

Union Calendar No. 486

112TH CONGRESS
2^D SESSION

H. R. 2903

[Report No. 112-674, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2011

Mr. DENHAM (for himself, Ms. NORTON, and Mr. HANNA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 14, 2012

Reported with an amendment and referred to the Committee on Homeland Security for a period ending not later than September 17, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j) of rule X

[Strike out all after the enacting clause and insert the part printed in *italie*]

SEPTEMBER 17, 2012

The Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FEMA Reauthoriza-
5 tion Act of 2011”.

6 **SEC. 2. REAUTHORIZATION OF URBAN SEARCH AND RES-**
7 **CUE RESPONSE SYSTEM.**

8 Section 634 of Public Law 109–295 (6 U.S.C. 722)
9 is amended by striking subsection (b) and inserting the
10 following:

11 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to carry out the system
13 \$35,250,000 for each of fiscal years 2012 and 2013.”.

14 **SEC. 3. REAUTHORIZATION OF EMERGENCY MANAGEMENT**
15 **ASSISTANCE COMPACT GRANTS.**

16 Section 661 of Public Law 109–295 (6 U.S.C. 761)
17 is amended by striking subsection (d) and inserting the
18 following:

19 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$2,000,000 for each of the fiscal years 2012 and 2013.

22 Such sums shall remain available until expended.”.

1 **SEC. 4. REAUTHORIZATION OF FEDERAL EMERGENCY MAN-**
 2 **AGEMENT AND ADMINISTRATION.**

3 Section 699 of Public Law 109–295 (6 U.S.C. 811)
 4 is amended:

5 (1) by striking “administration and operations”
 6 each place it appears and inserting “management
 7 and administration”;

8 (2) in paragraph (2) by striking “and”;

9 (3) in paragraph (3) by striking the period and
 10 inserting “; and”; and

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

12 “(4) for fiscal year 2012, \$813,000,000, includ-
 13 ing amounts transferred from the Disaster Relief
 14 Fund; and

15 “(5) for fiscal year 2013, \$813,000,000, includ-
 16 ing amounts transferred from the Disaster Relief
 17 Fund.”.

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

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

21 (b) *TABLE OF CONTENTS.*—

Sec. 1. Short title and table of contents.

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

Sec. 101. Reauthorization of Federal Emergency Management Agency.

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

TITLE II—STAFFORD ACT AND OTHER PROGRAMS

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

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

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

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

Sec. 205. Other methods of disposal.

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

Sec. 207. Review of regulations and policies.

Sec. 208. Appeals process.

Sec. 209. Implementation of cost estimating.

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

Sec. 211. Individual assistance factors.

Sec. 212. Public assistance pilot program.

Sec. 213. Public assistance debris removal procedures.

Sec. 214. Use of funds.

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

Sec. 216. Technical correction.

Sec. 217. National Dam Safety Program Act reauthorization.

1 **TITLE I—REAUTHORIZATION OF**
 2 **FEMA AND MODERNIZATION**
 3 **OF INTEGRATED PUBLIC**
 4 **ALERT AND WARNING SYSTEM**

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

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

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

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

14 *“(1) for fiscal year 2012, \$1,031,378,000, includ-*
 15 *ing amounts transferred from grant programs;*

1 “(2) for fiscal year 2013, \$1,031,378,000, includ-
2 ing amounts transferred from grant programs; and

3 “(3) for fiscal year 2014, \$1,031,378,000, includ-
4 ing amounts transferred from grant programs.”.

5 **SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
6 **TEM MODERNIZATION.**

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

10 (b) *INTEGRATED PUBLIC ALERT AND WARNING SYS-*
11 *TEM MODERNIZATION.*—

12 (1) *IN GENERAL.*—To provide timely and effec-
13 tive disaster warnings under this section, the Presi-
14 dent, acting through the Administrator of the Federal
15 Emergency Management Agency, shall—

16 (A) modernize the integrated public alert
17 and warning system of the United States (in this
18 section referred to as the “public alert and warn-
19 ing system”) to ensure that the President under
20 all conditions is able to alert and warn govern-
21 mental authorities and the civilian population
22 in areas endangered by disasters; and

23 (B) implement the public alert and warning
24 system.

1 (2) *IMPLEMENTATION REQUIREMENTS.*—*In carrying out paragraph (1), the Administrator shall,*
2 *consistent with the recommendations in the final re-*
3 *port of the Integrated Public Alert and Warning Sys-*
4 *tem Advisory Committee (established under subsection*
5 *(c))—*

7 (A) *establish or adopt, as appropriate, com-*
8 *mon alerting and warning protocols, standards,*
9 *terminology, and operating procedures for the*
10 *public alert and warning system;*

11 (B) *include in the public alert and warning*
12 *system the capability to adapt the distribution*
13 *and content of communications on the basis of*
14 *geographic location, risks, or personal user pref-*
15 *erences, as appropriate;*

16 (C) *include in the public alert and warning*
17 *system the capability to alert and warn individ-*
18 *uals with disabilities and individuals with lim-*
19 *ited English proficiency;*

20 (D) *ensure that training, tests, and exercises*
21 *are conducted for the public alert and warning*
22 *system;*

23 (E) *establish and integrate into the Na-*
24 *tional Incident Management System a com-*
25 *prehensive and periodic training program to in-*

1 *struct and educate Federal, State, Tribal, and*
2 *local government officials in the use of the Com-*
3 *mon Alerting Protocol enabled Emergency Alert*
4 *System; and*

5 *(F) consider conducting, at least once every*
6 *3 years, periodic nationwide tests of the public*
7 *alert and warning system.*

8 (3) *SYSTEM REQUIREMENTS.—The public alert*
9 *and warning system shall—*

10 *(A) incorporate multiple communications*
11 *technologies;*

12 *(B) be designed to adapt to, and incor-*
13 *porate, future technologies for communicating di-*
14 *rectly with the public;*

15 *(C) be designed to provide alerts to the larg-*
16 *est portion of the affected population feasible, in-*
17 *cluding nonresident visitors and tourists, and*
18 *improve the ability of remote areas to receive*
19 *alerts;*

20 *(D) promote local and regional public and*
21 *private partnerships to enhance community pre-*
22 *paredness and response; and*

23 *(E) provide redundant alert mechanisms if*
24 *practicable so as to reach the greatest number of*
25 *people regardless of whether they have access to,*

1 or utilize, any specific medium of communica-
2 tion or any particular device.

