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1ST SESSION

H. R. 152

IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 3), 2013

Received; read the first time

JANUARY 28, 2013

Read the second time and placed on the calendar

AN ACT

Making supplemental appropriations for the fiscal year ending September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, 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 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2013, and for other pur-
6 poses, namely:

DIVISION A—DISASTER RELIEF
APPROPRIATIONS ACT, 2013

TITLE I

DEPARTMENT OF AGRICULTURE

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

COMMODITY ASSISTANCE PROGRAM

For an additional amount for “Commodity Assistance Program” for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), \$6,000,000: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983, the Secretary of Agriculture may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to States resources used to assist families and individuals displaced by Hurricane Sandy among the States without regard to sections 204 and 214 of such Act (7 U.S.C. 7508, 7515): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

1 TITLE II
2 DEPARTMENT OF THE ARMY
3 CORPS OF ENGINEERS—CIVIL
4 INVESTIGATIONS

5 For an additional amount for “Investigations” for
6 necessary expenses related to the consequences of Hurri-
7 cane Sandy, \$20,000,000, to remain available until ex-
8 pended to conduct studies of flood and storm damage re-
9 duction related to natural disasters: *Provided*, That using
10 \$19,500,000 of the funds provided herein, the Secretary
11 of the Army shall conduct, at full Federal expense, a com-
12 prehensive study to address the flood risks of vulnerable
13 coastal populations in areas impacted by Hurricane Sandy
14 within the boundaries of the North Atlantic Division of
15 the United States Army Corps of Engineers: *Provided fur-*
16 *ther*, That an interim report with an assessment of author-
17 ized Corps projects for reducing flooding and storm risks
18 in the affected area that have been constructed or are
19 under construction, including construction cost estimates,
20 shall be submitted to the Committees on Appropriations
21 of the House of Representatives and the Senate not later
22 than March 1, 2013: *Provided further*, That an interim
23 report identifying any previously authorized but
24 unconstructed Corps project and any project under study
25 by the Corps for reducing flooding and storm damage

1 risks in the affected area, including updated construction
2 cost estimates, that are, or would be, consistent with the
3 comprehensive study shall be submitted to the appropriate
4 congressional committees not later than May 1, 2013: *Pro-*
5 *vided further*, That a final report shall be submitted to
6 the appropriate congressional committees not later than
7 24 months after the date of enactment of this division:
8 *Provided further*, That as a part of the study, the Sec-
9 retary shall identify those activities that warrant addi-
10 tional analysis by the Corps, as well as institutional and
11 other barriers to providing protection to the affected
12 coastal areas: *Provided further*, That the Secretary shall
13 conduct the study in coordination with other Federal
14 agencies, and State, local, and Tribal officials to ensure
15 consistency with other plans to be developed, as appro-
16 priate: *Provided further*, That using \$500,000 of the funds
17 provided herein, the Secretary shall conduct, at full Fed-
18 eral expense, an evaluation of the performance of existing
19 projects constructed by the Corps and damaged as a con-
20 sequence of Hurricane Sandy for the purposes of deter-
21 mining their effectiveness and making recommendations
22 for improvements to such projects: *Provided further*, That
23 the amounts in this paragraph are designated by the Con-
24 gress as being for an emergency requirement pursuant to
25 section 251(b)(2)(A)(i) of the Balanced Budget and

1 Emergency Deficit Control Act of 1985: *Provided further*,
2 That the Assistant Secretary of the Army for Civil Works
3 shall provide a monthly report to the Committees on Ap-
4 propriations of the House of Representatives and the Sen-
5 ate detailing the allocation and obligation of these funds,
6 beginning not later than 60 days after the date of enact-
7 ment of this division.

8 CONSTRUCTION

9 For an additional amount for “Construction” for nec-
10 essary expenses related to the consequences of Hurricane
11 Sandy, \$9,000,000, to remain available until expended for
12 repairs to projects that were under construction and dam-
13 aged as a consequence of Hurricane Sandy: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985: *Provided further*, That the
18 Assistant Secretary of the Army for Civil Works shall pro-
19 vide a monthly report to the Committees on Appropria-
20 tions of the House of Representatives and the Senate de-
21 tailing the allocation and obligation of these funds, begin-
22 ning not later than 60 days after enactment of this divi-
23 sion.

1 OPERATION AND MAINTENANCE

2 For an additional amount for “Operation and Main-
3 tenance” for necessary expenses related to the con-
4 sequences of Hurricane Sandy, \$742,000,000, to remain
5 available until expended to dredge Federal navigation
6 channels, and repair damage to Corps projects: *Provided*,
7 That such amount is designated by the Congress as being
8 for an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985: *Provided further*, That the
11 Assistant Secretary of the Army for Civil Works shall pro-
12 vide a monthly report to the Committees on Appropria-
13 tions of the House of Representatives and the Senate de-
14 tailing the allocation and obligation of these funds, begin-
15 ning not later than 60 days after enactment of this divi-
16 sion.

17 FLOOD CONTROL AND COASTAL EMERGENCIES

18 For an additional amount for “Flood Control and
19 Coastal Emergencies” for necessary expenses related to
20 the consequences of Hurricane Sandy, \$582,000,000, to
21 remain available until expended to support emergency op-
22 erations, repairs, and other activities, as authorized by
23 law: *Provided*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant
25 to section 251(b)(2)(A)(i) of the Balanced Budget and

1 Emergency Deficit Control Act of 1985: *Provided further*,
2 That the Assistant Secretary of the Army for Civil Works
3 shall provide a monthly report to the Committees on Ap-
4 propriations of the House of Representatives and the Sen-
5 ate detailing the allocation and obligation of these funds,
6 beginning not later than 60 days after enactment of this
7 division.

8 TITLE III

9 SMALL BUSINESS ADMINISTRATION

10 SALARIES AND EXPENSES

11 For an additional amount for “Salaries and Ex-
12 penses”, \$10,000,000 for grants to or cooperative agree-
13 ments with organizations to provide technical assistance
14 related to disaster recovery, response, and long term resil-
15 iency to small businesses that are recovering from Hurri-
16 cane Sandy: *Provided*, That the Small Business Adminis-
17 tration shall expedite the delivery of assistance in disaster-
18 affected areas: *Provided further*, That the Administrator
19 of the Small Business Administration may waive the
20 matching requirements under section 21(a)(4)(A) and
21 29(c) of the Small Business Act for any grant made using
22 funds made available under this heading: *Provided further*,
23 That no later than 30 days after the date of enactment
24 of this division, or no less than 7 days prior to obligation
25 of funds, whichever occurs earlier, the Administrator of

1 the Small Business Administration shall submit to the
 2 Committees on Appropriations of the House of Represent-
 3 atives and the Senate a detailed expenditure plan for
 4 funds provided under this heading: *Provided further*, That
 5 such amount is designated by the Congress as being for
 6 an emergency requirement pursuant to section
 7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 8 Deficit Control Act of 1985.

9 OFFICE OF INSPECTOR GENERAL

10 For an additional amount for “Office of Inspector
 11 General” for necessary expenses related to the con-
 12 sequences of Hurricane Sandy, \$1,000,000, to remain
 13 available until September 30, 2014: *Provided*, That such
 14 amount is designated by the Congress as being for an
 15 emergency requirement pursuant to section
 16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 17 Deficit Control Act of 1985.

18 DISASTER LOANS PROGRAM ACCOUNT

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for “Disaster Loans Pro-
 21 gram Account” for the cost of direct loans authorized by
 22 section 7(b) of the Small Business Act, for necessary ex-
 23 penses related to the consequences of Hurricane Sandy,
 24 \$100,000,000, to remain available until expended: *Pro-*
 25 *vided*, That such costs, including the cost of modifying

1 such loans, shall be as defined in section 502 of the Con-
 2 gressional Budget Act of 1974: *Provided further*, That in
 3 addition, for direct administrative expenses of loan making
 4 and servicing to carry out the direct loan program author-
 5 ized by section 7(b) of the Small Business Act in response
 6 to Hurricane Sandy, an additional \$50,000,000, to remain
 7 available until expended, which may be transferred to and
 8 merged with the appropriations for Salaries and Expenses:
 9 *Provided further*, That such amounts are designated by the
 10 Congress as being for an emergency requirement pursuant
 11 to section 251(b)(2)(A)(i) of the Balanced Budget and
 12 Emergency Deficit Control Act of 1985.

13 TITLE IV

14 DEPARTMENT OF HOMELAND SECURITY

15 COAST GUARD

16 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for “Acquisition, Construc-
 19 tion, and Improvements” for necessary expenses related
 20 to the consequences of Hurricane Sandy, \$143,899,000,
 21 to remain available until September 30, 2014: *Provided*,
 22 That such amount is designated by the Congress as being
 23 for an emergency requirement pursuant to section
 24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 25 Deficit Control Act of 1985: *Provided further*, That not-

1 withstanding the transfer limitation contained in section
2 503 of division D of Public Law 112–74, such funding
3 may be transferred to other Coast Guard appropriations
4 after notification as required in accordance with such sec-
5 tion: *Provided further*, That a description of all facilities
6 and property to be reconstructed and restored, with asso-
7 ciated costs and time lines, shall be submitted to the Com-
8 mittees on Appropriations of the House of Representatives
9 and the Senate no later than 90 days after the date of
10 enactment of this division.

11 FEDERAL EMERGENCY MANAGEMENT AGENCY

12 DISASTER RELIEF FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for the “Disaster Relief
15 Fund” for major disasters declared pursuant to the Rob-
16 ert T. Stafford Disaster Relief and Emergency Assistance
17 Act (42 U.S.C. 5121 et seq.), \$5,379,000,000, to remain
18 available until expended, of which \$3,000,000 shall be
19 transferred to the Department of Homeland Security Of-
20 fice of Inspector General for audits and investigations re-
21 lated to disasters: *Provided*, That such amount is des-
22 ignated by the Congress as being for disaster relief pursu-
23 ant to section 251(b)(2)(D) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985: *Provided further*,
25 That the Administrator of the Federal Emergency Man-

1 agement Agency shall publish on the Agency's website not
2 later than 24 hours after an award of a public assistance
3 grant under section 406 of the Robert T. Stafford Dis-
4 aster Relief and Emergency Assistance Act (42 U.S.C.
5 5172) that is in excess of \$1,000,000, the specifics of each
6 such grant award: *Provided further*, That for any mission
7 assignment or mission assignment task order to another
8 Federal department or agency regarding a major disaster,
9 not later than 24 hours after the issuance of a mission
10 assignment or task order in excess of \$1,000,000, the Ad-
11 ministrator shall publish on the Agency's website the fol-
12 lowing: the name of the impacted State and the disaster
13 declaration for such State, the assigned agency, the assist-
14 ance requested, a description of the disaster, the total cost
15 estimate, and the amount obligated: *Provided further*,
16 That not later than 10 days after the last day of each
17 month until the mission assignment or task order is com-
18 pleted and closed out, the Administrator shall update any
19 changes to the total cost estimate and the amount obli-
20 gated: *Provided further*, That for a disaster declaration re-
21 lated to Hurricane Sandy, the Administrator shall submit
22 to the Committees on Appropriations of the House of Rep-
23 resentatives and the Senate, not later than 5 days after
24 the first day of each month beginning after the date of
25 enactment of this division, and shall publish on the Agen-

1 cy's website not later than 10 days after the first day of
2 each such month, an estimate or actual amount, if avail-
3 able, for the current fiscal year of the cost of the following
4 categories of spending: public assistance, individual assist-
5 ance, operations, mitigation, administrative, and any other
6 relevant category (including emergency measures and dis-
7 aster resources): *Provided further*, That not later than 10
8 days after the first day of each month beginning after the
9 date of enactment of this division, the Administrator shall
10 publish on the Agency's website the report (referred to as
11 the Disaster Relief Monthly Report) as required by Public
12 Law 112-74.

13 SCIENCE AND TECHNOLOGY

14 RESEARCH, DEVELOPMENT, ACQUISITION, AND

15 OPERATIONS

16 For an additional amount for "Research, Develop-
17 ment, Acquisition, and Operations", for necessary ex-
18 penses related to the consequences of Hurricane Sandy,
19 \$585,000, to remain available until September 30, 2013:
20 *Provided*, That such amount is designated by the Congress
21 as being for an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985.

1 DOMESTIC NUCLEAR DETECTION OFFICE

2 SYSTEMS ACQUISITION

3 For an additional amount for “Systems Acquisition”,
4 for necessary expenses related to the consequences of Hur-
5 ricane Sandy, \$3,869,000, to remain available until Sep-
6 tember 30, 2014: *Provided*, That such amount is des-
7 ignated by the Congress as being for an emergency re-
8 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
9 anced Budget and Emergency Deficit Control Act of 1985.

10 GENERAL PROVISION—THIS TITLE

11 SEC. 401. Funds made available by Public Law 109–
12 88 for carrying out activities authorized under section 417
13 of the Robert T. Stafford Disaster Relief and Emergency
14 Assistance Act (42 U.S.C. 5184) may be used until ex-
15 pended to provide assistance under section 417 of that Act
16 to local governments in areas eligible to receive such as-
17 sistance pursuant to a major disaster declaration by the
18 President for Hurricane Sandy.

19 TITLE V

20 DEPARTMENT OF THE INTERIOR

21 FISH AND WILDLIFE SERVICE

22 CONSTRUCTION

23 For an additional amount for “Construction” for nec-
24 essary expenses related to the consequences of Hurricane
25 Sandy, \$49,875,000, to remain available until expended:

1 *Provided*, That such amount is designated by the Congress
2 as being for an emergency requirement pursuant to sec-
3 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985.

