Reform Act of 2006 (6 U.S.C. 811) is amended to
10 read as follows:

11 **“SEC. 699. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to carry out
13 this title and the amendments made by this title for the
14 salaries and expenses of the Agency—

15 “(1) for fiscal year 2012, \$1,031,378,000, in-
16 cluding amounts transferred from grant programs;

17 “(2) for fiscal year 2013, \$1,031,378,000, in-
18 cluding amounts transferred from grant programs;

19 and

20 “(3) for fiscal year 2014, \$1,031,378,000, in-
21 cluding amounts transferred from grant programs.”.

1 **SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
2 **TEM MODERNIZATION.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Integrated Public Alert and Warning System Moderniza-
5 tion Act of 2012”.

6 (b) **INTEGRATED PUBLIC ALERT AND WARNING SYS-**
7 **TEM MODERNIZATION.**—

8 (1) **IN GENERAL.**—To provide timely and effec-
9 tive disaster warnings under this section, the Presi-
10 dent, acting through the Administrator of the Fed-
11 eral Emergency Management Agency, shall—

12 (A) modernize the integrated public alert
13 and warning system of the United States (in
14 this section referred to as the “public alert and
15 warning system”) to ensure that the President
16 under all conditions is able to alert and warn
17 governmental authorities and the civilian popu-
18 lation in areas endangered by disasters; and

19 (B) implement the public alert and warn-
20 ing system.

21 (2) **IMPLEMENTATION REQUIREMENTS.**—In car-
22 rying out paragraph (1), the Administrator shall,
23 consistent with the recommendations in the final re-
24 port of the Integrated Public Alert and Warning
25 System Advisory Committee (established under sub-
26 section (c))—

1 (A) establish or adopt, as appropriate,
2 common alerting and warning protocols, stand-
3 ards, terminology, and operating procedures for
4 the public alert and warning system;

5 (B) include in the public alert and warning
6 system the capability to adapt the distribution
7 and content of communications on the basis of
8 geographic location, risks, or personal user
9 preferences, as appropriate;

10 (C) include in the public alert and warning
11 system the capability to alert and warn, and
12 provide the equivalent amount of information to
13 individuals with disabilities and individuals with
14 access and functional needs;

15 (D) ensure that training, tests, and exer-
16 cises are conducted for the public alert and
17 warning system and that the system is incor-
18 porated into other training and exercise pro-
19 grams of the Department of Homeland Secu-
20 rity, as appropriate;

21 (E) establish and integrate into the Na-
22 tional Incident Management System a com-
23 prehensive and periodic training program to in-
24 struct and educate Federal, State, Tribal, and
25 local government officials in the use of the

1 Common Alerting Protocol enabled Emergency
2 Alert System;

3 (F) conduct, at least once every 3 years,
4 periodic nationwide tests of the public alert and
5 warning system; and

6 (G) ensure that the public alert and warn-
7 ing system is resilient, secure, and can with-
8 stand acts of terrorism and other external at-
9 tacks.

10 (3) SYSTEM REQUIREMENTS.—The public alert
11 and warning system shall—

12 (A) incorporate multiple communications
13 technologies;

14 (B) be designed to adapt to, and incor-
15 porate, future technologies for communicating
16 directly with the public;

17 (C) to the extent technically feasible, be
18 designed to provide alerts to the largest portion
19 of the affected population, including non-
20 resident visitors and tourists and individuals
21 with disabilities and access and functional
22 needs, and improve the ability of remote areas
23 to receive alerts;

1 (D) promote local and regional public and
2 private partnerships to enhance community pre-
3 paredness and response;

4 (E) provide redundant alert mechanisms if
5 practicable so as to reach the greatest number
6 of people regardless of whether they have access
7 to, or utilize, any specific medium of commu-
8 nication or any particular device; and

9 (F) include a mechanism to ensure the
10 protection of individual privacy.

11 (4) IMPLEMENTATION PLAN.—Not later than
12 180 days after the date of submission of the report
13 of the Integrated Public Alert and Warning System
14 Advisory Committee, the Administrator shall submit
15 to the Committee on Transportation and Infrastruc-
16 ture and the Committee on Homeland Security of
17 the House of Representatives and the Committee on
18 Homeland Security and Governmental Affairs of the
19 Senate a detailed plan to implement the public alert
20 and warning system. The plan shall include a
21 timeline for implementation, a spending plan, and
22 recommendations for any additional authority that
23 may be necessary to fully implement this subsection.

24 (5) MAXIMUM FUNDS.—The Administrator may
25 use not more than \$13,287,000 of the amount made

1 available pursuant to section 699 of the Post-
2 Katrina Emergency Management Reform Act of
3 2006 (6 U.S.C. 811) for each of fiscal years 2012,
4 2013, and 2014 to carry out the provisions of this
5 section.

6 (c) INTEGRATED PUBLIC ALERT AND WARNING SYS-
7 TEM ADVISORY COMMITTEE.—

8 (1) ESTABLISHMENT.—Not later than 90 days
9 after the date of enactment of this Act, the Adminis-
10 trator of the Federal Emergency Management Agen-
11 cy shall establish an advisory committee to be known
12 as the Integrated Public Alert and Warning System
13 Advisory Committee (in this subsection referred to
14 as the “Advisory Committee”).

15 (2) MEMBERSHIP.—The Advisory Committee
16 shall be composed of the following members (or their
17 designees) to be appointed by the Administrator as
18 soon as practicable after the date of enactment of
19 this Act:

20 (A) The Chairman of the Federal Commu-
21 nications Commission.

22 (B) The Administrator of the National
23 Oceanic and Atmospheric Administration of the
24 Department of Commerce.

1 (C) The Assistant Secretary for Commu-
2 nications and Information of the Department of
3 Commerce.

4 (D) Representatives of State and local gov-
5 ernments, representatives of emergency man-
6 agement agencies, and representatives of emer-
7 gency response providers, selected from among
8 individuals nominated by national organizations
9 representing governments and personnel.

10 (E) Representatives from federally recog-
11 nized Indian tribes and national Indian organi-
12 zations.

13 (F) Individuals who have the requisite
14 technical knowledge and expertise to serve on
15 the Advisory Committee, including representa-
16 tives of—

- 17 (i) communications service providers;
18 (ii) vendors, developers, and manufac-
19 turers of systems, facilities, equipment,
20 and capabilities for the provision of com-
21 munications services;
22 (iii) third-party service bureaus;
23 (iv) the broadcasting industry;
24 (v) the national organization rep-
25 resenting the licensees and permittees of

1 noncommercial broadcast television sta-
2 tions;

3 (vi) the cellular industry;

4 (vii) the cable industry;

5 (viii) the satellite industry; and

6 (ix) national organizations rep-
7 resenting individuals with disabilities and
8 access and functional needs and national
9 organizations representing the elderly.

10 (G) Qualified representatives of such other
11 stakeholders and interested and affected parties
12 as the Administrator considers appropriate.

13 (3) CHAIRPERSON.—The Administrator shall
14 serve as the Chairperson of the Advisory Committee.

15 (4) MEETINGS.—

16 (A) INITIAL MEETING.—The initial meet-
17 ing of the Advisory Committee shall take place
18 not later than 120 days after the date of enact-
19 ment of this Act.