3 (4) *IMPLEMENTATION PLAN.*—Not later than 180
4 days after the date of submission of the report of the
5 Integrated Public Alert and Warning System Advi-
6 sory Committee, the Administrator shall submit to the
7 Committee on Transportation and Infrastructure of
8 the House of Representatives and the Committee on
9 Homeland Security and Governmental Affairs of the
10 Senate a detailed plan to implement the public alert
11 and warning system. The plan shall include a
12 timeline for implementation, a spending plan, and
13 recommendations for any additional authority that
14 may be necessary to fully implement this subsection.

15 (5) *MAXIMUM FUNDS.*—The Administrator may
16 use not more than \$13,287,000 of the amount made
17 available pursuant to section 699 of the Post-Katrina
18 Emergency Management Reform Act of 2006 (6
19 U.S.C. 811) for each of fiscal years 2012, 2013, and
20 2014 to carry out the provisions of this section.

21 (c) *INTEGRATED PUBLIC ALERT AND WARNING SYS-*
22 *TEM ADVISORY COMMITTEE.*—

23 (1) *ESTABLISHMENT.*—Not later than 60 days
24 after the date of enactment of this Act, the Adminis-
25 trator of the Federal Emergency Management Agency

1 *shall establish an advisory committee to be known as*
2 *the Integrated Public Alert and Warning System Ad-*
3 *visory Committee (in this subsection referred to as the*
4 *“Advisory Committee”).*

5 (2) *MEMBERSHIP.—The Advisory Committee*
6 *shall be composed of the following members, to be ap-*
7 *pointed by the Administrator as soon as practicable*
8 *after the date of enactment of this Act:*

9 (A) *The Chairman of the Federal Commu-*
10 *nications Commission.*

11 (B) *The Administrator of the National Oce-*
12 *anic and Atmospheric Administration of the De-*
13 *partment of Commerce.*

14 (C) *The Assistant Secretary for Commu-*
15 *nications and Information of the Department of*
16 *Commerce.*

17 (D) *Representatives of State and local gov-*
18 *ernments, representatives of emergency manage-*
19 *ment agencies, and representatives of emergency*
20 *response providers, selected from among individ-*
21 *uals nominated by national organizations rep-*
22 *resenting governments and personnel.*

23 (E) *Representatives from federally recog-*
24 *nized Indian tribes and national Indian organi-*
25 *zations.*

1 (F) *Individuals who have the requisite tech-*
2 *nical knowledge and expertise to serve on the Ad-*
3 *visory Committee, including representatives of—*

4 (i) *communications service providers;*

5 (ii) *vendors, developers, and manufac-*
6 *turers of systems, facilities, equipment, and*
7 *capabilities for the provision of communica-*
8 *tions services;*

9 (iii) *third-party service bureaus;*

10 (iv) *the broadcasting industry;*

11 (v) *the national organization rep-*
12 *resenting the licensees and permittees of*
13 *noncommercial broadcast television stations;*

14 (vi) *the cellular industry;*

15 (vii) *the cable industry;*

16 (viii) *the satellite industry; and*

17 (ix) *national organizations rep-*
18 *resenting individuals with special needs, in-*
19 *cluding individuals with disabilities and*
20 *the elderly.*

21 (G) *Qualified representatives of such other*
22 *stakeholders and interested and affected parties*
23 *as the Administrator considers appropriate.*

24 (3) *CHAIRPERSON.—The Administrator shall*
25 *serve as the Chairperson of the Advisory Committee.*

1 (4) *MEETINGS.*—

2 (A) *INITIAL MEETING.*—*The initial meeting*
3 *of the Advisory Committee shall take place not*
4 *later than 60 days after the date of enactment of*
5 *this Act.*

6 (B) *OTHER MEETINGS.*—*After the initial*
7 *meeting, the Advisory Committee shall meet at*
8 *the call of the Chairperson.*

9 (C) *NOTICE; OPEN MEETINGS.*—*Meetings*
10 *held by the Advisory Committee shall be duly no-*
11 *ticed at least 14 days in advance and shall be*
12 *open to the public.*

13 (5) *RULES.*—

14 (A) *QUORUM.*—*One-third of the members of*
15 *the Advisory Committee shall constitute a*
16 *quorum for conducting business of the Advisory*
17 *Committee.*

18 (B) *SUBCOMMITTEES.*—*To assist the Advi-*
19 *sory Committee in carrying out its functions, the*
20 *Chairperson may establish appropriate sub-*
21 *committees composed of members of the Advisory*
22 *Committee and other subject matter experts as*
23 *the Chairperson considers necessary.*

1 (C) *ADDITIONAL RULES.*—*The Advisory*
2 *Committee may adopt such other rules as are*
3 *necessary to carry out its duties.*

4 (6) *RECOMMENDATIONS.*—*The Advisory Com-*
5 *mittee shall develop recommendations for an inte-*
6 *grated public alert and warning system, including—*

7 (A) *recommendations for common alerting*
8 *and warning protocols, standards, terminology,*
9 *and operating procedures for the public alert and*
10 *warning system; and*

11 (B) *recommendations to provide for a pub-*
12 *lic alert and warning system that—*

13 (i) *has the capability to adapt the dis-*
14 *tribution and content of communications on*
15 *the basis of geographic location, risks, or*
16 *personal user preferences, as appropriate;*

17 (ii) *has the capability to alert and*
18 *warn individuals with disabilities and in-*
19 *dividuals with limited English proficiency;*

20 (iii) *incorporates multiple communica-*
21 *tions technologies;*

22 (iv) *is designed to adapt to, and incor-*
23 *porate, future technologies for commu-*
24 *nicating directly with the public;*

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

6 (vi) promotes local and regional public
7 and private partnerships to enhance com-
8 munity preparedness and response; and

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

15 (7) *INITIAL AND ANNUAL REPORT.*—Not later
16 than 1 year after the date of enactment of this Act,
17 the Advisory Committee shall submit to the Adminis-
18 trator, the Committee on Transportation and Infra-
19 structure of the House of Representatives, and the
20 Committee on Homeland Security and Governmental
21 Affairs of the Senate a report containing the rec-
22 ommendations of the Advisory Committee.