5 NATIONAL PARK SERVICE

6 CONSTRUCTION

7 For an additional amount for “Construction” for nec-
8 essary expenses related to the consequences of Hurricane
9 Sandy, \$234,000,000, to remain available until expended:
10 *Provided*, That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 BUREAU OF SAFETY AND ENVIRONMENTAL

15 ENFORCEMENT

16 OIL SPILL RESEARCH

17 For an additional amount for “Oil Spill Research”
18 for necessary expenses related to the consequences of Hur-
19 ricane Sandy, \$3,000,000, to remain available until ex-
20 pended: *Provided*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

1 TITLE VI
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 OFFICE OF THE SECRETARY
5 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
6 FUND
7 (INCLUDING TRANSFERS OF FUNDS)
8 For an additional amount for “Public Health and So-
9 cial Services Emergency Fund” for disaster response and
10 recovery, and other expenses directly related to Hurricane
11 Sandy, including making payments under the Head Start
12 Act and additional payments for distribution as provided
13 for under the “Social Services Block Grant Program”,
14 \$100,000,000, to remain available until September 30,
15 2014: *Provided*, That not less than \$25,000,000 shall be
16 transferred to “Children and Families Services Programs”
17 for the Head Start program for the purposes provided
18 herein: *Provided further*, That not less than \$25,000,000
19 shall be transferred to “Social Services Block Grant” for
20 the purposes provided herein: *Provided further*, That not
21 less than \$2,000,000 shall be transferred to the Depart-
22 ment of Health and Human Services (“HHS”) “Office of
23 Inspector General” to perform oversight, accountability,
24 and evaluation of programs, projects, or activities sup-
25 ported with the funds provided for the purposes provided

1 herein: *Provided further*, That notwithstanding any other
2 provision of law, the distribution of any amount shall be
3 limited to the States of New York and New Jersey, except
4 that funds provided to “Substance Abuse and Mental
5 Health Services Administration” may be distributed to
6 other States, but only if such funds are for grants, con-
7 tracts, and cooperative agreements for behavioral health
8 treatment, crisis counseling, and other related helplines,
9 and for other similar programs to provide support to dis-
10 located residents of New York and New Jersey: *Provided*
11 *further*, That none of the funds appropriated in this para-
12 graph shall be included in the calculation of the “base
13 grant” in subsequent fiscal years, as such term is defined
14 in sections 640(a)(7)(A), 641A(h)(1)(B), or 644(d)(3) of
15 the Head Start Act: *Provided further*, That funds appro-
16 priated in this paragraph are not subject to the allocation
17 requirements of section 640(a) of the Head Start Act:
18 *Provided further*, That funds appropriated in this para-
19 graph are in addition to the entitlement grants authorized
20 by section 2002(a)(1) of the Social Security Act and shall
21 not be available for such entitlement grants: *Provided fur-*
22 *ther*, That funds appropriated in this paragraph may be
23 transferred by the Secretary of HHS (“Secretary”) to ac-
24 counts within HHS, and shall be available only for the
25 purposes provided in this paragraph: *Provided further*,

1 That the transfer authority provided in this paragraph is
2 in addition to any other transfer authority available in this
3 or any other Act for fiscal year 2013: *Provided further,*
4 That 15 days prior to the transfer of funds appropriated
5 in this paragraph, the Secretary shall notify the Commit-
6 tees on Appropriations of the House of Representatives
7 and the Senate of any such transfer and the planned uses
8 of the funds: *Provided further,* That obligations incurred
9 for the purposes provided herein prior to the date of enact-
10 ment of this division may be charged to funds appro-
11 priated by this paragraph: *Provided further,* That funds
12 appropriated in this paragraph and transferred to the Na-
13 tional Institutes of Health for the purpose of supporting
14 the repair or rebuilding of non-Federal biomedical or be-
15 havioral research facilities damaged as a result of Hurri-
16 cane Sandy shall be used to award grants or contracts
17 for such purpose under section 404I of the Public Health
18 Service Act: *Provided further,* That section 481A(c)(2) of
19 such Act does not apply to the use of funds described in
20 the preceding proviso: *Provided further,* That funds appro-
21 priated in this paragraph shall not be available for costs
22 that are reimbursed by the Federal Emergency Manage-
23 ment Agency, under a contract for insurance, or by self-
24 insurance: *Provided further,* That such amounts are des-
25 ignated by the Congress as being for an emergency re-

1 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 2 anced Budget and Emergency Deficit Control Act of 1985.

3 RELATED AGENCIES

4 SOCIAL SECURITY ADMINISTRATION

5 LIMITATION ON ADMINISTRATIVE EXPENSES

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Limitation on Admin-
 8 istrative Expenses”, \$2,000,000, for expenses directly re-
 9 lated to Hurricane Sandy, which shall be derived from the
 10 unobligated balances that remain available under such
 11 heading for the Social Security Administration for infor-
 12 mation technology and telecommunications hardware and
 13 software infrastructure: *Provided*, That such amounts are
 14 designated by the Congress as being for an emergency re-
 15 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 16 anced Budget and Emergency Deficit Control Act of 1985.

17 TITLE VII

18 DEPARTMENT OF DEFENSE

19 MILITARY CONSTRUCTION

20 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

21 For an additional amount for “Military Construction,
 22 Army National Guard” for necessary expenses related to
 23 the consequences of Hurricane Sandy, \$24,235,000, to re-
 24 main available until September 30, 2017: *Provided*, That
 25 none of the funds made available to the Army National

1 Guard for recovery efforts related to Hurricane Sandy in
 2 this division shall be available for obligation until the Com-
 3 mittees on Appropriations of the House of Representatives
 4 and the Senate receive form 1391 for each specific re-
 5 quest: *Provided further*, That notwithstanding any other
 6 provision of law, such funds may be obligated to carry out
 7 military construction projects not otherwise authorized by
 8 law: *Provided further*, That such amount is designated by
 9 the Congress as being for an emergency requirement pur-
 10 suant to section 251(b)(2)(A)(i) of the Balanced Budget
 11 and Emergency Deficit Control Act of 1985.

12 DEPARTMENT OF VETERANS AFFAIRS

13 VETERANS HEALTH ADMINISTRATION

14 MEDICAL SERVICES

15 For an additional amount for “Medical Services” for
 16 necessary expenses related to the consequences of Hurri-
 17 cane Sandy, \$21,000,000, to remain available until Sep-
 18 tember 30, 2014: *Provided*, That such amount is des-
 19 ignated by the Congress as being for an emergency re-
 20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 21 anced Budget and Emergency Deficit Control Act of 1985.

22 MEDICAL FACILITIES

23 For an additional amount for “Medical Facilities” for
 24 necessary expenses related to the consequences of Hurri-
 25 cane Sandy, \$6,000,000, to remain available until Sep-

tember 30, 2014: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for “National Cemetery Administration” for necessary expenses related to the consequences of Hurricane Sandy, \$1,100,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for “Information Technology Systems” for necessary expenses related to the consequences of Hurricane Sandy, \$531,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for “Construction, Major Projects”, \$207,000,000, to remain available until September 30, 2017, for renovations and repairs as a con-

1 sequence of damage caused by Hurricane Sandy: *Provided*,
2 That none of these funds shall be available for obligation
3 until the Secretary of Veterans Affairs submits to the
4 Committees on Appropriations of the House of Represent-
5 atives and the Senate a detailed expenditure plan for
6 funds provided under this heading: *Provided further*, That
7 notwithstanding any other provision of law, such funds
8 may be obligated and expended to carry out planning and
9 design and major medical facility construction not other-
10 wise authorized by law: *Provided further*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 TITLE VIII

16 DEPARTMENT OF TRANSPORTATION

17 FEDERAL AVIATION ADMINISTRATION

18 FACILITIES AND EQUIPMENT

19 (AIRPORT AND AIRWAY TRUST FUND)

20 For an additional amount for “Facilities and Equip-
21 ment”, \$14,600,000, to be derived from the Airport and
22 Airway Trust Fund and to remain available until Sep-
23 tember 30, 2013, for necessary expenses related to the
24 consequences of Hurricane Sandy: *Provided* , That such
25 amount is designated by the Congress as being for an

1 emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 FEDERAL RAILROAD ADMINISTRATION
5 OPERATING SUBSIDY GRANTS TO THE NATIONAL
6 RAILROAD PASSENGER CORPORATION

7 For an additional amount for “Operating Subsidy
8 Grants to the National Railroad Passenger Corporation”
9 for the Secretary of Transportation to make grants to the
10 National Railroad Passenger Corporation for necessary
11 expenses related to the consequences of Hurricane Sandy,
12 \$32,000,000, to remain available until expended: *Pro-*
13 *vided*, That such amount is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 FEDERAL TRANSIT ADMINISTRATION
18 PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM
19 (INCLUDING TRANSFER OF FUNDS)

20 For the “Public Transportation Emergency Relief
21 Program” as authorized under section 5324 of title 49,
22 United States Code, \$5,400,000,000, to remain available
23 until expended, for transit systems affected by Hurricane
24 Sandy: *Provided*, That not more than \$2,000,000,000
25 shall be made available not later than 60 days after the

1 date of enactment of this division: *Provided further*, That
2 the remainder of the funds shall be made available only
3 after the Federal Transit Administration and the Federal
4 Emergency Management Agency sign the memorandum of
5 agreement required by section 20017(b) of the Moving
6 Ahead for Progress in the 21st Century Act (Public Law
7 112–141) and the Federal Transit Administration pub-
8 lishes interim regulations for the Public Transportation
9 Emergency Relief Program: *Provided further*, That not
10 more than three-quarters of 1 percent of the funds for
11 public transportation emergency relief shall be available
12 for administrative expenses and ongoing program manage-
13 ment oversight as authorized under 49 U.S.C. 5334 and
14 5338(i)(2) and shall be in addition to any other appropria-
15 tions for such purpose: *Provided further*, That of the funds
16 made available under this heading, \$3,000,000 shall be
17 transferred to the Office of Inspector General to support
18 the oversight of activities under this heading: *Provided*
19 *further*, That such amounts are designated by the Con-
20 gress as being for an emergency requirement pursuant to
21 section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

1 DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT
3 COMMUNITY PLANNING AND DEVELOPMENT
4 COMMUNITY DEVELOPMENT FUND
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for “Community Develop-
7 ment Fund”, \$3,850,000,000, to remain available until
8 September 30, 2017, for necessary expenses related to dis-
9 aster relief, long-term recovery, restoration of infrastruc-
10 ture and housing, and economic revitalization in the most
11 impacted and distressed areas resulting from a major dis-
12 aster declared pursuant to the Robert T. Stafford Disaster
13 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
14 seq.) due to Hurricane Sandy, for activities authorized
15 under title I of the Housing and Community Development
16 Act of 1974 (42 U.S.C. 5301 et seq.): *Provided*, That
17 funds shall be allocated directly to States and units of gen-
18 eral local government at the discretion of the Secretary
19 of Housing and Urban Development: *Provided further*,
20 That within 60 days after the enactment of this division,
21 the Secretary shall allocate to grantees all funds provided
22 under this heading based on the best available data: *Pro-*
23 *vided further*, That as a condition of eligibility for receipt
24 of such funds, a grantee shall submit a plan to the Sec-
25 retary detailing the proposed use of all funds, including

1 criteria for eligibility and how the use of such funds will
2 address long-term recovery, restoration of infrastructure
3 and housing, and economic revitalization in the most im-
4 pacted and distressed areas: *Provided further*, That the
5 Secretary shall, by notice issued within 45 days of enact-
6 ment of this division, specify criteria for approval of plans,
7 and, if the Secretary determines that a plan does not meet
8 such criteria, the Secretary shall disapprove the plan: *Pro-*
9 *vided further*, That as a condition of making any grant,
10 the Secretary shall certify in advance that such grantee
11 has in place proficient financial controls and procurement
12 processes and has established adequate procedures to pre-
13 vent any duplication of benefits as defined by section 312
14 of the Robert T. Stafford Disaster Relief and Emergency
15 Assistance Act (42 U.S.C. 5155), to ensure timely expend-
16 iture of funds, to maintain comprehensive websites regard-
17 ing all disaster recovery activities assisted with these
18 funds, and to detect and prevent waste, fraud, and abuse
19 of funds: *Provided further*, That funds provided under this
20 heading may not be used for activities reimbursable by or
21 for which funds are made available by the Federal Emer-
22 gency Management Agency or the Army Corps of Engi-
23 neers: *Provided further*, That funds allocated under this
24 heading shall not be considered relevant to the non-dis-
25 aster formula allocations made pursuant to section 106

1 of the Housing and Community Development Act of 1974
2 (42 U.S.C. 5306): *Provided further*, That a grantee may
3 use up to 5 percent of its overall allocation for administra-
4 tive costs: *Provided further*, That a grantee shall admin-
5 ister grant funds provided under this heading in accord-
6 ance with all applicable laws and regulations and may not
7 delegate, by contract or otherwise, the responsibility for
8 administering such grant funds: *Provided further*, That
9 the Secretary shall provide grantees with technical assist-
10 ance on contracting and procurement processes and shall
11 require grantees, in contracting or procuring these funds,
12 to incorporate performance requirements and penalties
13 into any such contracts or agreements: *Provided further*,
14 That the Secretary shall require grantees to maintain on
15 a public website information accounting for how all grant
16 funds are used, including details of all contracts and ongo-
17 ing procurement processes: *Provided further*, That, in ad-
18 ministering the funds under this heading, the Secretary
19 may waive, or specify alternative requirements for, any
20 provision of any statute or regulation that the Secretary
21 administers in connection with the obligation by the Sec-
22 retary or the use of these funds by a grantee (except for
23 requirements related to fair housing, nondiscrimination,
24 labor standards, and the environment) upon a request by
25 a grantee explaining why such waiver is required to facili-

1 tate the use of such funds and pursuant to a determina-
2 tion by the Secretary that good cause exists for the waiver
3 or alternative requirement and that such action is not in-
4 consistent with the overall purposes of title I of the Hous-
5 ing and Community Development Act of 1974 (42 U.S.C.
6 5301 et seq.) or this heading: *Provided further*, That, not-
7 withstanding the preceding proviso, recipients of funds
8 provided under this heading that use such funds to supple-
9 ment Federal assistance provided under section 402, 403,
10 404, 406, 407, or 502 of the Robert T. Stafford Disaster
11 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
12 seq.) may adopt, without review or public comment, any
13 environmental review, approval, or permit performed by
14 a Federal agency, and such adoption shall satisfy the re-
15 sponsibilities of the recipient with respect to such environ-
16 mental review, approval or permit under section 104(g)(1)
17 of the Housing and Community Development Act of 1974
18 (42 U.S.C. 5304(g)(1)): *Provided further*, That, notwith-
19 standing section 104(g)(2) of such Act (42 U.S.C.
20 5304(g)(2)), the Secretary may, upon receipt of a request
21 for release of funds and certification, immediately approve
22 the release of funds for an activity or project assisted
23 under this heading if the recipient has adopted an environ-
24 mental review, approval or permit under the preceding
25 proviso or the activity or project is categorically excluded

1 from review under the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That
3 a waiver granted by the Secretary may not reduce the per-
4 centage of funds that must be used for activities that ben-
5 efit persons of low and moderate income to less than 50
6 percent, unless the Secretary specifically finds that there
7 is compelling need to further reduce the percentage re-
8 quirement: *Provided further*, That the Secretary shall pub-
9 lish in the Federal Register any waiver or alternative re-
10 quirement made by the Secretary with respect to any stat-
11 ute or regulation no later than 5 days before the effective
12 date of such waiver or alternative requirement: *Provided*
13 *further*, That, of the funds made available under this head-
14 ing, up to \$4,000,000 may be transferred to Program Of-
15 fice Salaries and Expenses, Community Planning and De-
16 velopment for necessary costs, including information tech-
17 nology costs, of administering and overseeing funds made
18 available under this heading: *Provided further*, That, of the
19 funds made available under this heading, \$4,000,000 shall
20 be transferred to Office of the Inspector General for nec-
21 essary costs of overseeing and auditing funds made avail-
22 able under this heading: *Provided further*, That funds pro-
23 vided under this heading are designated by the Congress
24 as being for an emergency requirement pursuant to sec-

tion 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT

SEC. 801. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make temporary adjustments to the Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

TITLE IX

GENERAL PROVISIONS—THIS DIVISION

SEC. 901. Each amount appropriated or made available in this division is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 902. Each amount designated in this division by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-

1 et and Emergency Deficit Control Act of 1985 shall be
2 available only if the President subsequently so designates
3 all such amounts and transmits such designations to the
4 Congress.