20 (B) OTHER MEETINGS.—After the initial
21 meeting, the Advisory Committee shall meet at
22 the call of the Chairperson.

23 (C) NOTICE; OPEN MEETINGS.—Meetings
24 held by the Advisory Committee shall be duly

1 noticed at least 14 days in advance and shall be
2 open to the public.

3 (5) RULES.—

4 (A) QUORUM.—One-third of the members
5 of the Advisory Committee shall constitute a
6 quorum for conducting business of the Advisory
7 Committee.

8 (B) SUBCOMMITTEES.—To assist the Advi-
9 sory Committee in carrying out its functions,
10 the Chairperson may establish appropriate sub-
11 committees composed of members of the Advi-
12 sory Committee and other subject matter ex-
13 perts as the Chairperson considers necessary.

14 (C) ADDITIONAL RULES.—The Advisory
15 Committee may adopt such other rules as are
16 necessary to carry out its duties.

17 (6) CONSULTATION WITH NONMEMBERS.—The
18 Advisory Committee and the program offices for the
19 integrated public alert and warning system for the
20 United States shall regularly meet with groups that
21 are not represented on the Advisory Committee to
22 consider new and developing technologies that may
23 be beneficial to the public alert and warning system.
24 Such groups may include—

1 (A) the Defense Advanced Research
2 Projects Agency;

3 (B) entities engaged in federally funded re-
4 search; and

5 (C) academic institutions engaged in rel-
6 evant work and research.

7 (7) RECOMMENDATIONS.—The Advisory Com-
8 mittee shall develop recommendations for an inte-
9 grated public alert and warning system, including—

10 (A) recommendations for common alerting
11 and warning protocols, standards, terminology,
12 and operating procedures for the public alert
13 and warning system; and

14 (B) recommendations to provide for a pub-
15 lic alert and warning system that—

16 (i) has the capability to adapt the dis-
17 tribution and content of communications
18 on the basis of geographic location, risks,
19 or personal user preferences, as appro-
20 priate;

21 (ii) has the capability to alert and
22 warn individuals with disabilities and indi-
23 viduals with limited English proficiency;

24 (iii) incorporates multiple communica-
25 tions technologies;

1 (iv) is designed to adapt to, and incor-
2 porate, future technologies for commu-
3 nicating directly with the public;

4 (v) is designed to provide alerts to the
5 largest portion of the affected population
6 feasible, including nonresident visitors and
7 tourists, and improve the ability of remote
8 areas to receive alerts;

9 (vi) promotes local and regional public
10 and private partnerships to enhance com-
11 munity preparedness and response; and

12 (vii) provides redundant alert mecha-
13 nisms if practicable in order to reach the
14 greatest number of people regardless of
15 whether they have access to, or utilize, any
16 specific medium of communication or any
17 particular device.

18 (8) INITIAL AND ANNUAL REPORT.—Not later
19 than 1 year after the date of enactment of this Act,
20 the Advisory Committee shall submit to the Admin-
21 istrator, the Committee on Transportation and In-
22 frastructure and the Committee on Homeland Secu-
23 rity of the House of Representatives, and the Com-
24 mittee on Homeland Security and Governmental Af-

1 fairs of the Senate a report containing the rec-
2 ommendations of the Advisory Committee.

3 (9) FEDERAL ADVISORY COMMITTEE ACT.—
4 Neither the Federal Advisory Committee Act (5
5 U.S.C. App.) nor any rule, order, or regulation pro-
6 mulgated under that Act shall apply to the Advisory
7 Committee.

8 (10) TERMINATION.—The Advisory Committee
9 shall terminate not later than 3 years after the date
10 of enactment of this Act.

11 (d) LIMITATION ON STATUTORY CONSTRUCTION.—
12 Nothing in this section shall be construed to affect the
13 authority of the Department of Commerce or the Federal
14 Communications Commission.

15 **TITLE II—STAFFORD ACT AND** 16 **OTHER PROGRAMS**

17 **SEC. 201. REAUTHORIZATION OF URBAN SEARCH AND RES-** 18 **CUE RESPONSE SYSTEM.**

19 (a) IN GENERAL.—Title III of the Robert T. Stafford
20 Disaster Relief and Emergency Assistance Act (42 U.S.C.
21 5141 et seq.) is amended by adding at the end the fol-
22 lowing:

1 **“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RE-**
2 **SPONSE SYSTEM.**

3 “(a) DEFINITIONS.—In this section, the following
4 definitions apply:

5 “(1) ADMINISTRATOR.—The term ‘Adminis-
6 trator’ means the Administrator of the Federal
7 Emergency Management Agency.

8 “(2) AGENCY.—The term ‘Agency’ means the
9 Federal Emergency Management Agency.

10 “(3) HAZARD.—The term ‘hazard’ has the
11 meaning given that term by section 602.

12 “(4) NON-EMPLOYEE SYSTEM MEMBER.—The
13 term ‘non-employee System member’ means a Sys-
14 tem member not employed by a sponsoring agency
15 or participating agency.

16 “(5) PARTICIPATING AGENCY.—The term ‘par-
17 ticipating agency’ means a State or local govern-
18 ment, nonprofit organization, or private organization
19 that has executed an agreement with a sponsoring
20 agency to participate in the System.

21 “(6) SPONSORING AGENCY.—The term ‘spon-
22 soring agency’ means a State or local government
23 that is the sponsor of a task force designated by the
24 Administrator to participate in the System.

1 “(7) SYSTEM.—The term ‘System’ means the
2 National Urban Search and Rescue Response Sys-
3 tem to be administered under this section.

4 “(8) SYSTEM MEMBER.—The term ‘System
5 member’ means an individual who is not a full-time
6 employee of the Federal Government and who serves
7 on a task force or on a System management or other
8 technical team.

9 “(9) TASK FORCE.—The term ‘task force’
10 means an urban search and rescue team designated
11 by the Administrator to participate in the System.

12 “(b) GENERAL AUTHORITY.—Subject to the require-
13 ments of this section, the Administrator shall continue to
14 administer the emergency response system known as the
15 National Urban Search and Rescue Response System.

16 “(c) FUNCTIONS.—In administering the System, the
17 Administrator shall provide for a national network of
18 standardized search and rescue resources to assist States
19 and local governments in responding to hazards.

20 “(d) TASK FORCES.—

21 “(1) DESIGNATION.—The Administrator shall
22 designate task forces to participate in the System.
23 The Administrator shall determine the criteria for
24 such participation.

1 “(2) SPONSORING AGENCIES.—Each task force
2 shall have a sponsoring agency. The Administrator
3 shall enter into an agreement with the sponsoring
4 agency with respect to the participation of each task
5 force in the System.

6 “(3) COMPOSITION.—

7 “(A) PARTICIPATING AGENCIES.—A task
8 force may include, at the discretion of the spon-
9 soring agency, 1 or more participating agencies.
10 The sponsoring agency shall enter into an
11 agreement with each participating agency of the
12 task force with respect to the participation of
13 the participating agency on the task force.

14 “(B) OTHER INDIVIDUALS.—A task force
15 may also include, at the discretion of the spon-
16 soring agency, other individuals not otherwise
17 associated with the sponsoring agency or a par-
18 ticipating agency of the task force. The spon-
19 soring agency of a task force may enter into a
20 separate agreement with each such individual
21 with respect to the participation of the indi-
22 vidual on the task force.