23 (8) *FEDERAL ADVISORY COMMITTEE ACT.*—Nei-
24 ther the Federal Advisory Committee Act (5 U.S.C.
25 App.) nor any rule, order, or regulation promulgated

1 *under that Act shall apply to the Advisory Com-*
 2 *mittee.*

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

6 (d) *LIMITATION ON STATUTORY CONSTRUCTION.—*
 7 *Nothing in this section shall be construed to affect the au-*
 8 *thority of the Department of Commerce or the Federal Com-*
 9 *munications Commission.*

10 ***TITLE II—STAFFORD ACT AND***
 11 ***OTHER PROGRAMS***

12 ***SEC. 201. REAUTHORIZATION OF URBAN SEARCH AND RES-***
 13 ***CUE RESPONSE SYSTEM.***

14 (a) *IN GENERAL.—Title III of the Robert T. Stafford*
 15 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
 16 *5141 et seq.) is amended by adding at the end the following:*

17 ***“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RE-***
 18 ***SPONSE SYSTEM.***

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

21 *“(1) ADMINISTRATOR.—The term ‘Adminis-*
 22 *trator’ means the Administrator of the Federal Emer-*
 23 *gency Management Agency.*

24 *“(2) AGENCY.—The term ‘Agency’ means the*
 25 *Federal Emergency Management Agency.*

1 “(3) *HAZARD*.—The term ‘hazard’ has the mean-
2 ing given that term by section 602.

3 “(4) *NON-EMPLOYEE SYSTEM MEMBER*.—The
4 term ‘non-employee System member’ means a System
5 member not employed by a sponsoring agency or par-
6 ticipating agency.

7 “(5) *PARTICIPATING AGENCY*.—The term ‘par-
8 ticipating agency’ means a State or local government,
9 nonprofit organization, or private organization that
10 has executed an agreement with a sponsoring agency
11 to participate in the System.

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

16 “(7) *SYSTEM*.—The term ‘System’ means the Na-
17 tional Urban Search and Rescue Response System to
18 be administered under this section.

19 “(8) *SYSTEM MEMBER*.—The term ‘System mem-
20 ber’ means an individual who is not a full-time em-
21 ployee of the Federal Government and who serves on
22 a task force or on a System management or other
23 technical team.

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

4 “(b) *GENERAL AUTHORITY*.—*Subject to the require-*
5 *ments of this section, the Administrator shall continue to*
6 *administer the emergency response system known as the Na-*
7 *tional Urban Search and Rescue Response System.*

8 “(c) *FUNCTIONS*.—*In administering the System, the*
9 *Administrator shall provide for a national network of*
10 *standardized search and rescue resources to assist States*
11 *and local governments in responding to hazards.*

12 “(d) *TASK FORCES*.—

13 “(1) *DESIGNATION*.—*The Administrator shall*
14 *designate task forces to participate in the System. The*
15 *Administrator shall determine the criteria for such*
16 *participation.*

17 “(2) *SPONSORING AGENCIES*.—*Each task force*
18 *shall have a sponsoring agency. The Administrator*
19 *shall enter into an agreement with the sponsoring*
20 *agency with respect to the participation of each task*
21 *force in the System.*

22 “(3) *COMPOSITION*.—

23 “(A) *PARTICIPATING AGENCIES*.—*A task*
24 *force may include, at the discretion of the spon-*
25 *soring agency, 1 or more participating agencies.*

1 *The sponsoring agency shall enter into an agree-*
2 *ment with each participating agency of the task*
3 *force with respect to the participation of the par-*
4 *ticipating agency on the task force.*

5 “(B) *OTHER INDIVIDUALS.*—*A task force*
6 *may also include, at the discretion of the spon-*
7 *soring agency, other individuals not otherwise*
8 *associated with the sponsoring agency or a par-*
9 *ticipating agency of the task force. The spon-*
10 *soring agency of a task force may enter into a*
11 *separate agreement with each such individual*
12 *with respect to the participation of the indi-*
13 *vidual on the task force.*

14 “(e) *MANAGEMENT AND TECHNICAL TEAMS.*—*The Ad-*
15 *ministrator shall maintain such management teams and*
16 *other technical teams as the Administrator determines are*
17 *necessary to administer the System.*

18 “(f) *APPOINTMENT OF SYSTEM MEMBERS INTO FED-*
19 *ERAL SERVICE.*—

20 “(1) *IN GENERAL.*—*The Administrator may ap-*
21 *point a System member into Federal service for a pe-*
22 *riod of service to provide for the participation of the*
23 *System member in exercises, preincident staging,*
24 *major disaster and emergency response activities, and*

1 *training events sponsored or sanctioned by the Ad-*
2 *ministrator.*

3 “(2) *NONAPPLICABILITY OF CERTAIN CIVIL SERV-*
4 *ICE LAWS.*—*The Administrator may make appoint-*
5 *ments under paragraph (1) without regard to the pro-*
6 *visions of title 5, United States Code, governing ap-*
7 *pointments in the competitive service.*

8 “(3) *RELATIONSHIP TO OTHER AUTHORITIES.*—
9 *The authority of the Administrator to make appoint-*
10 *ments under this subsection shall not affect any other*
11 *authority of the Administrator under this Act.*

12 “(4) *LIMITATION.*—*A System member who is ap-*
13 *pointed into Federal service under paragraph (1)*
14 *shall not be considered an employee of the United*
15 *States for purposes other than those specifically set*
16 *forth in this section.*

17 “(g) *COMPENSATION.*—

18 “(1) *PAY OF SYSTEM MEMBERS.*—*Subject to such*
19 *terms and conditions as the Administrator may im-*
20 *pose by regulation, the Administrator shall make pay-*
21 *ments to the sponsoring agency of a task force—*

22 “(A) *to reimburse each employer of a Sys-*
23 *tem member on the task force for compensation*
24 *paid by the employer to the System member for*
25 *any period during which the System member is*

1 *appointed into Federal service under subsection*
2 *(f)(1); and*

3 “(B) *to make payments directly to a non-*
4 *employee System member on the task force for*
5 *any period during which the non-employee Sys-*
6 *tem member is appointed into Federal service*
7 *under subsection (f)(1).*

8 “(2) *REIMBURSEMENT FOR EMPLOYEES FILLING*
9 *POSITIONS OF SYSTEM MEMBERS.—*

10 “(A) *IN GENERAL.—Subject to such terms*
11 *and conditions as the Administrator may impose*
12 *by regulation, the Administrator shall make pay-*
13 *ments to the sponsoring agency of a task force to*
14 *reimburse each employer of a System member on*
15 *the task force for compensation paid by the em-*
16 *ployer to an employee filling a position normally*
17 *filled by the System member for any period dur-*
18 *ing which the System member is appointed into*
19 *Federal service under subsection (f)(1).*