5 SEC. 903. No part of any appropriation contained in
6 this division shall remain available for obligation beyond
7 the current fiscal year unless expressly so provided herein.

8 SEC. 904. (a)(1) Not later than March 31, 2013, in
9 accordance with criteria to be established by the Director
10 of the Office of Management and Budget (referred to in
11 this section as “OMB”), each Federal agency shall submit
12 to OMB, the Government Accountability Office, the re-
13 spective Inspector General of each agency, and the Com-
14 mittees on Appropriations of the House of Representatives
15 and the Senate internal control plans for funds provided
16 by this division.

17 (2) Not later than June 30, 2013, the Government
18 Accountability Office shall review for the Committees on
19 Appropriations of the House of Representatives and the
20 Senate the design of the internal control plans required
21 by paragraph (1).

22 (b) All programs and activities receiving funds under
23 this division shall be deemed to be “susceptible to signifi-
24 cant improper payments” for purposes of the Improper

1 Payments Information Act of 2002 (31 U.S.C. 3321 note),
2 notwithstanding section 2(a) of such Act.

3 (c) Funds for grants provided by this division shall
4 be expended by the grantees within the 24-month period
5 following the agency's obligation of funds for the grant,
6 unless, in accordance with guidance to be issued by the
7 Director of OMB, the Director waives this requirement for
8 a particular grant program and submits a written jus-
9 tification for such waiver to the Committees on Appropria-
10 tions of the House of Representatives and the Senate. In
11 the case of such grants, the agency shall include a term
12 in the grant that requires the grantee to return to the
13 agency any funds not expended within the 24-month pe-
14 riod.

15 (d) Through September 30, 2015, the Recovery Ac-
16 countability and Transparency Board shall develop and
17 use information technology resources and oversight mech-
18 anisms to detect and remediate waste, fraud, and abuse
19 in the obligation and expenditure of funds appropriated
20 in this or any other Act for any fiscal year of such period
21 for purposes related to the impact of Hurricane Sandy:
22 *Provided*, That the Board shall coordinate its oversight ef-
23 forts with the Director of OMB, the head of each Federal
24 agency receiving appropriations related to the impact of
25 Hurricane Sandy, and the respective Inspector General of

1 each such agency: *Provided further*, That the Board shall
 2 submit quarterly reports to the Committees on Appropria-
 3 tions of the House of Representatives and the Senate on
 4 its activities related to funds appropriated for the impact
 5 of Hurricane Sandy.

6 TITLE X

7 ADDITIONAL DISASTER ASSISTANCE

8 CHAPTER 1

9 DEPARTMENT OF AGRICULTURE

10 OFFICE OF THE SECRETARY

11 EMERGENCY CONSERVATION ACTIVITIES

12 (INCLUDING TRANSFER OF FUNDS)

13 For an additional amount, to remain available until
 14 expended, for the Emergency Conservation Program
 15 under title IV of the Agriculture Credit Act of 1978 (16
 16 U.S.C. 2201 et seq.) for necessary expenses related to the
 17 consequences of Hurricane Sandy and resulting from a
 18 major disaster declared pursuant to the Robert T. Staf-
 19 ford Disaster Relief and Emergency Assistance Act (42
 20 U.S.C. 5121 et seq.), \$218,000,000, of which \$15,000,000
 21 shall be available for payments under sections 401 and
 22 402 of the Agriculture Credit Act of 1978 (16 U.S.C.
 23 2201, 2202), \$180,000,000 shall be available for activities
 24 under section 403 of such Act (Emergency Watershed
 25 Protection Program; 16 U.S.C. 2203), and \$23,000,000

1 shall be available for activities under section 407 of such
 2 Act (Emergency Forest Restoration Program; 16 U.S.C.
 3 2206): *Provided*, That the Secretary of Agriculture shall
 4 transfer these funds to the Farm Service Agency and the
 5 Natural Resources Conservation Service: *Provided further*,
 6 That such amount is designated by the Congress as being
 7 for an emergency requirement pursuant to section
 8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 9 Deficit Control Act of 1985.

10 GENERAL PROVISION—THIS CHAPTER

11 SEC. 1011. The Office of Inspector General of the
 12 Department of Agriculture shall use unobligated disaster
 13 assistance oversight funds provided to such office in divi-
 14 sion B of Public Law 110–329 (122 Stat. 3585) for con-
 15 tinued oversight of Department of Agriculture disaster-
 16 and emergency-related activities.

17 CHAPTER 2

18 DEPARTMENT OF COMMERCE

19 NATIONAL OCEANIC AND ATMOSPHERIC

20 ADMINISTRATION

21 OPERATIONS, RESEARCH, AND FACILITIES

22 For an additional amount for “Operations, Research,
 23 and Facilities”, \$290,000,000 (reduced by \$150,000,000)
 24 to remain available until September 30, 2014, as follows:

1 (1) \$50,000,000 for mapping, charting, geodesy
2 services and marine debris surveys for coastal States
3 impacted by Hurricane Sandy;

4 (2) \$7,000,000 to repair and replace ocean ob-
5 serving and coastal monitoring assets damaged by
6 Hurricane Sandy;

7 (3) \$3,000,000 to provide technical assistance
8 to support State assessments of coastal impacts of
9 Hurricane Sandy;

10 (4) \$25,000,000 to improve weather forecasting
11 and hurricane intensity forecasting capabilities, to
12 include data assimilation from ocean observing plat-
13 forms and satellites;

14 (5) \$50,000,000 for laboratories and coopera-
15 tive institutes research activities associated with sus-
16 tained observations weather research programs, and
17 ocean and coastal research; and

18 (6) \$5,000,000 for necessary expenses related
19 to fishery disasters during calendar year 2012 that
20 were declared by the Secretary of Commerce as a di-
21 rect result of impacts from Hurricane Sandy:

22 *Provided*, That the National Oceanic and Atmospheric Ad-
23 ministration shall submit a spending plan to the Commit-
24 tees on Appropriations of the House of Representatives
25 and the Senate within 45 days after the date of enactment

1 of this division: *Provided further*, That such amount is des-
2 ignated by the Congress as being for an emergency re-
3 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985.

5 PROCUREMENT, ACQUISITION AND CONSTRUCTION

6 For an additional amount for “Procurement, Acquisi-
7 tion and Construction”, \$186,000,000, to remain available
8 until September 30, 2015, as follows:

9 (1) \$9,000,000 to repair National Oceanic and
10 Atmospheric Administration (NOAA) facilities dam-
11 aged by Hurricane Sandy;

12 (2) \$44,500,000 for repairs and upgrades to
13 NOAA hurricane reconnaissance aircraft;

14 (3) \$8,500,000 for improvements to weather
15 forecasting equipment and supercomputer infra-
16 structure;

17 (4) \$13,000,000 to accelerate the National
18 Weather Service ground readiness project; and

19 (5) \$111,000,000 for a weather satellite data
20 mitigation gap reserve fund:

21 *Provided*, That NOAA shall submit a spending plan to the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate within 45 days after the date of
24 enactment of this division: *Provided further*, That such
25 amount is designated by the Congress as being for an

1 emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 DEPARTMENT OF JUSTICE

5 FEDERAL BUREAU OF INVESTIGATION

6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses” for necessary expenses related to the con-
9 sequences of Hurricane Sandy, \$10,020,000: *Provided*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 DRUG ENFORCEMENT ADMINISTRATION

15 SALARIES AND EXPENSES

16 For an additional amount for “Salaries and Ex-
17 penses” for necessary expenses related to the con-
18 sequences of Hurricane Sandy, \$1,000,000: *Provided*,
19 That such amount is designated by the Congress as being
20 for an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

1 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
2 EXPLOSIVES

3 SALARIES AND EXPENSES

4 For an additional amount for “Salaries and Ex-
5 penses” for necessary expenses related to the con-
6 sequences of Hurricane Sandy, \$230,000: *Provided*, That
7 such amount is designated by the Congress as being for
8 an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 FEDERAL PRISON SYSTEM

12 BUILDINGS AND FACILITIES

13 For an additional amount for “Buildings and Facili-
14 ties” for necessary expenses related to the consequences
15 of Hurricane Sandy, \$10,000,000, to remain available
16 until expended: *Provided*, That such amount is designated
17 by the Congress as being for an emergency requirement
18 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
19 et and Emergency Deficit Control Act of 1985.

20 SCIENCE

21 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

22 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
23 RESTORATION

24 For an additional amount for “Construction and En-
25 vironmental Compliance and Restoration” for repair at

1 National Aeronautics and Space Administration facilities
2 damaged by Hurricane Sandy, \$15,000,000, to remain
3 available until September 30, 2014: *Provided*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 RELATED AGENCIES

9 LEGAL SERVICES CORPORATION

10 PAYMENT TO THE LEGAL SERVICES CORPORATION

11 For an additional amount for “Payment to the Legal
12 Services Corporation” to carry out the purposes of the
13 Legal Services Corporation Act by providing for necessary
14 expenses related to the consequences of Hurricane Sandy,
15 \$1,000,000: *Provided*, That the amount made available
16 under this heading shall be used only to provide the mobile
17 resources, technology, and disaster coordinators necessary
18 to provide storm-related services to the Legal Services
19 Corporation client population and only in the areas signifi-
20 cantly affected by Hurricane Sandy: *Provided further*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985: *Provided further*, That none
25 of the funds appropriated in this division to the Legal

1 Services Corporation shall be expended for any purpose
 2 prohibited or limited by, or contrary to any of the provi-
 3 sions of, sections 501, 502, 503, 504, 505, and 506 of
 4 Public Law 105–119, and all funds appropriated in this
 5 division to the Legal Services Corporation shall be subject
 6 to the same terms and conditions set forth in such sec-
 7 tions, except that all references in sections 502 and 503
 8 to 1997 and 1998 shall be deemed to refer instead to 2012
 9 and 2013, respectively, and except that sections 501 and
 10 503 of Public Law 104–134 (referenced by Public Law
 11 105–119) shall not apply to the amount made available
 12 under this heading: *Provided further*, That, for the pur-
 13 poses of this division, the Legal Services Corporation shall
 14 be considered an agency of the United States Government.

15 CHAPTER 3

16 DEPARTMENT OF DEFENSE

17 DEPARTMENT OF DEFENSE—MILITARY

18 OPERATION AND MAINTENANCE

19 OPERATION AND MAINTENANCE, ARMY

20 For an additional amount for “Operation and Main-
 21 tenance, Army”, \$5,370,000, to remain available until
 22 September 30, 2013, for necessary expenses related to the
 23 consequences of Hurricane Sandy: *Provided*, That such
 24 amount is designated by the Congress as being for an
 25 emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 OPERATION AND MAINTENANCE, NAVY

4 For an additional amount for “Operation and Main-
5 tenance, Navy”, \$40,015,000, to remain available until
6 September 30, 2013, for necessary expenses related to the
7 consequences of Hurricane Sandy: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, AIR FORCE

13 For an additional amount for “Operation and Main-
14 tenance, Air Force”, \$8,500,000, to remain available until
15 September 30, 2013, for necessary expenses related to the
16 consequences of Hurricane Sandy: *Provided*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 OPERATION AND MAINTENANCE, ARMY NATIONAL

22 GUARD

23 For an additional amount for “Operation and Main-
24 tenance, Army National Guard”, \$3,165,000, to remain
25 available until September 30, 2013, for necessary expenses

1 related to the consequences of Hurricane Sandy: *Provided*,
 2 That such amount is designated by the Congress as being
 3 for an emergency requirement pursuant to section
 4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 5 Deficit Control Act of 1985.

6 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

7 For an additional amount for “Operation and Main-
 8 tenance, Air National Guard”, \$5,775,000, to remain
 9 available until September 30, 2013, for necessary expenses
 10 related to the consequences of Hurricane Sandy: *Provided*,
 11 That such amount is designated by the Congress as being
 12 for an emergency requirement pursuant to section
 13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 14 Deficit Control Act of 1985.

15 PROCUREMENT

16 PROCUREMENT OF AMMUNITION, ARMY

17 For an additional amount for “Procurement of Am-
 18 munition, Army”, \$1,310,000, to remain available until
 19 September 30, 2015, for necessary expenses related to the
 20 consequences of Hurricane Sandy: *Provided*, That such
 21 amount is designated by the Congress as being for an
 22 emergency requirement pursuant to section
 23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 24 Deficit Control Act of 1985.