23 “(e) MANAGEMENT AND TECHNICAL TEAMS.—The
24 Administrator shall maintain such management teams and

1 other technical teams as the Administrator determines are
2 necessary to administer the System.

3 “(f) APPOINTMENT OF SYSTEM MEMBERS INTO
4 FEDERAL SERVICE.—

5 “(1) IN GENERAL.—The Administrator may ap-
6 point a System member into Federal service for a
7 period of service to provide for the participation of
8 the System member in exercises, preincident staging,
9 major disaster and emergency response activities,
10 and training events sponsored or sanctioned by the
11 Administrator.

12 “(2) NONAPPLICABILITY OF CERTAIN CIVIL
13 SERVICE LAWS.—The Administrator may make ap-
14 pointments under paragraph (1) without regard to
15 the provisions of title 5, United States Code, gov-
16 erning appointments in the competitive service.

17 “(3) RELATIONSHIP TO OTHER AUTHORI-
18 TIES.—The authority of the Administrator to make
19 appointments under this subsection shall not affect
20 any other authority of the Administrator under this
21 Act.

22 “(4) LIMITATION.—A System member who is
23 appointed into Federal service under paragraph (1)
24 shall not be considered an employee of the United

1 States for purposes other than those specifically set
2 forth in this section.

3 “(g) COMPENSATION.—

4 “(1) PAY OF SYSTEM MEMBERS.—Subject to
5 such terms and conditions as the Administrator may
6 impose by regulation, the Administrator shall make
7 payments to the sponsoring agency of a task force—

8 “(A) to reimburse each employer of a Sys-
9 tem member on the task force for compensation
10 paid by the employer to the System member for
11 any period during which the System member is
12 appointed into Federal service under subsection
13 (f)(1); and

14 “(B) to make payments directly to a non-
15 employee System member on the task force for
16 any period during which the non-employee Sys-
17 tem member is appointed into Federal service
18 under subsection (f)(1).

19 “(2) REIMBURSEMENT FOR EMPLOYEES FILL-
20 ING POSITIONS OF SYSTEM MEMBERS.—

21 “(A) IN GENERAL.—Subject to such terms
22 and conditions as the Administrator may im-
23 pose by regulation, the Administrator shall
24 make payments to the sponsoring agency of a
25 task force to reimburse each employer of a Sys-

1 tem member on the task force for compensation
2 paid by the employer to an employee filling a
3 position normally filled by the System member
4 for any period during which the System mem-
5 ber is appointed into Federal service under sub-
6 section (f)(1).

7 “(B) LIMITATION.—Costs incurred by an
8 employer shall be eligible for reimbursement
9 under subparagraph (A) only to the extent that
10 the costs are in excess of the costs that would
11 have been incurred by the employer had the
12 System member not been appointed into Fed-
13 eral service under subsection (f)(1).

14 “(3) METHOD OF PAYMENT.—A System mem-
15 ber shall not be entitled to pay directly from the
16 Agency for a period during which the System mem-
17 ber is appointed into Federal service under sub-
18 section (f)(1).

19 “(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR
20 DEATH.—

21 “(1) IN GENERAL.—A System member who is
22 appointed into Federal service under subsection
23 (f)(1) and who suffers personal injury, illness, dis-
24 ability, or death as a result of a personal injury sus-
25 tained while acting in the scope of such appointment

1 shall, for the purposes of subchapter I of chapter 81
2 of title 5, United States Code, be treated as though
3 the member were an employee (as defined by section
4 8101 of that title) who had sustained the injury in
5 the performance of duty.

6 “(2) ELECTION OF BENEFITS.—

7 “(A) IN GENERAL.—If a System member
8 (or, in the case of the death of the System
9 member, the System member’s dependent) is
10 entitled—

11 “(i) under paragraph (1) to receive
12 benefits under subchapter I of chapter 81
13 of title 5, United States Code, by reason of
14 personal injury, illness, disability, or death,
15 and

16 “(ii) to receive benefits from a State
17 or local government by reason of the same
18 personal injury, illness, disability, or death,
19 the System member or dependent shall elect to
20 receive either the benefits referred to in clause
21 (i) or (ii).

22 “(B) DEADLINE.—A System member or
23 dependent shall make an election of benefits
24 under subparagraph (A) not later than 1 year
25 after the date of the personal injury, illness,

1 disability, or death that is the reason for the
2 benefits or until such later date as the Sec-
3 retary of Labor may allow for reasonable cause
4 shown.

5 “(C) EFFECT OF ELECTION.—An election
6 of benefits made under this paragraph is irrev-
7 ocable unless otherwise provided by law.

8 “(3) REIMBURSEMENT FOR STATE OR LOCAL
9 BENEFITS.—Subject to such terms and conditions as
10 the Administrator may impose by regulation, in the
11 event that a System member or dependent elects
12 benefits from a State or local government under
13 paragraph (2)(A), the Administrator shall reimburse
14 the State or local government for the value of those
15 benefits.

16 “(i) LIABILITY.—A System member appointed into
17 Federal service under subsection (f)(1), while acting with-
18 in the scope of the appointment, is deemed an employee
19 of the Government under section 1346(b) of title 28,
20 United States Code, and chapter 171 of that title, relating
21 to tort claims procedure.

22 “(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—
23 With respect to a System member who is not a regular
24 full-time employee of a sponsoring agency or participating
25 agency, the following terms and conditions apply:

1 “(1) Service as a System member is deemed
2 ‘service in the uniformed services’ for purposes of
3 chapter 43 of title 38, United States Code, relating
4 to employment and reemployment rights of individ-
5 uals who have performed service in the uniformed
6 services (regardless of whether the individual re-
7 ceives compensation for such participation). All
8 rights and obligations of such persons and proce-
9 dures for assistance, enforcement, and investigation
10 shall be as provided for in such chapter.

11 “(2) Preclusion of giving notice of service by
12 necessity of appointment under this section is
13 deemed preclusion by ‘military necessity’ for pur-
14 poses of section 4312(b) of title 38, United States
15 Code, pertaining to giving notice of absence from a
16 position of employment. A determination of such ne-
17 cessity shall be made by the Administrator and shall
18 not be subject to judicial review.

19 “(k) LICENSES AND PERMITS.—If a System member
20 holds a valid license, certificate, or other permit issued by
21 any State or other governmental jurisdiction evidencing
22 the member’s qualifications in any professional, mechan-
23 ical, or other skill or type of assistance required by the
24 System, the System member is deemed to be performing
25 a Federal activity when rendering aid involving such skill

1 or assistance during a period of appointment into Federal
2 service under subsection (f)(1).

3 “(l) ADVISORY COMMITTEE.—

4 “(1) IN GENERAL.—The Administrator shall es-
5 tablish and maintain an advisory committee to pro-
6 vide expert recommendations to the Administrator in
7 order to assist the Administrator in administering
8 the System.

9 “(2) COMPOSITION.—The advisory committee
10 shall be composed of members from geographically
11 diverse areas, and shall include—

12 “(A) the chief officer or senior executive
13 from at least three sponsoring agencies;

14 “(B) the senior emergency manager from
15 at least two States that include sponsoring
16 agencies; and

17 “(C) at least one representative rec-
18 ommended by the leaders of the task forces.