20 “(B) *LIMITATION.—Costs incurred by an*
21 *employer shall be eligible for reimbursement*
22 *under subparagraph (A) only to the extent that*
23 *the costs are in excess of the costs that would*
24 *have been incurred by the employer had the Sys-*

1 *tem member not been appointed into Federal*
2 *service under subsection (f)(1).*

3 “(3) *METHOD OF PAYMENT.*—*A System member*
4 *shall not be entitled to pay directly from the Agency*
5 *for a period during which the System member is ap-*
6 *pointed into Federal service under subsection (f)(1).*

7 “(h) *PERSONAL INJURY, ILLNESS, DISABILITY, OR*
8 *DEATH.*—

9 “(1) *IN GENERAL.*—*A System member who is*
10 *appointed into Federal service under subsection (f)(1)*
11 *and who suffers personal injury, illness, disability, or*
12 *death as a result of a personal injury sustained while*
13 *acting in the scope of such appointment shall, for the*
14 *purposes of subchapter I of chapter 81 of title 5,*
15 *United States Code, be treated as though the member*
16 *were an employee (as defined by section 8101 of that*
17 *title) who had sustained the injury in the perform-*
18 *ance of duty.*

19 “(2) *ELECTION OF BENEFITS.*—

20 “(A) *IN GENERAL.*—*If a System member*
21 *(or, in the case of the death of the System mem-*
22 *ber, the System member’s dependent) is enti-*
23 *tled—*

24 “(i) *under paragraph (1) to receive*
25 *benefits under subchapter I of chapter 81 of*

1 *title 5, United States Code, by reason of*
2 *personal injury, illness, disability, or death,*
3 *and*

4 “(i) to receive benefits from a State or
5 *local government by reason of the same per-*
6 *sonal injury, illness, disability, or death,*
7 *the System member or dependent shall elect to*
8 *receive either the benefits referred to in clause (i)*
9 *or (ii).*

10 “(B) *DEADLINE.*—A System member or de-
11 *pendent shall make an election of benefits under*
12 *subparagraph (A) not later than 1 year after the*
13 *date of the personal injury, illness, disability, or*
14 *death that is the reason for the benefits or until*
15 *such later date as the Secretary of Labor may*
16 *allow for reasonable cause shown.*

17 “(C) *EFFECT OF ELECTION.*—An election of
18 *benefits made under this paragraph is irrev-*
19 *ocable unless otherwise provided by law.*

20 “(3) *REIMBURSEMENT FOR STATE OR LOCAL*
21 *BENEFITS.*—Subject to such terms and conditions as
22 *the Administrator may impose by regulation, in the*
23 *event that a System member or dependent elects bene-*
24 *fits from a State or local government under para-*
25 *graph (2)(A), the Administrator shall reimburse the*

1 *State or local government for the value of those bene-*
2 *fits.*

3 “(i) *LIABILITY.—A System member appointed into*
4 *Federal service under subsection (f)(1), while acting within*
5 *the scope of the appointment, is deemed an employee of the*
6 *Government under section 1346(b) of title 28, United States*
7 *Code, and chapter 171 of that title, relating to tort claims*
8 *procedure.*

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

13 “(1) *Service as a System member is deemed*
14 *‘service in the uniformed services’ for purposes of*
15 *chapter 43 of title 38, United States Code, relating to*
16 *employment and reemployment rights of individuals*
17 *who have performed service in the uniformed services*
18 *(regardless of whether the individual receives com-*
19 *ensation for such participation). All rights and obli-*
20 *gations of such persons and procedures for assistance,*
21 *enforcement, and investigation shall be as provided*
22 *for in such chapter.*

23 “(2) *Preclusion of giving notice of service by ne-*
24 *cessity of appointment under this section is deemed*
25 *preclusion by ‘military necessity’ for purposes of sec-*

1 *tion 4312(b) of title 38, United States Code, per-*
2 *taining to giving notice of absence from a position of*
3 *employment. A determination of such necessity shall*
4 *be made by the Administrator and shall not be subject*
5 *to judicial review.*

6 “(k) *LICENSES AND PERMITS.—If a System member*
7 *holds a valid license, certificate, or other permit issued by*
8 *any State or other governmental jurisdiction evidencing the*
9 *member’s qualifications in any professional, mechanical, or*
10 *other skill or type of assistance required by the System, the*
11 *System member is deemed to be performing a Federal activ-*
12 *ity when rendering aid involving such skill or assistance*
13 *during a period of appointment into Federal service under*
14 *subsection (f)(1).*

15 “(l) *ADVISORY COMMITTEE.—*

16 “(1) *IN GENERAL.—The Administrator shall es-*
17 *tablish and maintain an advisory committee to pro-*
18 *vide expert recommendations to the Administrator in*
19 *order to assist the Administrator in administering the*
20 *System.*

21 “(2) *COMPOSITION.—The advisory committee*
22 *shall be composed of members from geographically di-*
23 *verse areas, and shall include—*

24 “(A) *the chief officer or senior executive*
25 *from at least 3 sponsoring agencies;*

1 “(B) the senior emergency manager from at
2 least 2 States that include sponsoring agencies;
3 and

4 “(C) at least 1 representative recommended
5 by the leaders of the task forces.

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

10 “(m) *PREPAREDNESS COOPERATIVE AGREEMENTS.*—

11 “(1) *IN GENERAL.*—Subject to the availability of
12 appropriations for such purpose, the Administrator
13 shall enter into an annual preparedness cooperative
14 agreement with each sponsoring agency. Amounts
15 made available to a sponsoring agency under such a
16 preparedness cooperative agreement shall be for the
17 following purposes:

18 “(A) *Training and exercises, including*
19 *training and exercises with other Federal, State,*
20 *and local government response entities.*

21 “(B) *Acquisition and maintenance of equip-*
22 *ment, including interoperable communications*
23 *and personal protective equipment.*

24 “(C) *Medical monitoring required for re-*
25 *sponder safety and health in anticipation of and*

1 *following a major disaster, emergency, or other*
2 *hazard, as determined by the Administrator.*

3 “(2) *AVAILABILITY OF APPROPRIATIONS.—Not-*
4 *withstanding section 1552(b) of title 31, United*
5 *States Code, amounts made available for cooperative*
6 *agreements under this subsection that are not ex-*
7 *pende d shall be deposited in an Agency account and*
8 *shall remain available for such agreements without*
9 *fiscal year limitation.*