1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for “Defense Working
4 Capital Funds”, \$24,200,000, to remain available until
5 September 30, 2013, for necessary expenses related to the
6 consequences of Hurricane Sandy: *Provided*, That such
7 amount is designated by the Congress as being for an
8 emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 CHAPTER 4

12 DEPARTMENT OF THE ARMY

13 CORPS OF ENGINEERS—CIVIL

14 INVESTIGATIONS

15 For an additional amount for “Investigations” for
16 necessary expenses related to the consequences of Hurri-
17 cane Sandy, \$50,000,000, to remain available until ex-
18 pended to expedite at full Federal expense studies of flood
19 and storm damage reduction: *Provided*, That using
20 \$29,500,000 of the funds provided herein, the Secretary
21 of the Army shall expedite and complete ongoing flood and
22 storm damage reduction studies in areas that were im-
23 pacted by Hurricane Sandy in the North Atlantic Division
24 of the United States Army Corps of Engineers: *Provided*
25 *further*, That using up to \$20,000,000 of the funds pro-

1 vided herein, the Secretary shall conduct a comprehensive
2 study to address the flood risks of vulnerable coastal popu-
3 lations in areas that were affected by Hurricane Sandy
4 within the boundaries of the North Atlantic Division of
5 the Corps: *Provided further*, That an interim report with
6 an assessment of authorized Corps projects for reducing
7 flooding and storm risks in the affected area that have
8 been constructed or are under construction, including con-
9 struction cost estimates, shall be submitted to the Com-
10 mittees on Appropriations of the House of Representatives
11 and the Senate not later than March 1, 2013: *Provided*
12 *further*, That an interim report identifying any previously
13 authorized but unconstructed Corps project and any
14 project under study by the Corps for reducing flooding and
15 storm damage risks in the affected area, including up-
16 dated construction cost estimates, that are, or would be,
17 consistent with the comprehensive study shall be sub-
18 mitted to the appropriate congressional committees by
19 May 1, 2013: *Provided further*, That a final report shall
20 be submitted to the appropriate congressional committees
21 within 24 months of the date of enactment of this division:
22 *Provided further*, That as a part of the study, the Sec-
23 retary shall identify those activities warranting additional
24 analysis by the Corps, as well as institutional and other
25 barriers to providing protection to the affected coastal

1 areas: *Provided further*, That the Secretary shall conduct
2 the study in coordination with other Federal agencies, and
3 State, local and Tribal officials to ensure consistency with
4 other plans to be developed, as appropriate: *Provided fur-*
5 *ther*, That using \$500,000 of the funds provided herein,
6 the Secretary shall conduct an evaluation of the perform-
7 ance of existing projects constructed by the Corps and im-
8 pacted by Hurricane Sandy for the purposes of deter-
9 mining their effectiveness and making recommendations
10 for improvements thereto: *Provided further*, That as a part
11 of the study, the Secretary shall identify institutional and
12 other barriers to providing comprehensive protection to af-
13 fected coastal areas and shall provide this report to the
14 Committees on Appropriations of the House of Represent-
15 atives and the Senate within 120 days of enactment of
16 this division: *Provided further*, That the amounts in this
17 paragraph are designated by the Congress as being for
18 an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985: *Provided further*, That the
21 Assistant Secretary of the Army for Civil Works shall pro-
22 vide a monthly report to the Committees on Appropria-
23 tions of the House of Representatives and the Senate de-
24 tailing the allocation and obligation of these funds, begin-

1 ning not later than 60 days after enactment of this divi-
2 sion.

3 CONSTRUCTION

4 For an additional amount for “Construction” for nec-
5 essary expenses related to the consequences of Hurricane
6 Sandy, \$3,461,000,000, to remain available until ex-
7 pended to rehabilitate, repair and construct United States
8 Army Corps of Engineers projects: *Provided, That*
9 \$2,902,000,000 of the funds provided under this heading
10 shall be used to reduce future flood risk in ways that will
11 support the long-term sustainability of the coastal eco-
12 system and communities and reduce the economic costs
13 and risks associated with large-scale flood and storm
14 events in areas along the Atlantic Coast within the bound-
15 aries of the North Atlantic Division of the Corps that were
16 affected by Hurricane Sandy: *Provided further, That*
17 \$858,000,000 of such funds shall be made available not
18 earlier than 14 days after the Secretary of the Army sub-
19 mits the report required under the heading “Investiga-
20 tions” to be submitted not later than March 1, 2013, and
21 \$2,044,000,000 shall be made available not earlier than
22 14 days after the Secretary submits the report required
23 under the heading “Investigations” to be submitted not
24 later than May 1, 2013: *Provided further, That* efforts
25 using these funds shall incorporate current science and en-

1 gineering standards in constructing previously authorized
2 Corps projects designed to reduce flood and storm damage
3 risks and modifying existing Corps projects that do not
4 meet these standards, with such modifications as the Sec-
5 retary determines are necessary to incorporate these
6 standards or to meet the goal of providing sustainable re-
7 duction to flooding and storm damage risks: *Provided fur-*
8 *ther*, That upon approval of the Committees on Appropria-
9 tions of the House of Representatives and the Senate
10 these funds may be used to construct any project under
11 study by the Corps for reducing flooding and storm dam-
12 age risks in areas along the Atlantic Coast within the
13 North Atlantic Division of the Corps that were affected
14 by Hurricane Sandy that the Secretary determines is tech-
15 nically feasible, economically justified, and environ-
16 mentally acceptable: *Provided further*, That the completion
17 of ongoing construction projects receiving funds provided
18 by this division shall be at full Federal expense with re-
19 spect to such funds: *Provided further*, That the non-Fed-
20 eral cash contribution for projects using these funds shall
21 be financed in accordance with the provisions of section
22 103(k) of Public Law 99–662 over a period of 30 years
23 from the date of completion of the project or separable
24 element: *Provided further*, That for these projects, the pro-
25 visions of section 902 of the Water Resources Develop-

1 ment Act of 1986 shall not apply to these funds: *Provided*
2 *further*, That up to \$51,000,000 of the funds provided
3 under this heading shall be used to expedite continuing
4 authorities projects to reduce the risk of flooding along
5 the coastal areas in States impacted by Hurricane Sandy
6 within the boundaries of the North Atlantic Division of
7 the Corps: *Provided further*, That \$9,000,000 of the funds
8 provided under this heading shall be used for repairs to
9 projects that were under construction and damaged by the
10 impacts of Hurricane Sandy: *Provided further*, That any
11 projects using funds appropriated under this heading shall
12 be initiated only after non-Federal interests have entered
13 into binding agreements with the Secretary requiring the
14 non-Federal interests to pay 100 percent of the operation,
15 maintenance, repair, replacement, and rehabilitation costs
16 of the project and to hold and save the United States free
17 from damages due to the construction or operation and
18 maintenance of the project, except for damages due to the
19 fault or negligence of the United States or its contractors:
20 *Provided further*, That the Assistant Secretary of the
21 Army for Civil Works shall submit to the Committees on
22 Appropriations of the House of Representatives and the
23 Senate a monthly report detailing the allocation and obli-
24 gation of these funds, beginning not later than 60 days
25 after the date of the enactment of this division.

1 OPERATION AND MAINTENANCE

2 For an additional amount for “Operation and Main-
3 tenance” for necessary expenses related to the con-
4 sequences of Hurricane Sandy, \$821,000,000, to remain
5 available until expended to dredge Federal navigation
6 channels and repair damage to United States Army Corps
7 of Engineers projects: *Provided*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985:
11 *Provided further*, That the Assistant Secretary of the
12 Army for Civil Works shall provide a monthly report to
13 the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate detailing the allocation and
15 obligation of these funds, beginning not later than 60 days
16 after enactment of this division.

17 FLOOD CONTROL AND COASTAL EMERGENCIES

18 For an additional amount for “Flood Control and
19 Coastal Emergencies” for necessary expenses related to
20 the consequences of Hurricane Sandy, \$1,008,000,000, to
21 remain available until expended to prepare for flood, hurri-
22 cane, and other natural disasters and support emergency
23 operations, repairs and other activities as authorized by
24 law: *Provided*, That \$430,000,000 of the funds provided
25 herein shall be made available not earlier than 14 days

1 after the Secretary of the Army submits the report re-
2 quired under the heading “Investigations” to be submitted
3 not later than March 1, 2013, and shall be utilized by
4 the United States Army Corps of Engineers to restore
5 projects impacted by Hurricane Sandy in the North Atlan-
6 tic Division of the Corps to design profiles of the author-
7 ized projects: *Provided further*, That the provisions of sec-
8 tion 902 of the Water Resources Development Act of 1986
9 shall not apply to funds provided under this heading: *Pro-*
10 *vided further*, That the amounts in this paragraph are des-
11 ignated by the Congress as being for an emergency re-
12 quirement pursuant section 251(b)(2)(A)(i) of the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985:
14 *Provided further*, That the Assistant Secretary of the
15 Army for Civil Works shall provide a monthly report to
16 the Committees on Appropriations of the House of Rep-
17 resentatives and the Senate detailing the allocation and
18 obligation of these funds, beginning not later than 60 days
19 after enactment of this division.

20 EXPENSES

21 For an additional amount for “Expenses” for nec-
22 essary expenses related to the consequences of Hurricane
23 Sandy, \$10,000,000, to remain available until expended
24 to oversee emergency response and recovery activities:
25 *Provided*, That such amount is designated by the Congress

1 as being for an emergency requirement pursuant section
 2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 3 Deficit Control Act of 1985: *Provided further*, That the
 4 Assistant Secretary of the Army for Civil Works shall pro-
 5 vide a monthly report to the Committees on Appropria-
 6 tions of the House of Representatives and the Senate de-
 7 tailing the allocation and obligation of these funds, begin-
 8 ning not later than 60 days after enactment of this divi-
 9 sion.

10 GENERAL PROVISION—THIS CHAPTER

11 SEC. 1041. This chapter shall apply in place of title
 12 II of this division, and such title shall have no force or
 13 effect.

14 CHAPTER 5

15 GENERAL SERVICES ADMINISTRATION

16 REAL PROPERTY ACTIVITIES

17 FEDERAL BUILDINGS FUND

18 For an additional amount to be deposited in the
 19 “Federal Buildings Fund”, \$7,000,000, to remain avail-
 20 able until September 30, 2015, for necessary expenses re-
 21 lated to the consequences of Hurricane Sandy, for basic
 22 repair and alteration of buildings under the custody and
 23 control of the Administrator of General Services, and real
 24 property management and related activities not otherwise
 25 provided for: *Provided*, That such amount is designated

1 by the Congress as being for an emergency requirement
 2 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
 3 et and Emergency Deficit Control Act of 1985.

4 SMALL BUSINESS ADMINISTRATION

5 SALARIES AND EXPENSES

6 The provisions under this heading in title III of this
 7 division shall be applied by substituting “\$20,000,000”
 8 for “\$10,000,000”.

9 OFFICE OF INSPECTOR GENERAL

10 For an additional amount for “Office of Inspector
 11 General”, \$5,000,000, to remain available until expended:
 12 *Provided*, That such amount is designated by the Congress
 13 as being for an emergency requirement pursuant to sec-
 14 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
 15 gency Deficit Control Act of 1985: *Provided further*, That
 16 this paragraph shall apply in place of the previous provi-
 17 sions under this heading in title III of this division, and
 18 such previous provisions shall have no force or effect.

19 DISASTER LOANS PROGRAM ACCOUNT

20 (INCLUDING TRANSFERS OF FUNDS)

21 For an additional amount for “Disaster Loans Pro-
 22 gram Account” for the cost of direct loans authorized by
 23 section 7(b) of the Small Business Act, \$520,000,000, to
 24 remain available until expended: *Provided*, That such
 25 costs, including the cost of modifying such loans, shall be

1 defined in section 502 of the Congressional Budget Act
2 of 1974: *Provided further*, That in addition, for adminis-
3 trative expenses to carry out the direct loan program au-
4 thorized by section 7(b) of the Small Business Act, an ad-
5 ditional \$260,000,000 to remain available until expended,
6 of which \$250,000,000 is for direct administrative ex-
7 penses of loan making and servicing to carry out the direct
8 loan program, which may be transferred to and merged
9 with the appropriations for Salaries and Expenses, and
10 of which \$10,000,000 is for indirect administrative ex-
11 penses for the direct loan program, which may to be trans-
12 ferred to and merged with appropriations for Salaries and
13 Expenses: *Provided further*, That such amounts are des-
14 ignated by the Congress as being for an emergency re-
15 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985:
17 *Provided further*, That this paragraph shall apply in place
18 of the previous provisions under this heading in title III
19 of this division, and such previous provisions shall have
20 no force or effect.

1 CHAPTER 6
2 DEPARTMENT OF HOMELAND SECURITY
3 UNITED STATES CUSTOMS AND BORDER PROTECTION
4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-
6 penses” for necessary expenses related to the con-
7 sequences of Hurricane Sandy, \$1,667,000: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985: *Provided further*, That a de-
12 scription of all property to be replaced, with associated
13 costs, shall be submitted to the Committees on Appropria-
14 tions of the House of Representatives and the Senate no
15 later than 90 days after the date of enactment of this divi-
16 sion.

17 UNITED STATES IMMIGRATION AND CUSTOMS
18 ENFORCEMENT
19 SALARIES AND EXPENSES
20 For an additional amount for “Salaries and Ex-
21 penses” for necessary expenses related to the con-
22 sequences of Hurricane Sandy, \$855,000: *Provided*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section
25 251(b)(2)(A)(i) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985: *Provided further*, That a de-
2 scription of all property to be replaced, with associated
3 costs, shall be submitted to the Committees on Appropria-
4 tions of the House of Representatives and the Senate no
5 later than 90 days after the date of enactment of this divi-
6 sion.

7 UNITED STATES SECRET SERVICE

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and Ex-
10 penses” for necessary expenses related to the con-
11 sequences of Hurricane Sandy, \$300,000: *Provided*, That
12 such amount is designated by the Congress as being for
13 an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985: *Provided further*, That a de-
16 scription of all property to be replaced, with associated
17 costs, shall be submitted to the Committees on Appropria-
18 tions of the House of Representatives and the Senate no
19 later than 90 days after the date of enactment of this divi-
20 sion.

1 COAST GUARD
2 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS
3 (INCLUDING TRANSFER OF FUNDS)

4 The provisions under this heading in title IV of this
5 division shall be applied by substituting “\$274,233,000”
6 for “\$143,899,000”.