19 “(3) INAPPLICABILITY OF TERMINATION RE-
20 QUIREMENT.—Section 14(a)(2) of the Federal Advi-
21 sory Committee Act (5 U.S.C. App.) shall not apply
22 to the advisory committee under this subsection.

23 “(m) PREPAREDNESS COOPERATIVE AGREE-
24 MENTS.—

1 “(1) IN GENERAL.—Subject to the availability
2 of appropriations for such purpose, the Adminis-
3 trator shall enter into an annual preparedness coop-
4 erative agreement with each sponsoring agency.
5 Amounts made available to a sponsoring agency
6 under such a preparedness cooperative agreement
7 shall be for the following purposes:

8 “(A) Training and exercises, including
9 training and exercises with other Federal,
10 State, and local government response entities.

11 “(B) Acquisition and maintenance of
12 equipment, including interoperable communica-
13 tions and personal protective equipment.

14 “(C) Medical monitoring required for re-
15 sponder safety and health in anticipation of and
16 following a major disaster, emergency, or other
17 hazard, as determined by the Administrator.

18 “(2) AVAILABILITY OF APPROPRIATIONS.—Not-
19 withstanding section 1552(b) of title 31, United
20 States Code, amounts made available for cooperative
21 agreements under this subsection that are not ex-
22 pended shall be deposited in an Agency account and
23 shall remain available for such agreements without
24 fiscal year limitation.

1 “(n) RESPONSE COOPERATIVE AGREEMENTS.—The
2 Administrator shall enter into a response cooperative
3 agreement with each sponsoring agency, as appropriate,
4 under which the Administrator agrees to reimburse the
5 sponsoring agency for costs incurred by the sponsoring
6 agency in responding to a major disaster or emergency.

7 “(o) OBLIGATIONS.—The Administrator may incur
8 all necessary obligations consistent with this section in
9 order to ensure the effectiveness of the System.

10 “(p) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There is authorized to be
12 appropriated to carry out the System and the provi-
13 sions of this section \$35,250,000 for each of fiscal
14 years 2012, 2013, and 2014.

15 “(2) ADMINISTRATIVE EXPENSES.—The Ad-
16 ministrator may use not to exceed 6 percent of the
17 funds appropriated for a fiscal year pursuant to
18 paragraph (1) for salaries, expenses, and other ad-
19 ministrative costs incurred by the Administrator in
20 carrying out this section.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) APPLICABILITY OF TITLE 5, UNITED
23 STATES CODE.—Section 8101(1) of title 5, United
24 States Code, is amended—

1 (A) in subparagraph (D) by striking “and”
2 at the end;

3 (B) by moving subparagraph (F) to appear
4 after subparagraph (E);

5 (C) in subparagraph (F)—

6 (i) by striking “United States Code,”;

7 and

8 (ii) by adding “and” at the end; and

9 (D) by inserting after subparagraph (F)
10 the following:

11 “(G) an individual who is a System mem-
12 ber of the National Urban Search and Rescue
13 Response System during a period of appoint-
14 ment into Federal service pursuant to section
15 327 of the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act;”.

17 (2) INCLUSION AS PART OF UNIFORMED SERV-
18 ICES FOR PURPOSES OF USERRA.—Section 4303 of
19 title 38, United States Code, is amended—

20 (A) in paragraph (13) by inserting “, a pe-
21 riod for which a System member of the Na-
22 tional Urban Search and Rescue Response Sys-
23 tem is absent from a position of employment
24 due to an appointment into Federal service
25 under section 327 of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act”
2 before “, and a period”; and

3 (B) in paragraph (16) by inserting after
4 “Public Health Service,” the following: “System
5 members of the National Urban Search and
6 Rescue Response System during a period of ap-
7 pointment into Federal service under section
8 327 of the Robert T. Stafford Disaster Relief
9 and Emergency Assistance Act,”.

10 **SEC. 202. REAUTHORIZATION OF EMERGENCY MANAGE-**
11 **MENT ASSISTANCE COMPACT GRANTS.**

12 (a) IN GENERAL.—Subtitle A of title VI of the Rob-
13 ert T. Stafford Disaster Relief and Emergency Assistance
14 Act (42 U.S.C. 5196 et seq.) is amended by adding at
15 the end the following:

16 **“SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COM-**
17 **PACT GRANTS.**

18 “(a) IN GENERAL.—The Administrator of the Fed-
19 eral Emergency Management Agency may make grants to
20 provide for implementation of the Emergency Manage-
21 ment Assistance Compact consented to by Congress in the
22 joint resolution entitled ‘Joint resolution granting the con-
23 sent of Congress to the Emergency Management Assist-
24 ance Compact’ (Public Law 104–321; 110 Stat. 3877).

1 “(b) ELIGIBLE GRANT RECIPIENTS.—States and the
2 Administrator of the Emergency Management Assistance
3 Compact shall be eligible to receive grants under sub-
4 section (a).

5 “(c) USE OF FUNDS.—A grant received under this
6 section shall be used—

7 “(1) to carry out recommendations identified in
8 the Emergency Management Assistance Compact
9 after-action reports for the 2004 and 2005 hurricane
10 seasons;

11 “(2) to administer compact operations on behalf
12 of States, as such term is defined in the compact,
13 that have enacted the compact;

14 “(3) to continue coordination with the Federal
15 Emergency Management Agency and appropriate
16 Federal agencies;

17 “(4) to continue coordination with States and
18 local governments and their respective national orga-
19 nizations; and

20 “(5) to assist State and local governments,
21 emergency response providers, and organizations
22 representing such providers with credentialing the
23 providers and the typing of emergency response re-
24 sources.

1 “(d) COORDINATION.—The Administrator of the
2 Federal Emergency Management Agency shall consult
3 with the Administrator of the Emergency Management
4 Assistance Compact to ensure effective coordination of ef-
5 forts in responding to requests for assistance.

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 \$2,000,000 for each of the fiscal years 2012, 2013, and
9 2014. Such sums shall remain available until expended.”.

10 (b) REPEAL.—Section 661 of the Post-Katrina
11 Emergency Management Reform Act of 2006 (6 U.S.C.
12 761) is repealed.

13 **SEC. 203. DISPOSAL OF EXCESS PROPERTY TO ASSIST**
14 **OTHER DISASTER SURVIVORS.**

15 Title III of the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act as amended by this Act
17 is further amended by adding at the end the following:

18 **“SEC. 328. DISPOSAL OF EXCESS MATERIALS, SUPPLIES,**
19 **AND EQUIPMENT.**

20 “(a) IN GENERAL.—Notwithstanding any other pro-
21 vision of law, if the President determines that materials,
22 supplies, or equipment acquired by the President pursuant
23 to title IV or V for response or recovery efforts in connec-
24 tion with a major disaster or emergency are in excess of
25 the amount needed for those efforts, the President may

1 transfer the excess materials, supplies, or equipment di-
 2 rectly to a State, local government, or relief or disaster
 3 assistance organization for the purpose of—

4 “(1) assisting disaster survivors in other major
 5 disasters and emergencies; and

6 “(2) assisting survivors in incidents caused by
 7 a hazard that do not result in a declaration of a
 8 major disaster or emergency if the Governor of the
 9 affected State certifies that—

10 “(A) there is an urgent need for the mate-
 11 rials, supplies, or equipment; and

12 “(B) the State is unable to provide the ma-
 13 terials, supplies, or equipment in a timely man-
 14 ner.