10 “(n) *RESPONSE COOPERATIVE AGREEMENTS.—The*
11 *Administrator shall enter into a response cooperative agree-*
12 *ment with each sponsoring agency, as appropriate, under*
13 *which the Administrator agrees to reimburse the sponsoring*
14 *agency for costs incurred by the sponsoring agency in re-*
15 *sponding to a major disaster or emergency.*

16 “(o) *OBLIGATIONS.—The Administrator may incur all*
17 *necessary obligations consistent with this section in order*
18 *to ensure the effectiveness of the System.*

19 “(p) *AUTHORIZATION OF APPROPRIATIONS.—*

20 “(1) *IN GENERAL.—There is authorized to be ap-*
21 *propriated to carry out the System and the provisions*
22 *of this section \$35,250,000 for each of fiscal years*
23 *2012, 2013, and 2014.*

24 “(2) *ADMINISTRATIVE EXPENSES.—The Admin-*
25 *istrator may use not to exceed 6 percent of the funds*

1 *appropriated for a fiscal year pursuant to paragraph*
2 *(1) for salaries, expenses, and other administrative*
3 *costs incurred by the Administrator in carrying out*
4 *this section.”.*

5 **(b) CONFORMING AMENDMENTS.—**

6 **(1) APPLICABILITY OF TITLE 5, UNITED STATES**
7 **CODE.—Section 8101(1) of title 5, United States**
8 **Code, is amended—**

9 **(A) in subparagraph (D) by striking “and”**
10 *at the end;*

11 **(B) by moving subparagraph (F) to appear**
12 *after subparagraph (E);*

13 **(C) in subparagraph (F)—**

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

15 *and*

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

17 **(D) by inserting after subparagraph (F) the**
18 *following:*

19 **“(G) an individual who is a System mem-**
20 *ber of the National Urban Search and Rescue*
21 *Response System during a period of appoint-*
22 *ment into Federal service pursuant to section*
23 *327 of the Robert T. Stafford Disaster Relief and*
24 *Emergency Assistance Act;”.*

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

4 (A) *in paragraph (13) by inserting “, a pe-*
5 *riod for which a System member of the National*
6 *Urban Search and Rescue Response System is*
7 *absent from a position of employment due to an*
8 *appointment into Federal service under section*
9 *327 of the Robert T. Stafford Disaster Relief and*
10 *Emergency Assistance Act” before “, and a pe-*
11 *riod”; and*

12 (B) *in paragraph (16) by inserting after*
13 *“Public Health Service,” the following: “System*
14 *members of the National Urban Search and Res-*
15 *cue Response System during a period of appoint-*
16 *ment into Federal service under section 327 of*
17 *the Robert T. Stafford Disaster Relief and Emer-*
18 *gency Assistance Act,”.*

19 **SEC. 202. REAUTHORIZATION OF EMERGENCY MANAGE-**
20 **MENT ASSISTANCE COMPACT GRANTS.**

21 (a) *IN GENERAL.*—*Subtitle A of title VI of the Robert*
22 *T. Stafford Disaster Relief and Emergency Assistance Act*
23 *(42 U.S.C. 5196 et seq.) is amended by adding at the end*
24 *the following:*

1 **“SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COM-**
2 **PACT GRANTS.**

3 “(a) *IN GENERAL.*—*The Administrator of the Federal*
4 *Emergency Management Agency may make grants to pro-*
5 *vide for implementation of the Emergency Management As-*
6 *sistance Compact consented to by Congress in the joint reso-*
7 *lution entitled ‘Joint resolution granting the consent of*
8 *Congress to the Emergency Management Assistance Com-*
9 *pact’ (Public Law 104–321; 110 Stat. 3877).*

10 “(b) *ELIGIBLE GRANT RECIPIENTS.*—*States and the*
11 *Administrator of the Emergency Management Assistance*
12 *Compact shall be eligible to receive grants under subsection*
13 *(a).*

14 “(c) *USE OF FUNDS.*—*A grant received under this sec-*
15 *tion shall be used—*

16 “(1) *to carry out recommendations identified in*
17 *the Emergency Management Assistance Compact*
18 *after-action reports for the 2004 and 2005 hurricane*
19 *seasons;*

20 “(2) *to administer compact operations on behalf*
21 *of States, as such term is defined in the compact, that*
22 *have enacted the compact;*

23 “(3) *to continue coordination with the Federal*
24 *Emergency Management Agency and appropriate*
25 *Federal agencies;*

1 “(4) to continue coordination with States and
2 local governments and their respective national orga-
3 nizations; and

4 “(5) to assist State and local governments, emer-
5 gency response providers, and organizations rep-
6 resenting such providers with credentialing the pro-
7 viders and the typing of emergency response resources.

8 “(d) *COORDINATION.*—*The Administrator of the Fed-*
9 *eral Emergency Management Agency shall consult with the*
10 *Administrator of the Emergency Management Assistance*
11 *Compact to ensure effective coordination of efforts in re-*
12 *sponding to requests for assistance.*

13 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
14 *authorized to be appropriated to carry out this section*
15 *\$2,000,000 for each of the fiscal years 2012, 2013, and 2014.*
16 *Such sums shall remain available until expended.”.*

17 “(b) *REPEAL.*—*Section 661 of the Post-Katrina Emer-*
18 *gency Management Reform Act of 2006 (6 U.S.C. 761) is*
19 *repealed.*

20 **SEC. 203. DISPOSAL OF EXCESS PROPERTY TO ASSIST**
21 **OTHER DISASTER SURVIVORS.**

22 *Title III of the Robert T. Stafford Disaster Relief and*
23 *Emergency Assistance Act as amended by this Act is further*
24 *amended by adding at the end the following:*

1 **“SEC. 328. DISPOSAL OF EXCESS MATERIALS, SUPPLIES,**
2 **AND EQUIPMENT.**

3 “(a) *IN GENERAL.*—Notwithstanding any other provi-
4 sion of law, if the President determines that materials, sup-
5 plies, or equipment acquired by the President pursuant to
6 title IV or V for response or recovery efforts in connection
7 with a major disaster or emergency are in excess of the
8 amount needed for those efforts, the President may transfer
9 the excess materials, supplies, or equipment directly to a
10 State, local government, or relief or disaster assistance orga-
11 nization for the purpose of—

12 “(1) assisting disaster survivors in other major
13 disasters and emergencies; and

14 “(2) assisting survivors in incidents caused by a
15 hazard that do not result in a declaration of a major
16 disaster or emergency if the Governor of the affected
17 State certifies that—

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

20 “(B) the State is unable to provide the ma-
21 terials, supplies, or equipment in a timely man-
22 ner.