7 FEDERAL EMERGENCY MANAGEMENT AGENCY
8 DISASTER RELIEF FUND
9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for the “Disaster Relief
11 Fund” in carrying out the Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
13 seq.), \$11,487,735,000, to remain available until ex-
14 pended: *Provided*, That of the total amount provided,
15 \$5,379,000,000 shall be for major disasters declared pur-
16 suant to the Robert T. Stafford Disaster Relief and Emer-
17 gency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*
18 *further*, That the amount in the preceding proviso is des-
19 ignated by the Congress as being for disaster relief pursu-
20 ant to section 251(b)(2)(D) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985: *Provided further*,
22 That of the total amount provided, \$6,108,735,000 is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985

1 which shall be for major disasters declared pursuant to
2 the Robert T. Stafford Disaster Relief and Emergency As-
3 sistance Act (42 U.S.C. 5121 et seq.): *Provided further*,
4 That of the total amount provided, \$3,000,000 shall be
5 transferred to the Department of Homeland Security “Of-
6 fice of Inspector General” for audits and investigations re-
7 lated to disasters; *Provided further*, That the Adminis-
8 trator of the Federal Emergency Management Agency
9 shall publish on the Agency’s website not later than 24
10 hours after an award of a public assistance grant under
11 section 406 of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5172) the specifics
13 of the grant award: *Provided further*, That for any mission
14 assignment or mission assignment task order to another
15 Federal department or agency regarding a major disaster,
16 not later than 24 hours after the issuance of the mission
17 assignment or task order, the Administrator shall publish
18 on the Agency’s website the following: the name of the
19 impacted state and the disaster declaration for such State,
20 the assigned agency, the assistance requested, a descrip-
21 tion of the disaster, the total cost estimate, and the
22 amount obligated: *Provided further*, That not later than
23 10 days after the last day of each month until the mission
24 assignment or task order is completed and closed out, the
25 Administrator shall update any changes to the total cost

1 estimate and the amount obligated: *Provided further*, That
2 for a disaster declaration related to Hurricane Sandy, the
3 Administrator shall submit to the Committees on Appro-
4 priations of the House of Representatives and the Senate,
5 not later than 5 days after the first day of each month
6 beginning after the date of enactment of this division, and
7 shall publish on the Agency’s website not later than 10
8 days after the first day of each such month, an estimate
9 or actual amount, if available, for the current fiscal year
10 of the cost of the following categories of spending: public
11 assistance, individual assistance, operations, mitigation,
12 administrative, and any other relevant category (including
13 emergency measures and disaster resources): *Provided fur-*
14 *ther*, That not later than 10 days after the first day of
15 each month beginning after the date of enactment of this
16 division, the Administrator shall publish on the Agency’s
17 website the report (referred to as the Disaster Relief
18 Monthly Report) as required by Public Law 112–74: *Pro-*
19 *vided further*, That this paragraph shall apply in place of
20 the previous provisions under this heading in title IV of
21 this division, and such previous provisions shall have no
22 force or effect.

23 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

24 For an additional amount for “Disaster Assistance
25 Direct Loan Program Account” for the cost of direct

1 loans, \$300,000,000, to remain available until expended,
 2 as authorized by section 417 of the Robert T. Stafford
 3 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 4 5184), of which up to \$4,000,000 is for administrative ex-
 5 penses to carry out the direct loan program: *Provided*,
 6 That such costs, including the cost of modifying such
 7 loans, shall be as defined in section 502 of the Congres-
 8 sional Budget Act of 1974: *Provided further*, That these
 9 funds are available to subsidize gross obligations for the
 10 principal amount of direct loans not to exceed
 11 \$400,000,000: *Provided further*, That these amounts are
 12 designated by the Congress as an emergency requirement
 13 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
 14 et and Emergency Deficit Control Act of 1985.

15 SCIENCE AND TECHNOLOGY

16 RESEARCH, DEVELOPMENT, ACQUISITION, AND

17 OPERATIONS

18 The provisions under this heading in title IV of this
 19 division shall be applied by substituting “\$3,249,000” and
 20 “September 30, 2014” for “\$585,000” and “September
 21 30, 2013”, respectively.

1 CHAPTER 7
2 DEPARTMENT OF THE INTERIOR
3 FISH AND WILDLIFE SERVICE
4 CONSTRUCTION

5 The provisions under this heading in title V of this
6 division shall be applied by substituting “\$78,000,000 (re-
7 duced by \$9,800,000)” for “\$49,875,000”: *Provided*, That
8 none of the funds made available under such heading in
9 title V may be used to repair seawalls or buildings on is-
10 lands in the Stewart B. McKinney National Wildlife Ref-
11 uge.

12 NATIONAL PARK SERVICE
13 HISTORIC PRESERVATION FUND

14 For an additional amount for the “Historic Preserva-
15 tion Fund” for necessary expenses related to the con-
16 sequences of Hurricane Sandy, \$50,000,000, to remain
17 available until September 30, 2015, including costs to
18 States necessary to complete compliance activities re-
19 quired by section 106 of the National Historic Preserva-
20 tion Act and costs needed to administer the program: *Pro-*
21 *vided*, That grants shall only be available for areas that
22 have received a major disaster declaration pursuant to the
23 Robert T. Stafford Disaster Relief and Emergency Assist-
24 ance Act (42 U.S.C. 5121 et seq.): *Provided further*, That
25 individual grants shall not be subject to a non-Federal

1 matching requirement: *Provided further*, That such
2 amount is designated by the Congress as being for an
3 emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 CONSTRUCTION

7 The provisions under this heading in title V of this
8 division shall be applied by substituting “\$348,000,000”
9 for “\$234,000,000”.

10 DEPARTMENTAL OPERATIONS

11 OFFICE OF THE SECRETARY

12 (INCLUDING TRANSFERS OF FUNDS)

13 For an additional amount for “Departmental Oper-
14 ations” and any Department of the Interior component
15 bureau or office for necessary expenses related to the con-
16 sequences of Hurricane Sandy, \$360,000,000, to remain
17 available until expended: *Provided*, That funds appro-
18 priated herein shall be used to restore and rebuild national
19 parks, national wildlife refuges, and other Federal public
20 assets; increase the resiliency and capacity of coastal habi-
21 tat and infrastructure to withstand storms and reduce the
22 amount of damage caused by such storms: *Provided fur-*
23 *ther*, That the Secretary of the Interior may transfer these
24 funds to any other account in the Department and may
25 expend such funds by direct expenditure, grants, or coop-

1 erative agreements, including grants to or cooperative
2 agreements with States, Tribes, and municipalities, to
3 carry out the purposes provided herein: *Provided further*,
4 That the Secretary shall submit to the Committees on Ap-
5 propriations of the House of Representatives and the Sen-
6 ate a detailed spending plan for the amounts provided
7 herein within 60 days of enactment of this division: *Pro-*
8 *vided further*, That such amount is designated by the Con-
9 gress as being for an emergency requirement pursuant to
10 section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 ENVIRONMENTAL PROTECTION AGENCY

13 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

14 For an additional amount for “Environmental Pro-
15 grams and Management” for necessary expenses related
16 to the consequences of Hurricane Sandy, \$725,000, to re-
17 main available until expended: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 HAZARDOUS SUBSTANCE SUPERFUND

23 For an additional amount for “Hazardous Substance
24 Superfund” for necessary expenses related to the con-
25 sequences of Hurricane Sandy, \$2,000,000, to remain

1 available until expended: *Provided*, That such amount is
 2 designated by the Congress as being for an emergency re-
 3 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 4 anced Budget and Emergency Deficit Control Act of 1985.

5 LEAKING UNDERGROUND STORAGE TANK FUND

6 For an additional amount for “Leaking Underground
 7 Storage Tank Fund” for necessary expenses related to the
 8 consequences of Hurricane Sandy, \$5,000,000, to remain
 9 available until expended: *Provided*, That such amount is
 10 designated by the Congress as being for an emergency re-
 11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 12 anced Budget and Emergency Deficit Control Act of 1985.

13 STATE AND TRIBAL ASSISTANCE GRANTS

14 For an additional amount for “State and Tribal As-
 15 sistance Grants”, \$600,000,000, to remain available until
 16 expended, of which \$500,000,000 shall be for capitaliza-
 17 tion grants for the Clean Water State Revolving Funds
 18 under title VI of the Federal Water Pollution Control Act,
 19 and of which \$100,000,000 shall be for capitalization
 20 grants under section 1452 of the Safe Drinking Water
 21 Act: *Provided*, That notwithstanding section 604(a) of the
 22 Federal Water Pollution Control Act and section
 23 1452(a)(1)(D) of the Safe Drinking Water Act, funds ap-
 24 propriated herein shall be provided to States in EPA Re-
 25 gion 2 for wastewater and drinking water treatment works

1 and facilities impacted by Hurricane Sandy: *Provided fur-*
2 *ther*, That notwithstanding the requirements of section
3 603(d) of the Federal Water Pollution Control Act, for
4 the funds appropriated herein, each State shall use not
5 less than 20 percent but not more than 30 percent of the
6 amount of its capitalization grants to provide additional
7 subsidization to eligible recipients in the form of forgive-
8 ness of principal, negative interest loans or grants or any
9 combination of these: *Provided further*, That the funds ap-
10 propriated herein shall only be used for eligible projects
11 whose purpose is to reduce flood damage risk and vulner-
12 ability or to enhance resiliency to rapid hydrologic change
13 or a natural disaster at treatment works as defined by
14 section 212 of the Federal Water Pollution Control Act
15 or any eligible facilities under section 1452 of the Safe
16 Drinking Water Act, and for other eligible tasks at such
17 treatment works or facilities necessary to further such
18 purposes: *Provided further*, That the Administrator of the
19 Environmental Protection Agency may retain up to
20 \$1,000,000 of the funds appropriated herein for manage-
21 ment and oversight: *Provided further*, That such amounts
22 are designated by the Congress as being for an emergency
23 requirement pursuant to section 251(b)(2)(A)(i) of the
24 Balanced Budget and Emergency Deficit Control Act of
25 1985.

1 RELATED AGENCIES

2 DEPARTMENT OF AGRICULTURE

3 FOREST SERVICE

4 CAPITAL IMPROVEMENT AND MAINTENANCE

5 For an additional amount for “Capital Improvement
6 and Maintenance” for necessary expenses related to the
7 consequences of Hurricane Sandy, \$4,400,000, to remain
8 available until expended: *Provided*, That such amount is
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 OTHER RELATED AGENCY

13 SMITHSONIAN INSTITUTION

14 SALARIES AND EXPENSES

15 For an additional amount for “Salaries and Ex-
16 penses” for necessary expenses related to the con-
17 sequences of Hurricane Sandy, \$2,000,000, to remain
18 available until expended: *Provided*, That such amount is
19 designated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

1 CHAPTER 8
2 DEPARTMENT OF LABOR
3 EMPLOYMENT AND TRAINING ADMINISTRATION
4 TRAINING AND EMPLOYMENT SERVICES
5 (INCLUDING TRANSFERS OF FUNDS)
6 For an additional amount for “Training and Employ-
7 ment Services”, \$25,000,000, for the dislocated workers
8 assistance national reserve for necessary expenses directly
9 related to Hurricane Sandy, which shall be available from
10 the date of enactment of this division through September
11 30, 2013: *Provided*, That the Secretary of Labor may
12 transfer up to \$3,500,000 of such funds to any other De-
13 partment of Labor account for other Hurricane Sandy re-
14 construction and recovery needs, including worker protec-
15 tion activities: *Provided further*, That such amounts are
16 designated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 OFFICE OF THE SECRETARY
4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
5 FUND
6 (INCLUDING TRANSFERS OF FUNDS)

7 For an additional amount for “Public Health and So-
8 cial Services Emergency Fund” for disaster response and
9 recovery, and other expenses directly related to Hurricane
10 Sandy, including making payments under the Head Start
11 Act and additional payments for distribution as provided
12 for under the “Social Services Block Grant Program”,
13 \$800,000,000, to remain available until September 30,
14 2015: *Provided*, That \$100,000,000 shall be transferred
15 to “Children and Families Services Programs” for the
16 Head Start program for the purposes provided herein:
17 *Provided further*, That \$500,000,000 shall be transferred
18 to “Social Services Block Grant” for the purposes pro-
19 vided herein: *Provided further*, That section 2002(c) of the
20 Social Security Act shall be applied to funds appropriated
21 in the preceding proviso by substituting “succeeding 2 fis-
22 cal years” for “succeeding fiscal year”: *Provided further*,
23 That not less than \$5,000,000 shall be transferred to the
24 Department of Health and Human Services (“HHS”)
25 “Office of Inspector General” to perform oversight, ac-

1 countability, and evaluation of programs, projects, or ac-
2 tivities supported with the funds provided for the purposes
3 provided herein: *Provided further*, That notwithstanding
4 any other provision of law, the distribution of any amount
5 shall be limited to the States directly affected by Hurri-
6 cane Sandy and which have been declared by the President
7 as a major disaster under title IV of the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance Act for
9 Hurricane Sandy: *Provided further*, That none of the
10 funds appropriated in this paragraph shall be included in
11 the calculation of the “base grant” in subsequent fiscal
12 years, as such term is defined in sections 640(a)(7)(A),
13 641A(h)(1)(B), or 644(d)(3) of the Head Start Act: *Pro-*
14 *vided further*, That funds appropriated in this paragraph
15 are not subject to the allocation requirements of section
16 640(a) of the Head Start Act: *Provided further*, That
17 funds appropriated in this paragraph for the Social Serv-
18 ices Block Grant are in addition to the entitlement grants
19 authorized by section 2002(a)(1) of the Social Security
20 Act and shall not be available for such entitlement grants:
21 *Provided further*, That in addition to other uses permitted
22 by title XX of the Social Security Act, funds appropriated
23 in this paragraph for the Social Services Block Grant may
24 be used for health services (including mental health serv-
25 ices), and for costs of renovating, repairing, or rebuilding

1 health care facilities, child care facilities, or other social
2 services facilities: *Provided further*, That the remaining
3 \$195,000,000 appropriated in this paragraph may be
4 transferred by the Secretary of HHS (“Secretary”) to ac-
5 counts within HHS, and shall be available only for the
6 purposes provided in this paragraph: *Provided further*,
7 That the transfer authority provided in this paragraph is
8 in addition to any other transfer authority available in this
9 or any other Act: *Provided further*, That 15 days prior
10 to the transfer of funds appropriated in this paragraph,
11 the Secretary shall notify the Committees on Appropria-
12 tions of the House of Representatives and the Senate of
13 any such transfer and the planned uses of the funds: *Pro-*
14 *vided further*, That obligations incurred for the purposes
15 provided herein prior to the date of enactment of this divi-
16 sion may be charged to funds appropriated by this para-
17 graph: *Provided further*, That funds appropriated in this
18 paragraph and transferred to the National Institutes of
19 Health for the purpose of supporting the repair or rebuild-
20 ing of non-Federal biomedical or behavioral research facili-
21 ties damaged as a result of Hurricane Sandy shall be used
22 to award grants or contracts for such purpose under sec-
23 tion 404I of the Public Health Service Act: *Provided fur-*
24 *ther*, That section 481A(c)(2) of such Act does not apply
25 to the use of funds described in the preceding proviso: *Pro-*

1 *vided further*, That funds appropriated in this paragraph
 2 shall not be available for costs that are reimbursed by the
 3 Federal Emergency Management Agency, under a con-
 4 tract for insurance, or by self-insurance: *Provided further*,
 5 That such amounts are designated by the Congress as
 6 being for an emergency requirement pursuant to section
 7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 8 Deficit Control Act of 1985: *Provided further*, That this
 9 paragraph shall apply in place of the previous provisions
 10 under this heading in title VI of this division, and such
 11 previous provisions shall have no force or effect.