15 “(b) HAZARD DEFINED.—In this section, the term
 16 ‘hazard’ has the meaning given that term by section
 17 602.”.

18 **SEC. 204. STORAGE, SALE, TRANSFER, AND DISPOSAL OF**
 19 **HOUSING UNITS.**

20 (a) DEFINITIONS.—In this section, the following defi-
 21 nitions apply:

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

24 (2) EMERGENCY; MAJOR DISASTER.—The terms
 25 “emergency” and “major disaster” have the mean-

1 ings given such terms in section 102 of the Stafford
2 Act (42 U.S.C. 5122).

3 (3) FEMA.—The term “FEMA” means the
4 Federal Emergency Management Agency.

5 (4) HAZARD.—The term “hazard” has the
6 meaning given such term in section 602 of the Staf-
7 ford Act (42 U.S.C. 5195a).

8 (5) STAFFORD ACT.—The term “Stafford Act”
9 means the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5121 et seq.).

11 (b) NEEDS ASSESSMENT; ESTABLISHMENT OF CRI-
12 TERIA.—Not later than 90 days after the date of enact-
13 ment of this Act, the Administrator shall complete an as-
14 sessment to determine the number of temporary housing
15 units that FEMA needs to maintain in stock to respond
16 appropriately to emergencies or major disasters occurring
17 after the date of enactment of this Act.

18 (c) PLAN.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of enactment of this Act, the Adminis-
21 trator shall establish a plan and guidelines for—

22 (A) storing the number of temporary hous-
23 ing units that FEMA needs to maintain in
24 stock, as determined by the Administrator
25 under subsection (b); and

1 (B) selling, transferring, donating, or oth-
2 erwise disposing of the temporary housing units
3 in the inventory of FEMA that are in excess of
4 the number of temporary housing units that
5 FEMA needs to maintain in stock, as deter-
6 mined by the Administrator under subsection
7 (b).

8 (2) REPORT.—

9 (A) IN GENERAL.—Not later than 180
10 days after the date of enactment of this Act
11 and annually thereafter, the Administrator shall
12 submit to the Committee on Transportation and
13 Infrastructure of the House of Representatives
14 and the Committee on Homeland Security and
15 Governmental Affairs of the Senate a report on
16 the actions that the Administrator has taken to
17 establish and implement the plan and guidelines
18 established under paragraph (1).

19 (B) REQUIRED INFORMATION.—In each
20 report submitted under subparagraph (A), the
21 Administrator shall document the number of
22 temporary housing units remaining in the in-
23 ventory of FEMA and the number of units sold,
24 transferred, donated, and otherwise disposed of
25 pursuant to this section.

1 (3) UPDATE.—The Administrator shall update
2 the plan established under paragraph (1) as nec-
3 essary to ensure that the Administrator maintains in
4 the inventory of FEMA only those temporary hous-
5 ing units that are needed to respond appropriately
6 to emergencies or major disasters.

7 (d) TRANSFER OF TEMPORARY HOUSING UNITS TO
8 STATES.—

9 (1) IN GENERAL.—Notwithstanding section
10 408(d)(2) of the Stafford Act (42 U.S.C.
11 5174(d)(2)), and subject to the requirements of
12 paragraph (2), the Administrator may transfer or
13 donate to States, on a priority basis, pursuant to
14 subsection (c)(1)(B), excess temporary housing units
15 in the inventory of FEMA.

16 (2) STATE REQUESTS.—

17 (A) IN GENERAL.—Not later than 180
18 days after the date of enactment of this Act, a
19 State may submit to the Administrator a re-
20 quest to receive excess temporary housing units
21 under paragraph (1).

22 (B) ELIGIBILITY.—A State shall be eligible
23 to receive excess temporary housing units under
24 paragraph (1) if the State agrees—

1 (i) to use the units to provide tem-
2 porary housing to survivors of incidents
3 that are caused by hazards and that the
4 Governor of the State determines require
5 State assistance;

6 (ii) to pay to store and maintain the
7 units;

8 (iii) in the event of a major disaster
9 or emergency declared for the State by the
10 President under the Stafford Act, to make
11 the units available to the President or to
12 use the units to provide housing directly to
13 survivors of the major disaster or emer-
14 gency in the State;

15 (iv) to comply with the nondiscrimina-
16 tion provisions of section 308 of the Staf-
17 ford Act (42 U.S.C. 5151); and

18 (v) to obtain and maintain hazard and
19 flood insurance on the units.

20 (C) INCIDENTS.—The incidents referred to
21 in subparagraph (B)(i) may include incidents
22 that do not result in a declaration of a major
23 disaster or emergency by the President under
24 the Stafford Act.

25 (3) DISTRIBUTION.—

1 (A) ESTABLISHMENT OF PROCESS.—The
2 Administrator shall establish a process—

3 (i) to review requests submitted by
4 States under paragraph (2); and

5 (ii) to distribute excess temporary
6 housing units that are in the inventory of
7 FEMA.

8 (B) ALLOCATION.—If the number of tem-
9 porary housing units requested by States under
10 paragraph (2) exceeds the number of excess
11 temporary housing units available, the Adminis-
12 trator shall allocate the available units among
13 the States that have submitted a request.

14 (4) REMAINING TEMPORARY HOUSING UNITS.—
15 Temporary housing units that are not transferred or
16 donated under paragraph (1) shall be sold, trans-
17 ferred, donated, or otherwise disposed of subject to
18 the requirements of section 408(d)(2) of the Staf-
19 ford Act (42 U.S.C. 5174(d)(2)) and other applica-
20 ble provisions of law.

21 (5) LIMITATION ON STATUTORY CONSTRUC-
22 TION.—Nothing in this section shall be construed to
23 affect section 689k of the Post-Katrina Emergency
24 Management Reform Act of 2006 (120 Stat. 1456).
25 For purposes of that section, a transfer or donation

1 to a State of a temporary housing unit under para-
2 graph (1) shall be treated as a disposal to house in-
3 dividuals or households under section 408 of the
4 Stafford Act (42 U.S.C. 5174).

5 **SEC. 205. OTHER METHODS OF DISPOSAL.**

6 Section 408(d)(2)(B) of the Robert T. Stafford Dis-
7 aster Relief and Emergency Assistance Act (42 U.S.C.
8 5174(d)(2)(B)) is amended—

9 (1) in clause (i) by striking “or”;

10 (2) in clause (ii) by striking the period at the
11 end and inserting “; or”; and

12 (3) by adding at the end the following:

13 “(iii) may be sold, transferred, or do-
14 nated directly to a State or other govern-
15 mental entity or to a voluntary organiza-
16 tion for the sole purpose of providing tem-
17 porary housing to disaster victims in disas-
18 ters and incidents caused by a hazard (as
19 such term is defined in section 602) that
20 do not result in a declaration of a major
21 disaster or emergency if, as a condition of
22 the sale, transfer, or donation, the State,
23 other governmental agency, or voluntary
24 organization agrees—

1 “(I) to comply with the non-
2 discrimination provisions of section
3 308; and

4 “(II) to obtain and maintain haz-
5 ard and flood insurance for the hous-
6 ing units.”.