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

1 **SEC. 204. STORAGE, SALE, TRANSFER, AND DISPOSAL OF**
2 **HOUSING UNITS.**

3 (a) *DEFINITIONS.*—*In this section, the following defi-*
4 *nitions apply:*

5 (1) *ADMINISTRATOR.*—*The term “Adminis-*
6 *trator” means the Administrator of FEMA.*

7 (2) *EMERGENCY; MAJOR DISASTER.*—*The terms*
8 *“emergency” and “major disaster” have the meanings*
9 *given such terms in section 102 of the Stafford Act*
10 *(42 U.S.C. 5122).*

11 (3) *FEMA.*—*The term “FEMA” means the Fed-*
12 *eral Emergency Management Agency.*

13 (4) *HAZARD.*—*The term “hazard” has the mean-*
14 *ing given such term in section 602 of the Stafford Act*
15 *(42 U.S.C. 5195a).*

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

19 (b) *NEEDS ASSESSMENT; ESTABLISHMENT OF CRI-*
20 *TERIA.*—*Not later than 90 days after the date of enactment*
21 *of this Act, the Administrator shall complete an assessment*
22 *to determine the number of temporary housing units that*
23 *FEMA needs to maintain in stock to respond appropriately*
24 *to emergencies or major disasters occurring after the date*
25 *of enactment of this Act.*

26 (c) *PLAN.*—

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of enactment of this Act, the Administrator
3 shall establish a plan and guidelines for—

4 (A) storing the number of temporary hous-
5 ing units that FEMA needs to maintain in
6 stock, as determined by the Administrator under
7 subsection (b); and

8 (B) selling, transferring, donating, or other-
9 wise disposing of the temporary housing units in
10 the inventory of FEMA that are in excess of the
11 number of temporary housing units that FEMA
12 needs to maintain in stock, as determined by the
13 Administrator under subsection (b).

14 (2) *REPORT.*—

15 (A) *IN GENERAL.*—Not later than 180 days
16 after the date of enactment of this Act and annu-
17 ally thereafter, the Administrator shall submit to
18 the Committee on Transportation and Infra-
19 structure of the House of Representatives and the
20 Committee on Homeland Security and Govern-
21 mental Affairs of the Senate a report on the ac-
22 tions that the Administrator has taken to estab-
23 lish and implement the plan and guidelines es-
24 tablished under paragraph (1).

1 (B) *REQUIRED INFORMATION.*—*In each re-*
2 *port submitted under subparagraph (A), the Ad-*
3 *ministrator shall document the number of tem-*
4 *porary housing units remaining in the inventory*
5 *of FEMA and the number of units sold, trans-*
6 *ferred, donated, and otherwise disposed of pursu-*
7 *ant to this section.*

8 (3) *UPDATE.*—*The Administrator shall update*
9 *the plan established under paragraph (1) as necessary*
10 *to ensure that the Administrator maintains in the in-*
11 *ventory of FEMA only those temporary housing units*
12 *that are needed to respond appropriately to emer-*
13 *gencies or major disasters.*

14 (d) *TRANSFER OF TEMPORARY HOUSING UNITS TO*
15 *STATES.*—

16 (1) *IN GENERAL.*—*Notwithstanding section*
17 *408(d)(2) of the Stafford Act (42 U.S.C. 5174(d)(2)),*
18 *and subject to the requirements of paragraph (2), the*
19 *Administrator may transfer or donate to States, on a*
20 *priority basis, pursuant to subsection (c)(1)(B), excess*
21 *temporary housing units in the inventory of FEMA.*

22 (2) *STATE REQUESTS.*—

23 (A) *IN GENERAL.*—*Not later than 180 days*
24 *after the date of enactment of this Act, a State*
25 *may submit to the Administrator a request to re-*

1 *ceive excess temporary housing units under*
2 *paragraph (1).*

3 *(B) ELIGIBILITY.—A State shall be eligible*
4 *to receive excess temporary housing units under*
5 *paragraph (1) if the State agrees—*

6 *(i) to use the units to provide tem-*
7 *porary housing to survivors of incidents*
8 *that are caused by hazards and that the*
9 *Governor of the State determines require*
10 *State assistance;*

11 *(ii) to pay to store and maintain the*
12 *units;*

13 *(iii) in the event of a major disaster or*
14 *emergency declared for the State by the*
15 *President under the Stafford Act, to make*
16 *the units available to the President or to use*
17 *the units to provide housing directly to sur-*
18 *vivors of the major disaster or emergency in*
19 *the State;*

20 *(iv) to comply with the nondiscrimina-*
21 *tion provisions of section 308 of the Stafford*
22 *Act (42 U.S.C. 5151); and*

23 *(v) to obtain and maintain hazard and*
24 *flood insurance on the units.*

1 (C) *INCIDENTS.*—*The incidents referred to*
2 *in subparagraph (B)(i) may include incidents*
3 *that do not result in a declaration of a major*
4 *disaster or emergency by the President under the*
5 *Stafford Act.*

6 (3) *DISTRIBUTION.*—

7 (A) *ESTABLISHMENT OF PROCESS.*—*The*
8 *Administrator shall establish a process—*

9 (i) *to review requests submitted by*
10 *States under paragraph (2); and*

11 (ii) *to distribute excess temporary*
12 *housing units that are in the inventory of*
13 *FEMA.*

14 (B) *ALLOCATION.*—*If the number of tem-*
15 *porary housing units requested by States under*
16 *paragraph (2) exceeds the number of excess tem-*
17 *porary housing units available, the Adminis-*
18 *trator shall allocate the available units among*
19 *the States that have submitted a request.*

20 (4) *REMAINING TEMPORARY HOUSING UNITS.*—

21 *Temporary housing units that are not transferred or*
22 *donated under paragraph (1) shall be sold, trans-*
23 *ferred, donated, or otherwise disposed of subject to the*
24 *requirements of section 408(d)(2) of the Stafford Act*

1 (42 U.S.C. 5174(d)(2)) and other applicable provi-
2 sions of law.