12 CHAPTER 9

13 DEPARTMENT OF TRANSPORTATION

14 FEDERAL AVIATION ADMINISTRATION

15 FACILITIES AND EQUIPMENT

16 (AIRPORT AND AIRWAY TRUST FUND)

17 For an additional amount for “Facilities and Equip-
 18 ment”, \$30,000,000, to be derived from the Airport and
 19 Airway Trust Fund and to remain available until ex-
 20 pended, for necessary expenses related to the consequences
 21 of Hurricane Sandy: *Provided*, That such amount is des-
 22 ignated by the Congress as being for an emergency re-
 23 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 24 anced Budget and Emergency Deficit Control Act of 1985.

1 FEDERAL HIGHWAY ADMINISTRATION

2 FEDERAL-AID HIGHWAYS

3 EMERGENCY RELIEF PROGRAM

4 For an additional amount for the “Emergency Relief
5 Program” as authorized under section 125 of title 23,
6 United States Code, \$2,022,000,000, to remain available
7 until expended: *Provided*, That the obligations for projects
8 under this section resulting from a single natural disaster
9 or a single catastrophic failure in a State shall not exceed
10 \$100,000,000, and the total obligations for projects under
11 this section in any fiscal year in the Virgin Islands, Guam,
12 American Samoa, and the Commonwealth of the Northern
13 Mariana Islands shall not exceed \$20,000,000: *Provided*
14 *further*, That notwithstanding the preceding proviso, the
15 Secretary of Transportation may obligate more than
16 \$100,000,000, but not more than \$500,000,000, for a sin-
17 gle natural disaster event in a State for emergency relief
18 projects arising from damage caused in calendar year
19 2012 by Hurricane Sandy: *Provided further*, That no
20 funds provided in this division shall be used for section
21 125(g) of such title: *Provided further*, That the amount
22 provided under this heading is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 FEDERAL RAILROAD ADMINISTRATION
2 GRANTS TO THE NATIONAL RAILROAD PASSENGER
3 CORPORATION

4 For an additional amount for “Grants to the Na-
5 tional Railroad Passenger Corporation” for the Secretary
6 of Transportation to make capital and debt service grants
7 to the National Railroad Passenger Corporation to ad-
8 vance capital projects that address Northeast Corridor in-
9 frastructure recovery and resiliency in the affected areas,
10 \$86,000,000, to remain available until expended: *Pro-*
11 *vided*, That none of the funds may be used to subsidize
12 operating losses of the Corporation: *Provided further*, That
13 as a condition of eligibility for receipt of such funds, the
14 Corporation shall not, after the enactment of this division,
15 use any funds provided for Capital and Debt Service
16 Grants to the National Railroad Passenger Corporation
17 in this division or any other Act for operating expenses,
18 which includes temporary transfers of such funds: *Pro-*
19 *vided further*, That the Administrator of the Federal Rail-
20 road Administration may retain up to one-half of 1 per-
21 cent of the funds provided under this heading to fund the
22 award and oversight by the Administrator of grants made
23 under this heading: *Provided further*, That for an addi-
24 tional amount for the Secretary to make operating subsidy
25 grants to the National Railroad Passenger Corporation for

1 necessary repairs related to the consequences of Hurricane
2 Sandy, \$32,000,000, to remain available until expended:
3 *Provided further*, That each amount under this heading
4 is designated by the Congress as being for an emergency
5 requirement pursuant to section 251(b)(2)(A)(i) of the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985.

8 FEDERAL TRANSIT ADMINISTRATION
9 PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM
10 (INCLUDING TRANSFER OF FUNDS)

11 For the “Public Transportation Emergency Relief
12 Program” as authorized under section 5324 of title 49,
13 United States Code, \$10,900,000,000, to remain available
14 until expended, for recovery and relief efforts in the areas
15 most affected by Hurricane Sandy: *Provided*, That not
16 more than \$2,000,000,000 shall be made available not
17 later than 60 days after the enactment of this division:
18 *Provided further*, That the remainder of the funds shall
19 be made available only after the Federal Transit Adminis-
20 tration and the Federal Emergency Management Agency
21 sign the Memorandum of Agreement required by section
22 20017(b) of the Moving Ahead for Progress in the 21st
23 Century Act (Public Law 112–141) and the Federal Tran-
24 sit Administration publishes interim regulations for the
25 Public Transportation Emergency Relief Program: *Pro-*

1 *vided further*, That of the funds provided under this head-
2 ing, the Secretary of Transportation may transfer up to
3 \$5,383,000,000 to the appropriate agencies to fund pro-
4 grams authorized under titles 23 and 49, United States
5 Code, in order to carry out projects related to reducing
6 risk of damage from future disasters in areas impacted
7 by Hurricane Sandy: *Provided further*, That the Commit-
8 tees on Appropriations of the House of Representatives
9 and the Senate shall be notified at least 15 days in ad-
10 vance of any such transfer: *Provided further*, That up to
11 three-quarters of 1 percent of the funds retained for public
12 transportation emergency relief shall be available for the
13 purposes of administrative expenses and ongoing program
14 management oversight as authorized under 49 U.S.C.
15 5334 and 5338(i)(2) and shall be in addition to any other
16 appropriations for such purposes: *Provided further*, That,
17 of the funds made available under this heading,
18 \$6,000,000 shall be transferred to the Office of Inspector
19 General to support the oversight of activities funded under
20 this heading: *Provided further*, That such amounts are
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

1 DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT
3 COMMUNITY PLANNING AND DEVELOPMENT
4 COMMUNITY DEVELOPMENT FUND
5 (INCLUDING TRANSFERS OF FUNDS)

6 For an additional amount for “Community Develop-
7 ment Fund”, \$16,000,000,000, to remain available until
8 September 30, 2017, for necessary expenses related to dis-
9 aster relief, long-term recovery, restoration of infrastruc-
10 ture and housing, and economic revitalization in the most
11 impacted and distressed areas resulting from a major dis-
12 aster declared pursuant to the Robert T. Stafford Disaster
13 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
14 seq.) due to Hurricane Sandy and other eligible events in
15 calendar years 2011, 2012, and 2013, for activities au-
16 thorized under title I of the Housing and Community De-
17 velopment Act of 1974 (42 U.S.C. 5301 et seq.): *Provided*,
18 That funds shall be awarded directly to the State or unit
19 of general local government as a grantee at the discretion
20 of the Secretary of Housing and Urban Development: *Pro-*
21 *vided further*, That the Secretary shall allocate to grantees
22 not less than 33 percent of the funds provided under this
23 heading within 60 days after the enactment of this division
24 based on the best available data: *Provided further*, That
25 prior to the obligation of funds, a grantee shall submit

1 a plan to the Secretary for approval detailing the proposed
2 use of all funds, including criteria for eligibility and how
3 the use of these funds will address long-term recovery and
4 restoration of infrastructure and housing and economic re-
5 vitalization in the most impacted and distressed areas:
6 *Provided further*, That the Secretary shall by notice specify
7 the criteria for approval of such plans within 45 days of
8 enactment of this division: *Provided further*, That if the
9 Secretary determines that a plan does not meet such cri-
10 teria, the Secretary shall disapprove the plan: *Provided*
11 *further*, That funds provided under this heading may not
12 be used for activities reimbursable by or for which funds
13 are made available by the Federal Emergency Manage-
14 ment Agency or the Army Corps of Engineers: *Provided*
15 *further*, That funds allocated under this heading shall not
16 be considered relevant to the non-disaster formula alloca-
17 tions made pursuant to section 106 of the Housing and
18 Community Development Act of 1974 (42 U.S.C. 5306):
19 *Provided further*, That a grantee may use up to 5 percent
20 of its allocation for administrative costs: *Provided further*,
21 That a grantee shall administer grant funds provided
22 under this heading in accordance with all applicable laws
23 and regulations and may not delegate, by contract or oth-
24 erwise, the responsibility for administering such grant
25 funds: *Provided further*, That as a condition of making any

1 grant, the Secretary shall certify in advance that such
2 grantee has in place proficient financial controls and pro-
3 curement processes and has established adequate proce-
4 dures to prevent any duplication of benefits as defined by
5 section 312 of the Robert T. Stafford Disaster Relief and
6 Emergency Assistance Act (42 U.S.C. 5155), to ensure
7 timely expenditure of funds, to maintain comprehensive
8 websites regarding all disaster recovery activities assisted
9 with these funds, and to detect and prevent waste, fraud,
10 and abuse of funds: *Provided further*, That the Secretary
11 shall provide grantees with technical assistance on con-
12 tracting and procurement processes and shall require
13 grantees, in contracting or procuring these funds, to incor-
14 porate performance requirements and penalties into any
15 such contracts or agreements: *Provided further*, That the
16 Secretary shall require grantees to maintain on a public
17 website information accounting for how all grant funds are
18 used, including details of all contracts and ongoing pro-
19 curement processes: *Provided further*, That, in admin-
20 istering the funds under this heading, the Secretary may
21 waive, or specify alternative requirements for, any provi-
22 sion of any statute or regulation that the Secretary admin-
23 isters in connection with the obligation by the Secretary
24 or the use by the recipient of these funds (except for re-
25 quirements related to fair housing, nondiscrimination,

1 labor standards, and the environment) pursuant to a de-
2 termination by the Secretary that good cause exists for
3 the waiver or alternative requirement and that such action
4 is not inconsistent with the overall purposes of title I of
5 the Housing and Community Development Act of 1974
6 (42 U.S.C. 5301 et seq.): *Provided further*, That, notwith-
7 standing the preceding proviso, recipients of funds pro-
8 vided under this heading that use such funds to supple-
9 ment Federal assistance provided under section 402, 403,
10 404, 406, 407, or 502 of the Robert T. Stafford Disaster
11 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
12 seq.) may adopt, without review or public comment, any
13 environmental review, approval, or permit performed by
14 a Federal agency, and such adoption shall satisfy the re-
15 sponsibilities of the recipient with respect to such environ-
16 mental review, approval or permit: *Provided further*, That,
17 notwithstanding section 104(g)(2) of the Housing and
18 Community Development Act of 1974 (42 U.S.C.
19 5304(g)(2)), the Secretary may, upon receipt of a request
20 for release of funds and certification, immediately approve
21 the release of funds for an activity or project assisted
22 under this heading if the recipient has adopted an environ-
23 mental review, approval or permit under the preceding
24 proviso or the activity or project is categorically excluded
25 from review under the National Environmental Policy Act

1 of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That
2 a waiver granted by the Secretary may not reduce the per-
3 centage of funds that must be used for activities that ben-
4 efit persons of low and moderate income to less than 50
5 percent, unless the Secretary specifically finds that there
6 is a compelling need to further reduce or eliminate the
7 percentage requirement: *Provided further*, That the Sec-
8 retary shall publish in the Federal Register any waiver of
9 any statute or regulation that the Secretary administers
10 pursuant to title I of the Housing and Community Devel-
11 opment Act of 1974 no later than 5 days before the effec-
12 tive date of such waiver: *Provided further*, That, of the
13 funds made available under this heading, up to
14 \$10,000,000 may be transferred to “Program Office Sala-
15 ries and Expenses, Community Planning and Develop-
16 ment” for necessary costs, including information tech-
17 nology costs, of administering and overseeing funds made
18 available under this heading: *Provided further*, That of the
19 funds made available under this heading, \$10,000,000
20 shall be transferred to “Office of the Inspector General”
21 for necessary costs of overseeing and auditing funds made
22 available under this heading: *Provided further*, That the
23 amounts provided under this heading are designated by
24 the Congress as being for an emergency requirement pur-

1 suant to section 251(b)(2)(A)(i) of the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 GENERAL PROVISIONS—THIS CHAPTER

4 SEC. 1091. For fiscal year 2013, upon request by a
5 public housing agency and supported by documentation as
6 required by the Secretary of Housing and Urban Develop-
7 ment that demonstrates that the need for the adjustment
8 is due to the disaster, the Secretary may make temporary
9 adjustments to the section 8 housing choice voucher an-
10 nual renewal funding allocations and administrative fee
11 eligibility determinations for public housing agencies in an
12 area for which the President declared a disaster during
13 such fiscal year under title IV of the Robert T. Stafford
14 Disaster Relief and Emergency Assistance Act (42 U.S.C.
15 5170 et seq.), to avoid significant adverse funding impacts
16 that would otherwise result from the disaster.

17 SEC. 1092. The Departments of Transportation and
18 Housing and Urban Development shall submit to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate within 45 days after the date of
21 the enactment of this division a plan for implementing the
22 provisions in this chapter, and updates to such plan on
23 a biannual basis thereafter.