7 **SEC. 206. ESTABLISHMENT OF CRITERIA RELATING TO AD-**
8 **MINISTRATION OF HAZARD MITIGATION AS-**
9 **SISTANCE BY STATES.**

10 Not later than 180 days after the date of enactment
11 of this Act, the President shall establish the criteria re-
12 quired under section 404(c)(2) of the Robert T. Stafford
13 Disaster Relief and Emergency Assistance Act (42 U.S.C.
14 5170c(c)(2)).

15 **SEC. 207. REVIEW OF REGULATIONS AND POLICIES.**

16 (a) **IN GENERAL.**—Not later than 180 days after the
17 date of enactment of this Act, the President, acting
18 through the Administrator of the Federal Emergency
19 Management Agency, shall review regulations and policies
20 relating to Federal disaster assistance to eliminate regula-
21 tions the President determines are no longer relevant, to
22 harmonize contradictory regulations, and to simplify and
23 expedite disaster recovery and assistance.

24 (b) **REPORT.**—Not later than 1 year after the date
25 of enactment of this Act, the President shall transmit to

1 the Committee on Transportation and Infrastructure of
2 the House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the Sen-
4 ate a report describing changes made to regulations as a
5 result of the review required under subsection (a), together
6 with any legislative recommendations relating thereto.

7 (c) STATE HAZARD MITIGATION PLANS.—The Presi-
8 dent, acting through the Administrator, shall revise regu-
9 lations related to the submission of State Hazard Mitiga-
10 tion Plans to extend the hazard mitigation planning cycle
11 to every 5 years, consistent with local planning cycles.

12 **SEC. 208. APPEALS PROCESS.**

13 Section 423(b) of the Robert T. Stafford Disaster Re-
14 lief and Emergency Assistance Act (42 U.S.C. 5189a(b))
15 is amended to read as follows:

16 “(b) PERIOD FOR DECISION.—

17 “(1) IN GENERAL.—A decision regarding an ap-
18 peal under subsection (a) shall be rendered within
19 60 days after the date on which the Federal official
20 designated to administer such appeal receives notice
21 of such appeal.

22 “(2) FAILURE TO SATISFY DEADLINE.—If the
23 Federal official fails to satisfy the requirement
24 under paragraph (1), the Federal official shall pro-
25 vide a written explanation of such failure to the ap-

1 plicant. The President, acting through the Adminis-
2 trator of the Federal Emergency Management Agen-
3 cy, shall transmit quarterly to the Committee on
4 Transportation and Infrastructure of the House of
5 Representatives and the Committee on Homeland
6 Security and Governmental Affairs of the Senate a
7 report on such failures.”.

8 **SEC. 209. IMPLEMENTATION OF COST ESTIMATING.**

9 Not later than 180 days after the date of enactment
10 of this Act, the President, acting through the Adminis-
11 trator of the Federal Emergency Management Agency,
12 shall issue and begin to implement the regulations re-
13 quired by section 406(e)(3)(C) of the Robert T. Stafford
14 Disaster Relief and Emergency Assistance Act (42 U.S.C.
15 5172(e)(3)(C)) to provide for cost estimation procedures
16 that expedite recovery and to reduce the costs and time
17 for completion of recovery projects through the creation
18 of financial and performance incentives.

19 **SEC. 210. TRIBAL REQUESTS FOR A MAJOR DISASTER OR**
20 **EMERGENCY DECLARATION UNDER THE**
21 **STAFFORD ACT.**

22 (a) MAJOR DISASTER REQUESTS.—Section 401 of
23 the Robert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 5170) is amended—

1 (1) by striking “All requests for a declaration”
2 and inserting “(a) IN GENERAL.—All requests for a
3 declaration”; and

4 (2) by adding at the end the following:

5 “(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

6 “(1) IN GENERAL.—The Chief Executive of an
7 affected Indian tribal government may submit a re-
8 quest for a declaration by the President that a
9 major disaster exists consistent with the require-
10 ments of subsection (a).

11 “(2) REFERENCES.—In implementing assist-
12 ance authorized by the President under this Act in
13 response to a request of the Chief Executive of an
14 affected Indian tribal government for a major dis-
15 aster declaration, any reference in this title or sec-
16 tion 319 to a State or the Governor of a State is
17 deemed to refer to an affected Indian tribal govern-
18 ment or the Chief Executive of an affected Indian
19 tribal government, as appropriate.

20 “(3) SAVINGS PROVISION.—Nothing in this sub-
21 section shall prohibit an Indian tribal government
22 from receiving assistance under this title through a
23 declaration made by the President at the request of
24 a State under subsection (a) if the President does

1 not make a declaration under this subsection for the
2 same incident.

3 “(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIB-
4 AL GOVERNMENTS.—

5 “(1) IN GENERAL.—In providing assistance to
6 an Indian tribal government under this title, the
7 President may waive or adjust any payment of a
8 non-Federal contribution with respect to the assist-
9 ance if—

10 “(A) the President has the authority to
11 waive or adjust the payment under another pro-
12 vision of this title; and

13 “(B) the President determines that the
14 waiver or adjustment is necessary and appro-
15 priate.

16 “(2) CRITERIA FOR MAKING DETERMINA-
17 TIONS.—The President shall establish criteria for
18 making determinations under paragraph (1)(B).”.

19 (b) EMERGENCY REQUESTS.—Section 501 of the
20 Robert T. Stafford Disaster Relief and Emergency Assist-
21 ance Act (42 U.S.C. 5191) is amended by adding at the
22 end the following:

23 “(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

24 “(1) IN GENERAL.—The Chief Executive of an
25 affected Indian tribal government may submit a re-

1 quest for a declaration by the President that an
2 emergency exists consistent with the requirements of
3 subsection (a).

4 “(2) REFERENCES.—In implementing assist-
5 ance authorized by the President under this title in
6 response to a request of the Chief Executive of an
7 affected Indian tribal government for an emergency
8 declaration, any reference in this title or section 319
9 to a State or the Governor of a State shall be
10 deemed to refer to an affected Indian tribal govern-
11 ment or the Chief Executive of an affected Indian
12 tribal government, as appropriate.

13 “(3) SAVINGS PROVISION.—Nothing in this sub-
14 section shall prohibit an Indian tribal government
15 from receiving assistance under this title through a
16 declaration made by the President at the request of
17 a State under subsection (a) if the President does
18 not make a declaration under this subsection for the
19 same incident.”.

20 (c) DEFINITIONS.—Section 102 of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5122) is amended—

23 (1) in paragraph (7)(B) by striking “; and” and
24 inserting “, that is not an Indian tribal government
25 as defined in paragraph (6); and”;

1 (2) by redesignating paragraphs (6) through
2 (10) as paragraphs (7) through (11), respectively;

3 (3) by inserting after paragraph (5) the fol-
4 lowing:

5 “(6) INDIAN TRIBAL GOVERNMENT.—The term
6 ‘Indian tribal government’ means the governing body
7 of any Indian or Alaska Native tribe, band, nation,
8 pueblo, village, or community that the Secretary of
9 the Interior acknowledges to exist as an Indian tribe
10 under the Federally Recognized Indian Tribe List
11 Act of 1994 (25 U.S.C. 479a et seq.)”; and

12 (4) by adding at the end the following:

13 “(12) CHIEF EXECUTIVE.—The term ‘Chief Ex-
14 ecutive’ means the person who is recognized by the
15 Secretary of the Interior as the chief elected admin-
16 istrative officer of an Indian tribal government.”.