3 (5) *LIMITATION ON STATUTORY CONSTRU-*
4 *CTION.—Nothing in this section shall be construed to*
5 *affect section 689k of the Post-Katrina Emergency*
6 *Management Reform Act of 2006 (120 Stat. 1456).*
7 *For purposes of that section, a transfer or donation*
8 *to a State of a temporary housing unit under para-*
9 *graph (1) shall be treated as a disposal to house indi-*
10 *viduals or households under section 408 of the Staf-*
11 *ford Act (42 U.S.C. 5174).*

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

13 *Section 408(d)(2)(B) of the Robert T. Stafford Disaster*
14 *Relief and Emergency Assistance Act (42 U.S.C.*
15 *5174(d)(2)(B)) is amended—*

16 (1) *in clause (i) by striking “or”;*

17 (2) *in clause (ii) by striking the period at the*
18 *end and inserting “; or”; and*

19 (3) *by adding at the end the following:*

20 *“(iii) may be sold, transferred, or do-*
21 *nated directly to a State or other govern-*
22 *mental entity or to a voluntary organiza-*
23 *tion for the sole purpose of providing tem-*
24 *porary housing to disaster victims in disas-*
25 *ters and incidents caused by a hazard (as*

1 *such term is defined in section 602) that do*
2 *not result in a declaration of a major dis-*
3 *aster or emergency if, as a condition of the*
4 *sale, transfer, or donation, the State, other*
5 *governmental agency, or voluntary organi-*
6 *zation agrees—*

7 *“(I) to comply with the non-*
8 *discrimination provisions of section*
9 *308; and*

10 *“(II) to obtain and maintain haz-*
11 *ard and flood insurance for the hous-*
12 *ing units.”.*

13 **SEC. 206. ESTABLISHMENT OF CRITERIA RELATING TO AD-**
14 **MINISTRATION OF HAZARD MITIGATION AS-**
15 **SISTANCE BY STATES.**

16 *Not later than 180 days after the date of enactment*
17 *of this Act, the President shall establish the criteria required*
18 *under section 404(c)(2) of the Robert T. Stafford Disaster*
19 *Relief and Emergency Assistance Act (42 U.S.C.*
20 *5170c(c)(2)).*

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

22 *(a) IN GENERAL.—Not later than 180 days after the*
23 *date of enactment of this Act, the President, acting through*
24 *the Administrator of the Federal Emergency Management*
25 *Agency, shall review regulations and policies relating to*

1 *Federal disaster assistance to eliminate regulations the*
2 *President determines are no longer relevant, to harmonize*
3 *contradictory regulations, and to simplify and expedite dis-*
4 *aster recovery and assistance.*

5 **(b) REPORT.**—*Not later than 1 year after the date of*
6 *enactment of this Act, the President shall transmit to the*
7 *Committee on Transportation and Infrastructure of the*
8 *House of Representatives and the Committee on Homeland*
9 *Security and Governmental Affairs of the Senate a report*
10 *describing changes made to regulations as a result of the*
11 *review required under subsection (a), together with any leg-*
12 *islative recommendations relating thereto.*

13 **(c) STATE HAZARD MITIGATION PLANS.**—*The Presi-*
14 *dent, acting through the Administrator, shall revise regula-*
15 *tions related to the submission of State Hazard Mitigation*
16 *Plans to extend the hazard mitigation planning cycle to*
17 *every 5 years, consistent with local planning cycles.*

18 **SEC. 208. APPEALS PROCESS.**

19 *Section 423(b) of the Robert T. Stafford Disaster Relief*
20 *and Emergency Assistance Act (42 U.S.C. 5189a(b)) is*
21 *amended to read as follows:*

22 **“(b) PERIOD FOR DECISION.**—

23 **“(1) IN GENERAL.**—*A decision regarding an ap-*
24 *peal under subsection (a) shall be rendered within 60*
25 *days after the date on which the Federal official des-*

1 *ignated to administer such appeal receives notice of*
2 *such appeal.*

3 *“(2) FAILURE TO SATISFY DEADLINE.—If the*
4 *Federal official fails to satisfy the requirement under*
5 *paragraph (1), the Federal official shall provide a*
6 *written explanation of such failure to the applicant.*
7 *The President, acting through the Administrator of*
8 *the Federal Emergency Management Agency, shall*
9 *transmit quarterly to the Committee on Transpor-*
10 *tation and Infrastructure of the House of Representa-*
11 *tives and the Committee on Homeland Security and*
12 *Governmental Affairs of the Senate a report on such*
13 *failures.”.*

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

15 *Not later than 180 days after the date of enactment*
16 *of this Act, the President, acting through the Administrator*
17 *of the Federal Emergency Management Agency, shall issue*
18 *and begin to implement the regulations required by section*
19 *406(e)(3)(C) of the Robert T. Stafford Disaster Relief and*
20 *Emergency Assistance Act (42 U.S.C. 5172(e)(3)(C)) to pro-*
21 *vide for cost estimation procedures that expedite recovery*
22 *and to reduce the costs and time for completion of recovery*
23 *projects through the creation of financial and performance*
24 *incentives.*

1 **SEC. 210. TRIBAL REQUESTS FOR A MAJOR DISASTER OR**
2 **EMERGENCY DECLARATION UNDER THE**
3 **STAFFORD ACT.**

4 (a) *MAJOR DISASTER REQUESTS.*—Section 401 of the
5 *Robert T. Stafford Disaster Relief and Emergency Assist-*
6 *ance Act (42 U.S.C. 5170) is amended—*

7 (1) *by striking “All requests for a declaration”*
8 *and inserting “(a) IN GENERAL.—All requests for a*
9 *declaration”; and*

10 (2) *by adding at the end the following:*

11 “(b) *INDIAN TRIBAL GOVERNMENT REQUESTS.*—

12 “(1) *IN GENERAL.*—*The Chief Executive of an*
13 *affected Indian tribal government may submit a re-*
14 *quest for a declaration by the President that a major*
15 *disaster exists consistent with the requirements of sub-*
16 *section (a).*

17 “(2) *REFERENCES.*—*In implementing assistance*
18 *authorized by the President under this Act in re-*
19 *sponse to a request of the Chief Executive of an af-*
20 *ected Indian tribal government for a major disaster*
21 *declaration, any reference in this title or section 319*
22 *to a State or the Governor of a State is deemed to*
23 *refer to an affected Indian tribal government or the*
24 *Chief Executive of an affected Indian tribal govern-*
25 *ment, as appropriate.*