24 SEC. 1093. None of the funds provided in this chap-
25 ter to the Department of Transportation or the Depart-

1 ment of Housing and Urban Development may be used
2 to make a grant unless the Secretary of such Department
3 notifies the Committees on Appropriations of the House
4 of Representatives and the Senate not less than 3 full
5 business days before any project, State or locality is se-
6 lected to receive a grant award totaling \$1,000,000 or
7 more is announced by either Department or a modal ad-
8 ministration.

9 SEC. 1094. This chapter shall apply in place of title
10 VIII of this division, and such title shall have no force
11 or effect.

12 SEC. 1095. The amounts otherwise provided by this
13 division are revised by reducing the amount made available
14 for “Small Business Administration—Disaster Loans Pro-
15 gram Account” for administrative expenses to carry out
16 the direct loan program authorized by section 7(b) of the
17 Small Business Act (and within such amount, the amount
18 made available for direct administrative expenses of loan
19 making and servicing to carry out such program), and in-
20 creasing the amount made available for “Department of
21 Veterans Affairs—National Cemetery Administration”, by
22 \$1,000,000.

23 SEC. 1096. None of the funds provided in this divi-
24 sion shall be used for land acquisition by the Secretary
25 of the Interior or the Secretary of Agriculture.

1 This division may be cited as the “Disaster Relief Ap-
 2 propriations Act, 2013”.

3 **DIVISION B—SANDY RECOVERY**
 4 **IMPROVEMENT ACT OF 2013**

5 **SEC. 1101. SHORT TITLE; TABLE OF CONTENTS.**

6 (a) SHORT TITLE.—This division may be cited as the
 7 “Sandy Recovery Improvement Act of 2013”.

8 (b) TABLE OF CONTENTS.—The table of contents for
 9 this division is as follows:

- Sec. 1101. Short title; table of contents.
- Sec. 1102. Public assistance program alternative procedures.
- Sec. 1103. Federal assistance to individuals and households.
- Sec. 1104. Hazard mitigation.
- Sec. 1105. Dispute resolution pilot program.
- Sec. 1106. Unified Federal review.
- Sec. 1107. Simplified procedures.
- Sec. 1108. Essential assistance.
- Sec. 1109. Individual assistance factors.
- Sec. 1110. Tribal requests for a major disaster or emergency declaration under
 the Stafford Act.
- Sec. 1111. Recommendations for reducing costs of future disasters.

10 **SEC. 1102. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE**
 11 **PROCEDURES.**

12 Title IV of the Robert T. Stafford Disaster Relief and
 13 Emergency Assistance Act (42 U.S.C. 5121 et seq.) is
 14 amended—

15 (1) by redesignating the second section 425 (re-
 16 relating to essential service providers) as section 427;
 17 and

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

1 **“SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE**
2 **PROCEDURES.**

3 “(a) APPROVAL OF PROJECTS.—The President, act-
4 ing through the Administrator of the Federal Emergency
5 Management Agency, may approve projects under the al-
6 ternative procedures adopted under this section for any
7 major disaster or emergency declared on or after the date
8 of enactment of this section. The Administrator may also
9 apply the alternate procedures adopted under this section
10 to a major disaster or emergency declared before enact-
11 ment of this Act for which construction has not begun as
12 of the date of enactment of this Act.

13 “(b) ADOPTION.—The Administrator, in coordination
14 with States, tribal and local governments, and owners or
15 operators of private nonprofit facilities, may adopt alter-
16 native procedures to administer assistance provided under
17 sections 403(a)(3)(A), 406, 407, and 502(a)(5).

18 “(c) GOALS OF PROCEDURES.—The alternative pro-
19 cedures adopted under subsection (a) shall further the
20 goals of—

21 “(1) reducing the costs to the Federal Govern-
22 ment of providing such assistance;

23 “(2) increasing flexibility in the administration
24 of such assistance;

1 “(3) expediting the provision of such assistance
2 to a State, tribal or local government, or owner or
3 operator of a private nonprofit facility; and

4 “(4) providing financial incentives and disincentives for a State, tribal or local government, or
5 owner or operator of a private nonprofit facility for
6 the timely and cost-effective completion of projects
7 with such assistance.

9 “(d) PARTICIPATION.—Participation in the alter-
10 native procedures adopted under this section shall be at
11 the election of a State, tribal or local government, or
12 owner or operator of a private nonprofit facility consistent
13 with procedures determined by the Administrator.

14 “(e) MINIMUM PROCEDURES.—The alternative pro-
15 cedures adopted under this section shall include the fol-
16 lowing:

17 “(1) For repair, restoration, and replacement of
18 damaged facilities under section 406—

19 “(A) making grants on the basis of fixed
20 estimates, if the State, tribal or local govern-
21 ment, or owner or operator of the private non-
22 profit facility agrees to be responsible for any
23 actual costs that exceed the estimate;

24 “(B) providing an option for a State, tribal
25 or local government, or owner or operator of a

1 private nonprofit facility to elect to receive an
2 in-lieu contribution, without reduction, on the
3 basis of estimates of—

4 “(i) the cost of repair, restoration, re-
5 construction, or replacement of a public fa-
6 cility owned or controlled by the State,
7 tribal or local government or owner or op-
8 erator of a private nonprofit facility; and

9 “(ii) management expenses;

10 “(C) consolidating, to the extent deter-
11 mined appropriate by the Administrator, the fa-
12 cilities of a State, tribal or local government, or
13 owner or operator of a private nonprofit facility
14 as a single project based upon the estimates
15 adopted under the procedures;

16 “(D) if the actual costs of a project com-
17 pleted under the procedures are less than the
18 estimated costs thereof, the Administrator may
19 permit a grantee or subgrantee to use all or
20 part of the excess funds for—

21 “(i) cost-effective activities that re-
22 duce the risk of future damage, hardship,
23 or suffering from a major disaster; and

24 “(ii) other activities to improve future
25 Public Assistance operations or planning;

1 “(E) in determining eligible costs under
2 section 406, the Administrator shall make avail-
3 able, at an applicant’s request and where the
4 Administrator or the certified cost estimate pre-
5 pared by the applicant’s professionally licensed
6 engineers has estimated an eligible Federal
7 share for a project of at least \$5,000,000, an
8 independent expert panel to validate the esti-
9 mated eligible cost consistent with applicable
10 regulations and policies implementing this sec-
11 tion; and

12 “(F) in determining eligible costs under
13 section 406, the Administrator shall, at the ap-
14 plicant’s request, consider properly conducted
15 and certified cost estimates prepared by profes-
16 sionally licensed engineers (mutually agreed
17 upon by the Administrator and the applicant),
18 to the extent that such estimates comply with
19 applicable regulations, policy, and guidance.

20 “(2) For debris removal under sections
21 403(a)(3)(A), 407, and 502(a)(5)—

22 “(A) making grants on the basis of fixed
23 estimates to provide financial incentives and
24 disincentives for the timely or cost-effective
25 completion if the State, tribal or local govern-

1 ment, or owner or operator of the private non-
2 profit facility agrees to be responsible to pay for
3 any actual costs that exceed the estimate;

4 “(B) using a sliding scale for determining
5 the Federal share for removal of debris and
6 wreckage based on the time it takes to complete
7 debris and wreckage removal;

8 “(C) allowing use of program income from
9 recycled debris without offset to the grant
10 amount;

11 “(D) reimbursing base and overtime wages
12 for employees and extra hires of a State, tribal
13 or local government, or owner or operator of a
14 private nonprofit facility performing or admin-
15 istering debris and wreckage removal;

16 “(E) providing incentives to a State or
17 tribal or local government to have a debris
18 management plan approved by the Adminis-
19 trator and have pre-qualified 1 or more debris
20 and wreckage removal contractors before the
21 date of declaration of the major disaster; and

22 “(F) if the actual costs of projects under
23 subparagraph (A) are less than the estimated
24 costs of the project, the Administrator may per-

1 mit a grantee or subgrantee to use all or part
2 of the excess funds for—

3 “(i) debris management planning;

4 “(ii) acquisition of debris management
5 equipment for current or future use; and

6 “(iii) other activities to improve future
7 debris removal operations, as determined
8 by the Administrator.

9 “(f) WAIVER AUTHORITY.—Until such time as the
10 Administrator promulgates regulations to implement this
11 section, the Administrator may—

12 “(1) waive notice and comment rulemaking, if
13 the Administrator determines the waiver is necessary
14 to expeditiously implement this section; and

15 “(2) carry out the alternative procedures under
16 this section as a pilot program.

17 “(g) OVERTIME PAYMENTS.—The guidelines for re-
18 imbursement for costs under subsection (e)(2)(D) shall
19 ensure that no State or local government is denied reim-
20 bursement for overtime payments that are required pursu-
21 ant to the Fair Labor Standards Act of 1938 (29 U.S.C.
22 201 et seq.).

23 “(h) REPORT.—

24 “(1) IN GENERAL.—Not earlier than 3 years,
25 and not later than 5 years, after the date of enact-

1 ment of this section, the Inspector General of the
2 Department of Homeland Security shall submit to
3 the Committee on Homeland Security and Govern-
4 mental Affairs of the Senate and the Committee on
5 Transportation and Infrastructure of the House of
6 Representatives a report on the alternative proce-
7 dures for the repair, restoration, and replacement of
8 damaged facilities under section 406 authorized
9 under this section.

10 “(2) CONTENTS.—The report shall contain an
11 assessment of the effectiveness of the alternative
12 procedures, including—

13 “(A) whether the alternative procedures
14 helped to improve the general speed of disaster
15 recovery;

16 “(B) the accuracy of the estimates relied
17 upon;

18 “(C) whether the financial incentives and
19 disincentives were effective;

20 “(D) whether the alternative procedures
21 were cost effective;

22 “(E) whether the independent expert panel
23 described in subsection (e)(1)(E) was effective;
24 and

1 “(F) recommendations for whether the al-
 2 ternative procedures should be continued and
 3 any recommendations for changes to the alter-
 4 native procedures.”.

5 **SEC. 1103. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
 6 **HOUSEHOLDS.**

7 Section 408(c)(1)(B) of the Robert T. Stafford Dis-
 8 aster Relief and Emergency Assistance Act (42 U.S.C.
 9 5174(c)(1)(B)) is amended—

10 (1) by redesignating clauses (ii) and (iii) as
 11 clauses (iii) and (iv), respectively;

12 (2) by inserting after clause (i) the following:

13 “(ii) LEASE AND REPAIR OF RENTAL
 14 UNITS FOR TEMPORARY HOUSING.—

15 “(I) IN GENERAL.—The Presi-
 16 dent, to the extent the President de-
 17 termines it would be a cost-effective
 18 alternative to other temporary housing
 19 options, may—

20 “(aa) enter into lease agree-
 21 ments with owners of multifamily
 22 rental property located in areas
 23 covered by a major disaster dec-
 24 laration to house individuals and

1 households eligible for assistance
 2 under this section; and

3 “(bb) make repairs or im-
 4 provements to properties under
 5 such lease agreements, to the ex-
 6 tent necessary to serve as safe
 7 and adequate temporary housing.

8 “(II) IMPROVEMENTS OR RE-
 9 PAIRS.—Under the terms of any lease
 10 agreement for property entered into
 11 under this subsection, the value of the
 12 improvements or repairs—

13 “(aa) shall be deducted from
 14 the value of the lease agreement;
 15 and

16 “(bb) may not exceed the
 17 value of the lease agreement.”;
 18 and

19 (3) in clause (iv) (as so redesignated) by strik-
 20 ing “clause (ii)” and inserting “clause (iii)”.

21 **SEC. 1104. HAZARD MITIGATION.**

22 (a) STREAMLINED PROCEDURES; ADVANCE ASSIST-
 23 ANCE.—Section 404 of the Robert T. Stafford Disaster
 24 Relief and Emergency Assistance Act (42 U.S.C. 5170c)
 25 is amended by adding at the end the following:

1 “(d) STREAMLINED PROCEDURES.—

2 “(1) IN GENERAL.—For the purpose of pro-
3 viding assistance under this section, the President
4 shall ensure that—

5 “(A) adequate resources are devoted to en-
6 sure that applicable environmental reviews
7 under the National Environmental Policy Act of
8 1969 and historic preservation reviews under
9 the National Historic Preservation Act are com-
10 pleted on an expeditious basis; and

11 “(B) the shortest existing applicable proc-
12 ess under the National Environmental Policy
13 Act of 1969 and the National Historic Preser-
14 vation Act is utilized.

15 “(2) AUTHORITY FOR OTHER EXPEDITED PRO-
16 CEDURES.—The President may utilize expedited pro-
17 cedures in addition to those required under para-
18 graph (1) for the purpose of providing assistance
19 under this section, such as procedures under the
20 Prototype Programmatic Agreement of the Federal
21 Emergency Management Agency, for the consider-
22 ation of multiple structures as a group and for an
23 analysis of the cost-effectiveness and fulfillment of
24 cost-share requirements for proposed hazard mitiga-
25 tion measures.

1 “(e) ADVANCE ASSISTANCE.—The President may
2 provide not more than 25 percent of the amount of the
3 estimated cost of hazard mitigation measures to a State
4 grantee eligible for a grant under this section before eligi-
5 ble costs are incurred.”.

6 (b) ESTABLISHMENT OF CRITERIA RELATING TO AD-
7 MINISTRATION OF HAZARD MITIGATION ASSISTANCE BY
8 STATES.—Section 404(c)(2) of the Robert T. Stafford
9 Disaster Relief and Emergency Assistance Act (42 U.S.C.
10 5170c(c)(2)) is amended by inserting after “applications
11 submitted under paragraph (1).” the following: “Until
12 such time as the Administrator promulgates regulations
13 to implement this paragraph, the Administrator may
14 waive notice and comment rulemaking, if the Adminis-
15 trator determines doing so is necessary to expeditiously
16 implement this section, and may carry out this section as
17 a pilot program.”.

18 (c) APPLICABILITY.—The authority under the
19 amendments made by this section shall apply to—

20 (1) any major disaster or emergency declared
21 under the Robert T. Stafford Disaster Relief and
22 Emergency Assistance Act (42 U.S.C. 5121 et seq.)
23 on or after the date of enactment of this division;
24 and

1 (2) a major disaster or emergency declared
2 under that Act before the date of enactment of this
3 division for which the period for processing requests
4 for assistance has not ended as of the date of enact-
5 ment of this division.