17 (d) REFERENCES.—Title I of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act (42 U.S.C.
19 5121 et seq.) is amended by adding after section 102 the
20 following:

21 **“SEC. 103. REFERENCES.**

22 “Except as otherwise specifically provided, any ref-
23 erence in this Act to ‘State and local’, ‘State or local’, or
24 ‘State, local’ with respect to governments or officials and
25 any reference to a ‘local government’ in section 417 is

1 deemed to refer also to Indian tribal governments and offi-
2 cials, as appropriate.”.

3 (e) REGULATIONS.—

4 (1) ISSUANCE.—The President shall issue regu-
5 lations to carry out the amendments made by this
6 section.

7 (2) FACTORS.—In issuing the regulations, the
8 President shall consider the unique conditions that
9 affect the general welfare of Indian tribal govern-
10 ments.

11 **SEC. 211. INDIVIDUAL ASSISTANCE FACTORS.**

12 In order to provide more objective criteria for evalu-
13 ating the need for assistance to individuals and to speed
14 a declaration of a major disaster or emergency under the
15 Robert T. Stafford Disaster Relief and Emergency Assist-
16 ance Act (42 U.S.C. 5121 et seq.), not later than 1 year
17 after the date of enactment of this Act, the Administrator
18 of the Federal Emergency Management Agency, in co-
19 operation with representatives of State, tribal, and local
20 emergency management agencies, shall review, update,
21 and revise through rulemaking the factors considered
22 under section 206.48 of title 44, Code of Federal Regula-
23 tions (including section 206.48(b)(2) of such title relating
24 to trauma and the specific conditions or losses that con-

1 tribute to trauma), to measure the severity, magnitude,
2 and impact of a disaster.

3 **SEC. 212. PUBLIC ASSISTANCE PILOT PROGRAM.**

4 (a) PILOT PROGRAM.—

5 (1) IN GENERAL.—The President, acting
6 through the Administrator of the Federal Emer-
7 gency Management Agency, and in coordination with
8 States, tribal and local governments, and owners or
9 operators of private non-profit facilities, shall estab-
10 lish and conduct a pilot program to—

11 (A) reduce the costs to the Government of
12 providing assistance to States, tribal and local
13 governments, and owners or operators of pri-
14 vate non-profit facilities under section 406 of
15 the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C. 5172)
17 (referred to in this section as the “Act”);

18 (B) increase flexibility in the administra-
19 tion of section 406 of such Act; and

20 (C) expedite the provision of assistance to
21 States, tribal, and local governments provided
22 under section 406 of the Act.

23 (2) PARTICIPATION.—Only States, tribal and
24 local governments, and owners or operators of pri-
25 vate non-profit facilities that elect to participate in

1 the pilot program may participate in the pilot pro-
2 gram for their projects.

3 (3) ADMINISTRATION.—

4 (A) IN GENERAL.—For the purposes of the
5 pilot program, the Administrator shall establish
6 new procedures to administer assistance pro-
7 vided under section 406 of the Act.

8 (B) NEW PROCEDURES.—The new proce-
9 dures established under subparagraph (A) shall
10 include—

11 (i) making grants on the basis of esti-
12 mates agreed to by the State, tribal, or
13 local government, or owner or operator of
14 a private non-profit facility and the Ad-
15 ministrator to provide financial incentives
16 and disincentives for the State, tribal, or
17 local government, or owner or operator of
18 a private non-profit facility for the timely
19 and cost-effective completion of projects
20 under section 406 of the Act;

21 (ii) notwithstanding sections
22 406(c)(1)(A) and 406(c)(2)(A) of the Act,
23 providing an option for a State, tribal, or
24 local government, or owner or operator of
25 a private non-profit facility to elect to re-

1 ceive an in-lieu contribution, without re-
2 duction, on the basis of estimates of the
3 cost of repair, restoration, reconstruction,
4 or replacement of a public facility owned or
5 controlled by the State, tribal, or local gov-
6 ernment and of management expenses;

7 (iii) consolidating, to the extent deter-
8 mined appropriate by the Administrator,
9 the facilities of a State, tribal, or local gov-
10 ernment, or owner or operator of a private
11 nonprofit facility as a single project based
12 upon the estimates established under the
13 pilot procedures; and

14 (iv) notwithstanding any other provi-
15 sion of law, if the actual costs of a project
16 completed under the pilot procedures are
17 less than the estimated costs thereof, the
18 Administrator may permit a grantee or sub
19 grantee to use all or part of the excess
20 funds for cost-effective activities that re-
21 duce the risk of future damage, hardship,
22 or suffering from a major disaster.

23 (4) WAIVER.—The Administrator may waive
24 such regulations or rules applicable to the provisions
25 of assistance in section 406 of the Act as the Ad-

1 administrator determines are necessary to carry out
2 the pilot program under this section.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than October 31,
5 2015, the Administrator shall submit to the Com-
6 mittee on Transportation and Infrastructure of the
7 House of Representatives and the Committee on
8 Homeland Security and Governmental Affairs of the
9 Senate a report regarding the effectiveness of the
10 pilot program under this section.

11 (2) CONTENTS.—The report submitted under
12 paragraph (1) shall include—

13 (A) an assessment by the Administrator of
14 any administrative or financial benefits of the
15 pilot program;

16 (B) an assessment by the Administrator of
17 the effect, including any savings in time and
18 cost, of the pilot program;

19 (C) any other findings and conclusions of
20 the Administrator with respect to the pilot pro-
21 gram; and

22 (D) any recommendations of the Adminis-
23 trator for additional authority to continue or
24 make permanent the pilot program.

1 (c) DEADLINE FOR INITIATION OF IMPLEMENTA-
2 TION.—Not later than 90 days after the date of enactment
3 of this Act, the Administrator shall begin implementation
4 of the pilot program under this section.

5 (d) PILOT PROGRAM DURATION.—The Administrator
6 may not approve a project under the pilot program under
7 this section after December 31, 2014.

8 **SEC. 213. PUBLIC ASSISTANCE DEBRIS REMOVAL PROCE-**
9 **DURES.**

10 (a) IN GENERAL.—The President, acting through the
11 Administrator of the Federal Emergency Management
12 Agency, shall establish new procedures to administer as-
13 sistance for debris and wreckage removal provided under
14 sections 403(a)(3)(A), 407, and 502(a)(5) of the Robert
15 T. Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5170b(a)(3)(A), 5173, and 5192(a)(5)).

17 (b) NEW PROCEDURES.—The new procedures estab-
18 lished under subsection (a) may include—

19 (1) making grants on the basis of fixed esti-
20 mates to provide financial incentives and disincen-
21 tives for the timely or cost effective completion of
22 projects under sections 403(a)(3)(A), 407, and
23 502(a)(5) of such Act if the State, tribal, or local
24 government, or owner or operator of the private non-

1 profit facility agrees to be responsible to pay for any
2 actual costs that exceed the estimate;

3 (2) using a sliding scale for the Federal share
4 for removal of debris and wreckage based on the
5 time it takes to complete debris and wreckage re-
6 moval;

7 (3) allowing utilization of program income from
8 recycled debris without offset to grant amount;

9 (4) reimbursing base and overtime wages for
10 employees and extra hires of a State, tribal, or local
11 government, or owner or operator of a private non-
12 profit facility performing or administering debris
13 and wreckage removal; and

14 (5) notwithstanding any other provision of law,
15 if the actual costs of projects under subsection
16 (b)(1) are less than the estimated costs thereof, the
17 Administrator may permit a grantee or sub grantee
18 to use all or part of the excess funds for any of the
19 following purposes:

20 (A) Debris management planning.

21 (B) Acquisition of debris management
22 equipment for current or future use.

23 (C) Other activities to improve future de-
24bris removal operations, as determined by the
25 Administrator.

1 **SEC. 214. USE OF FUNDS.**

2 Unless otherwise specified in this Act, the Adminis-
3 trator of the Federal Emergency Management Agency
4 shall use amounts authorized pursuant to section 699 of
5 the Post-Katrina Emergency Management Reform Act of
6 2006 (6 U.S.C. 811) for reviews, reports, and studies in-
7 cluded in this Act.

8 **SEC. 215. REDUCTION OF AUTHORIZATION FOR EMER-**
9 **GENCY MANAGEMENT PERFORMANCE**
10 **GRANTS.**

11 Section 662(f)(5) of the Post-Katrina Emergency
12 Management Reform Act of 2006 (6 U.S.C. 762) is
13 amended by striking “\$950,000,000” and inserting
14 “\$946,600,000”.

15 **SEC. 216. TECHNICAL CORRECTION.**

16 Section 202(c) of the Robert T. Stafford Disaster Re-
17 lief and Emergency Assistance Act (42 U.S.C. 5132(c))
18 is amended by striking “section 611(c)” and inserting
19 “section 611(d)”.

20 **SEC. 217. NATIONAL DAM SAFETY PROGRAM ACT REAU-**
21 **THORIZATION.**

22 (a) **SHORT TITLE.**—This section may be cited as the
23 “Dam Safety Act of 2012”.

24 (b) **PURPOSE.**—The purpose of this section is to re-
25 duce the risks to life and property from dam failure in
26 the United States through the reauthorization of an effec-

1 tive national dam safety program that brings together the
2 expertise and resources of Federal and non-Federal com-
3 munities in achieving national dam safety hazard reduc-
4 tion.

5 (c) AMENDMENTS TO THE NATIONAL DAM SAFETY
6 PROGRAM ACT.—

7 (1) ADMINISTRATOR.—

8 (A) IN GENERAL.—The National Dam
9 Safety Program Act (33 U.S.C. 467 et seq.) is
10 amended by striking “Director” each place it
11 appears and inserting “Administrator”.

12 (B) CONFORMING AMENDMENT.—Section
13 2(3) of such Act (33 U.S.C. 467(3)) is amend-
14 ed in the paragraph heading by striking “DI-
15 RECTOR” and inserting “ADMINISTRATOR”.

16 (2) INSPECTION OF DAMS.—Section 3(b)(1) of
17 such Act (33 U.S.C. 467a(b)(1)) is amended by
18 striking “or maintenance” and inserting “mainte-
19 nance, condition, or provision for emergency oper-
20 ations”.

21 (3) NATIONAL DAM SAFETY PROGRAM.—

22 (A) OBJECTIVES.—Section 8(c)(4) of such
23 Act (33 U.S.C. 467f(c)(4)) is amended to read
24 as follows:

1 “(4) develop and implement a comprehensive
2 dam safety hazard education and public awareness
3 program to assist the public in mitigating against,
4 preparing for, responding to, and recovering from
5 dam incidents;”.

6 (B) BOARD.—Section 8(f)(4) of such Act
7 (33 U.S.C. 467f(f)(4)) is amended by inserting
8 “, representatives from nongovernmental orga-
9 nizations,” after “State agencies”.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—

11 (A) NATIONAL DAM SAFETY PROGRAM.—

12 (i) ANNUAL AMOUNTS.—Section
13 13(a)(1) of such Act (33 U.S.C.
14 467j(a)(1)) is amended by striking
15 “\$6,500,000 for fiscal year 2007,
16 \$7,100,000 for fiscal year 2008,
17 \$7,600,000 for fiscal year 2009,
18 \$8,300,000 for fiscal year 2010, and
19 \$9,200,000 for fiscal year 2011” and in-
20 serting “\$8,024,000 for each of fiscal
21 years 2012 through 2015”.

22 (ii) MAXIMUM AMOUNT OF ALLOCA-
23 TION.—

24 (I) IN GENERAL.—Section
25 13(a)(2)(B) of such Act (33 U.S.C.

1 467j(a)(2)(B)) is amended by striking
2 “50 percent of the reasonable cost of
3 implementing the State dam safety
4 program” and inserting “the amount
5 of funds committed by the State to
6 implement dam safety program activi-
7 ties”.

8 (II) APPLICABILITY.—The
9 amendment made by subclause (I)
10 shall apply to fiscal year 2013 and
11 each fiscal year thereafter.

12 (B) NATIONAL DAM INVENTORY.—Section
13 13(b) of such Act (33 U.S.C. 467j(b)) is
14 amended by striking “\$650,000 for fiscal year
15 2007, \$700,000 for fiscal year 2008, \$750,000
16 for fiscal year 2009, \$800,000 for fiscal year
17 2010, and \$850,000 for fiscal year 2011” and
18 inserting “\$383,000 for each of fiscal years
19 2012 through 2015”.

20 (C) RESEARCH.—Section 13(e) of such Act
21 (33 U.S.C. 467j(e)) is amended by striking
22 “\$1,600,000 for fiscal year 2007, \$1,700,000
23 for fiscal year 2008, \$1,800,000 for fiscal year
24 2009, \$1,900,000 for fiscal year 2010, and
25 \$2,000,000 for fiscal year 2011” and inserting

1 “\$1,000,000 for each of fiscal years 2012
2 through 2015”.

3 (D) DAM SAFETY TRAINING.—Section
4 13(d) of such Act (33 U.S.C. 467j(d)) is
5 amended by striking “\$550,000 for fiscal year
6 2007, \$600,000 for fiscal year 2008, \$650,000
7 for fiscal year 2009, \$700,000 for fiscal year
8 2010, and \$750,000 for fiscal year 2011” and
9 inserting “\$750,000 for each of fiscal years
10 2012 through 2015”.

11 (E) STAFF.—Section 13(e) of such Act (33
12 U.S.C. 467j(e)) is amended by striking
13 “\$700,000 for fiscal year 2007, \$800,000 for
14 fiscal year 2008, \$900,000 for fiscal year 2009,
15 \$1,000,000 for fiscal year 2010, and
16 \$1,100,000 for fiscal year 2011” and inserting
17 “\$436,000 for each of fiscal years 2012
18 through 2015”.

Passed the House of Representatives September 19,
2012.

Attest:

KAREN L. HAAS,

Clerk.