6 **SEC. 1105. DISPUTE RESOLUTION PILOT PROGRAM.**

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

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Federal
11 emergency Management Agency.

12 (2) ELIGIBLE ASSISTANCE.—The term “eligible
13 assistance” means assistance—

14 (A) under section 403, 406, or 407 of the
15 Robert T. Stafford Disaster Relief and Emer-
16 gency Assistance Act (42 U.S.C. 5170b, 5172,
17 5173);

18 (B) for which the legitimate amount in dis-
19 pute is not less than \$1,000,000, which sum the
20 Administrator shall adjust annually to reflect
21 changes in the Consumer Price Index for all
22 Urban Consumers published by the Department
23 of Labor;

24 (C) for which the applicant has a non-Fed-
25 eral share; and

1 (D) for which the applicant has received a
2 decision on a first appeal.

3 (b) PROCEDURES.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this section, and in
6 order to facilitate an efficient recovery from major
7 disasters, the Administrator shall establish proce-
8 dures under which an applicant may request the use
9 of alternative dispute resolution, including arbitra-
10 tion by an independent review panel, to resolve dis-
11 putes relating to eligible assistance.

12 (2) BINDING EFFECT.—A decision by an inde-
13 pendent review panel under this section shall be
14 binding upon the parties to the dispute.

15 (3) CONSIDERATIONS.—The procedures estab-
16 lished under this section shall—

17 (A) allow a party of a dispute relating to
18 eligible assistance to request an independent re-
19 view panel for the review;

20 (B) require a party requesting an inde-
21 pendent review panel as described in subpara-
22 graph (A) to agree to forgo rights to any fur-
23 ther appeal of the dispute relating to any eligi-
24 ble assistance;

1 (C) require that the sponsor of an inde-
2 pendent review panel for any alternative dispute
3 resolution under this section be—

4 (i) an individual or entity unaffiliated
5 with the dispute (which may include a
6 Federal agency, an administrative law
7 judge, or a reemployed annuitant who was
8 an employee of the Federal Government)
9 selected by the Administrator; and

10 (ii) responsible for identifying and
11 maintaining an adequate number of inde-
12 pendent experts qualified to review and re-
13 solve disputes under this section;

14 (D) require an independent review panel
15 to—

16 (i) resolve any remaining disputed
17 issue in accordance with all applicable
18 laws, regulations, and Agency interpreta-
19 tions of those laws through its published
20 policies and guidance;

21 (ii) consider only evidence contained
22 in the administrative record, as it existed
23 at the time at which the Agency made its
24 initial decision;

1 (iii) only set aside a decision of the
2 Agency found to be arbitrary, capricious,
3 an abuse of discretion, or otherwise not in
4 accordance with law; and

5 (iv) in the case of a finding of mate-
6 rial fact adverse to the claimant made on
7 first appeal, only set aside or reverse such
8 finding if the finding is clearly erroneous;

9 (E) require an independent review panel to
10 expeditiously issue a written decision for any al-
11 ternative dispute resolution under this section;
12 and

13 (F) direct that if an independent review
14 panel for any alternative dispute resolution
15 under this section determines that the basis
16 upon which a party submits a request for alter-
17 native dispute resolution is frivolous, the inde-
18 pendent review panel shall direct the party to
19 pay the reasonable costs to the Federal Emer-
20 gency Management Agency relating to the re-
21 view by the independent review panel. Any
22 funds received by the Federal Emergency Man-
23 agement Agency under the authority of this sec-
24 tion shall be deposited to the credit of the ap-
25 propriation or appropriations available for the

1 eligible assistance in dispute on the date on
2 which the funds are received.

3 (c) SUNSET.—A request for review by an independent
4 review panel under this section may not be made after De-
5 cember 31, 2015.

6 (d) REPORT.—

7 (1) IN GENERAL.—Not later than 270 days
8 after the termination of authority under this section
9 under subsection (c), the Comptroller General of the
10 United States shall submit to the Committee on
11 Homeland Security and Governmental Affairs of the
12 Senate and the Committee on Transportation and
13 Infrastructure of the House of Representatives a re-
14 port analyzing the effectiveness of the program
15 under this section.

16 (2) CONTENTS.—The report submitted under
17 paragraph (1) shall include—

18 (A) a determination of the availability of
19 data required to complete the report;

20 (B) an assessment of the effectiveness of
21 the program under this section, including an as-
22 sessment of whether the program expedited or
23 delayed the disaster recovery process;

24 (C) an assessment of whether the program
25 increased or decreased costs to administer sec-

1 tion 403, 406, or 407 of the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act;

3 (D) an assessment of the procedures and
4 safeguards that the independent review panels
5 established to ensure objectivity and accuracy,
6 and the extent to which they followed those pro-
7 cedures and safeguards;

8 (E) a recommendation as to whether any
9 aspect of the program under this section should
10 be made a permanent authority; and

11 (F) recommendations for any modifications
12 to the authority or the administration of the
13 authority under this section in order to improve
14 the disaster recovery process.

15 **SEC. 1106. UNIFIED FEDERAL REVIEW.**

16 Title IV of the Robert T. Stafford Disaster Relief and
17 Emergency Assistance Act (as amended by this division)
18 is further amended by adding at the end the following:

19 **“SEC. 429. UNIFIED FEDERAL REVIEW.**

20 “(a) IN GENERAL.—Not later than 18 months after
21 the date of enactment of this section, and in consultation
22 with the Council on Environmental Quality and the Advi-
23 sory Council on Historic Preservation, the President shall
24 establish an expedited and unified interagency review
25 process to ensure compliance with environmental and his-

1 toric requirements under Federal law relating to disaster
 2 recovery projects, in order to expedite the recovery proc-
 3 ess, consistent with applicable law.

4 “(b) CONTENTS.—The review process established
 5 under this section shall include mechanisms to expedi-
 6 tiously address delays that may occur during the recovery
 7 from a major disaster and be updated, as appropriate,
 8 consistent with applicable law.”.

9 **SEC. 1107. SIMPLIFIED PROCEDURES.**

10 Section 422 of the Robert T. Stafford Disaster Relief
 11 and Emergency Assistance Act (42 U.S.C. 5189) is
 12 amended—

13 (1) by striking “If the Federal estimate” and
 14 inserting “(a) IN GENERAL.—If the Federal esti-
 15 mate”;

16 (2) by inserting “(or, if the Administrator has
 17 established a threshold under subsection (b), the
 18 amount established under subsection (b))” after
 19 “\$35,000” the first place it appears;

20 (3) by inserting “or, if applicable, the amount
 21 established under subsection (b),” after “\$35,000
 22 amount” the second place it appears; and

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

24 “(b) THRESHOLD.—

1 “(1) REPORT.—Not later than 1 year after the
2 date of enactment of this subsection, the President,
3 acting through the Administrator of the Federal
4 Emergency Management Agency (in this section re-
5 ferred to as the ‘Administrator’), shall—

6 “(A) complete an analysis to determine
7 whether an increase in the threshold for eligi-
8 bility under subsection (a) is appropriate, which
9 shall include consideration of cost-effectiveness,
10 speed of recovery, capacity of grantees, past
11 performance, and accountability measures; and

12 “(B) submit to the Committee on Trans-
13 portation and Infrastructure of the House of
14 Representatives and the Committee on Home-
15 land Security and Governmental Affairs of the
16 Senate a report regarding the analysis con-
17 ducted under subparagraph (A).

18 “(2) AMOUNT.—After the Administrator sub-
19 mits the report required under paragraph (1), the
20 President shall direct the Administrator to—

21 “(A) immediately establish a threshold for
22 eligibility under this section in an appropriate
23 amount, without regard to chapter 5 of title 5,
24 United States Code; and

1 “(B) adjust the threshold annually to re-
2 flect changes in the Consumer Price Index for
3 all Urban Consumers published by the Depart-
4 ment of Labor.

5 “(3) REVIEW.—Not later than 3 years after the
6 date on which the Administrator establishes a
7 threshold under paragraph (2), and every 3 years
8 thereafter, the President, acting through the Admin-
9 istrator, shall review the threshold for eligibility
10 under this section.”.

11 **SEC. 1108. ESSENTIAL ASSISTANCE.**

12 (a) OTHER NEEDS ASSISTANCE.—Section 408(e)(1)
13 of the Robert T. Stafford Disaster Relief and Emergency
14 Assistance Act (42 U.S.C. 5174(e)(1)) is amended—

15 (1) in the paragraph heading by inserting
16 “CHILD CARE,” after “DENTAL,”; and
17 (2) by inserting “child care,” after “dental,”.

18 (b) SALARIES AND BENEFITS.—Section 403 of the
19 Robert T. Stafford Disaster Relief and Emergency Assist-
20 ance Act (42 U.S.C. 5170b) is amended by adding at the
21 end the following:

22 “(d) SALARIES AND BENEFITS.—

23 “(1) IN GENERAL.—If the President declares a
24 major disaster or emergency for an area within the
25 jurisdiction of a State, tribal, or local government,

1 the President may reimburse the State, tribal, or
2 local government for costs relating to—

3 “(A) basic pay and benefits for permanent
4 employees of the State, tribal, or local govern-
5 ment conducting emergency protective measures
6 under this section, if—

7 “(i) the work is not typically per-
8 formed by the employees; and

9 “(ii) the type of work may otherwise
10 be carried out by contract or agreement
11 with private organizations, firms, or indi-
12 viduals.; or

13 “(B) overtime and hazardous duty com-
14 pensation for permanent employees of the
15 State, tribal, or local government conducting
16 emergency protective measures under this sec-
17 tion.

18 “(2) OVERTIME.—The guidelines for reimburse-
19 ment for costs under paragraph (1) shall ensure that
20 no State, tribal, or local government is denied reim-
21 bursement for overtime payments that are required
22 pursuant to the Fair Labor Standards Act of 1938
23 (29 U.S.C. 201 et seq.).

24 “(3) NO EFFECT ON MUTUAL AID PACTS.—
25 Nothing in this subsection shall affect the ability of

1 the President to reimburse labor force expenses pro-
2 vided pursuant to an authorized mutual aid pact.”.

3 **SEC. 1109. INDIVIDUAL ASSISTANCE FACTORS.**

4 In order to provide more objective criteria for evalu-
5 ating the need for assistance to individuals, to clarify the
6 threshold for eligibility and to speed a declaration of a
7 major disaster or emergency under the Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act (42 U.S.C.
9 5121 et seq.), not later than 1 year after the date of enact-
10 ment of this division, the Administrator of the Federal
11 Emergency Management Agency, in cooperation with rep-
12 resentatives of State, tribal, and local emergency manage-
13 ment agencies, shall review, update, and revise through
14 rulemaking the factors considered under section 206.48
15 of title 44, Code of Federal Regulations (including section
16 206.48(b)(2) of such title relating to trauma and the spe-
17 cific conditions or losses that contribute to trauma), to
18 measure the severity, magnitude, and impact of a disaster.

19 **SEC. 1110. 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 title
16 III (except sections 310 and 326) to a State or the
17 Governor of a State is deemed to refer to an affected
18 Indian tribal government or the Chief Executive of
19 an affected Indian tribal government, as appro-
20 priate.

21 “(3) SAVINGS PROVISION.—Nothing in this sub-
22 section shall prohibit an Indian tribal government
23 from receiving assistance under this title through a
24 declaration made by the President at the request of
25 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 title III
9 (except sections 310 and 326) to a State or the Gov-
10 ernor of a State is deemed to refer to an affected
11 Indian tribal government or the Chief Executive of
12 an affected Indian tribal government, as appro-
13 priate.

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

21 (c) DEFINITIONS.—Section 102 of the Robert T.
22 Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5122) is amended—

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

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

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

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

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

16 “(12) CHIEF EXECUTIVE.—The term ‘Chief Ex-
17 ecutive’ means the person who is the Chief, Chair-
18 man, Governor, President, or similar executive offi-
19 cial of an Indian tribal government.”.

20 (d) REFERENCES.—Title I of the Robert T. Stafford
21 Disaster Relief and Emergency Assistance Act (42 U.S.C.
22 5121 et seq.) is amended by adding after section 102 the
23 following:

1 **“SEC. 103. REFERENCES.**

2 “Except as otherwise specifically provided, any ref-
3 erence in this Act to ‘State and local’, ‘State or local’,
4 ‘State, and local’, ‘State, or local’, or ‘State, local’ (includ-
5 ing plurals) with respect to governments or officials and
6 any reference to a ‘local government’ in sections 406(d)(3)
7 and 417 is deemed to refer also to Indian tribal govern-
8 ments and officials, as appropriate.”.

9 (e) **REGULATIONS.—**

10 (1) **ISSUANCE.—**The President shall issue regu-
11 lations to carry out the amendments made by this
12 section.

13 (2) **FACTORS.—**In issuing the regulations, the
14 President shall consider the unique conditions that
15 affect the general welfare of Indian tribal govern-
16 ments.

17 **SEC. 1111. RECOMMENDATIONS FOR REDUCING COSTS OF**
18 **FUTURE DISASTERS.**

19 (a) **REPORT TO CONGRESS.—**Not later than 180 days
20 after the date of enactment of this division, the Adminis-
21 trator of the Federal Emergency Management Agency
22 shall submit to Congress recommendations for the devel-
23 opment of a national strategy for reducing future costs,
24 loss of life, and injuries associated with extreme disaster
25 events in vulnerable areas of the United States.

1 (b) NATIONAL STRATEGY.—The national strategy
2 should—

3 (1) respect the constitutional role and respon-
4 sibilities of Federal, State, and local governments
5 and the private sector;

6 (2) consider the vulnerability of the United
7 States to damage from flooding, severe weather
8 events, and other hazards;

9 (3) analyze gaps and duplication of emergency
10 preparedness, response, recovery, and mitigation
11 measures provided by Federal, State, and local enti-
12 ties; and

13 (4) include recommendations on how to improve
14 the resiliency of local communities and States for
15 the purpose of lowering future costs of disaster re-
16 sponse and recovery.

Passed the House of Representatives January 15,
2013.

Attest:

KAREN L. HAAS,
Clerk.

Calendar No. 2

113TH CONGRESS
1ST Session

H. R. 152

AN ACT

Making supplemental appropriations for the fiscal year ending September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, and for other purposes.

JANUARY 28, 2013

Read the second time and placed on the calendar