1 “(3) *SAVINGS PROVISION.*—*Nothing in this sub-*
2 *section shall prohibit an Indian tribal government*
3 *from receiving assistance under this title through a*
4 *declaration made by the President at the request of a*
5 *State under subsection (a) if the President does not*
6 *make a declaration under this subsection for the same*
7 *incident.*

8 “(c) *COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL*
9 *GOVERNMENTS.*—

10 “(1) *IN GENERAL.*—*In providing assistance to*
11 *an Indian tribal government under this title, the*
12 *President may waive or adjust any payment of a*
13 *non-Federal contribution with respect to the assist-*
14 *ance if—*

15 “(A) *the President has the authority to*
16 *wave or adjust the payment under another pro-*
17 *vision of this title; and*

18 “(B) *the President determines that the*
19 *waiver or adjustment is necessary and appro-*
20 *priate.*

21 “(2) *CRITERIA FOR MAKING DETERMINATIONS.*—
22 *The President shall establish criteria for making de-*
23 *terminations under paragraph (1)(B).”.*

24 “(b) *EMERGENCY REQUESTS.*—*Section 501 of the Rob-*
25 *ert T. Stafford Disaster Relief and Emergency Assistance*

1 *Act (42 U.S.C. 5191) is amended by adding at the end the*
2 *following:*

3 “(c) *INDIAN TRIBAL GOVERNMENT REQUESTS.—*

4 “(1) *IN GENERAL.—The Chief Executive of an*
5 *affected Indian tribal government may submit a re-*
6 *quest for a declaration by the President that an emer-*
7 *gency exists consistent with the requirements of sub-*
8 *section (a).*

9 “(2) *REFERENCES.—In implementing assistance*
10 *authorized by the President under this title in re-*
11 *sponse to a request of the Chief Executive of an af-*
12 *fecting Indian tribal government for an emergency dec-*
13 *laration, any reference in this title or section 319 to*
14 *a State or the Governor of a State shall be deemed to*
15 *refer to an affected Indian tribal government or the*
16 *Chief Executive of an affected Indian tribal govern-*
17 *ment, as appropriate.*

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

1 (c) *DEFINITIONS.*—Section 102 of the Robert T. Staf-
2 *ford Disaster Relief and Emergency Assistance Act* (42
3 *U.S.C. 5122*) is amended—

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

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

9 (3) by inserting after paragraph (5) the fol-
10 *lowing:*

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

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

19 “(12) *CHIEF EXECUTIVE.*—The term ‘Chief Exec-
20 *utive’* means the person who is recognized by the Sec-
21 *retary of the Interior as the chief elected administra-*
22 *tive officer of an Indian tribal government.’”.*

23 (d) *REFERENCES.*—Title I of the Robert T. Stafford
24 *Disaster Relief and Emergency Assistance Act* (42 U.S.C.

1 5121 et seq.) is amended by adding after section 102 the
2 following:

3 **“SEC. 103. REFERENCES.**

4 “Except as otherwise specifically provided, any ref-
5 erence in this Act to ‘State and local’, ‘State or local’, or
6 ‘State, local’ with respect to governments or officials and
7 any reference to a ‘local government’ in section 417 is
8 deemed to refer also to Indian tribal governments and offi-
9 cials, as appropriate.”.

10 (e) *REGULATIONS.*—

11 (1) *ISSUANCE.*—The President shall issue regula-
12 tions to carry out the amendments made by this sec-
13 tion.

14 (2) *FACTORS.*—In issuing the regulations, the
15 President shall consider the unique conditions that af-
16 fect the general welfare of Indian tribal governments.

17 **SEC. 211. INDIVIDUAL ASSISTANCE FACTORS.**

18 In order to provide more objective criteria for evalu-
19 ating the need for assistance to individuals and to speed
20 a declaration of a major disaster or emergency under the
21 Robert T. Stafford Disaster Relief and Emergency Assist-
22 ance Act (42 U.S.C. 5121 et seq.), not later than 1 year
23 after the date of enactment of this Act, the Administrator
24 of the Federal Emergency Management Agency, in coopera-
25 tion with representatives of State, tribal, and local emer-

1 *gency management agencies, shall review, update, and re-*
2 *visé through rulemaking the factors considered under sec-*
3 *tion 206.48 of title 44, Code of Federal Regulations, to*
4 *measure the severity, magnitude, and impact of a disaster.*

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

6 *(a) PILOT PROGRAM.—*

7 *(1) IN GENERAL.—The President, acting through*
8 *the Administrator of the Federal Emergency Manage-*
9 *ment Agency, and in coordination with States, tribal*
10 *and local governments, and owners or operators of*
11 *private non-profit facilities, shall establish and con-*
12 *duct a pilot program to—*

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

20 *(B) increase flexibility in the administra-*
21 *tion of section 406 of such Act; and*

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

1 (2) *PARTICIPATION.*—*Only States, tribal and*
2 *local governments, and owners or operators of private*
3 *non-profit facilities that elect to participate in the*
4 *pilot program may participate in the pilot program*
5 *for their projects.*

6 (3) *ADMINISTRATION.*—

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

11 (B) *NEW PROCEDURES.*—*The new proce-*
12 *dures established under subparagraph (A) shall*
13 *include—*

14 (i) *making grants on the basis of esti-*
15 *mates agreed to by the State, tribal, or local*
16 *government, or owner or operator of a pri-*
17 *vate non-profit facility and the Adminis-*
18 *trator to provide financial incentives and*
19 *disincentives for the State, tribal, or local*
20 *government, or owner or operator of a pri-*
21 *vate non-profit facility for the timely and*
22 *cost-effective completion of projects under*
23 *section 406 of the Act;*

24 (ii) *notwithstanding sections*
25 *406(c)(1)(A) and 406(c)(2)(A) of the Act,*

1 *providing an option for a State, tribal, or*
2 *local government, or owner or operator of a*
3 *private non-profit facility to elect to receive*
4 *an in-lieu contribution, without reduction,*
5 *on the basis of estimates of the cost of re-*
6 *pair, restoration, reconstruction, or replace-*
7 *ment of a public facility owned or con-*
8 *trolled by the State, tribal, or local govern-*
9 *ment and of management expenses;*

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

17 *(iv) notwithstanding any other provi-*
18 *sion of law, if the actual costs of a project*
19 *completed under the pilot procedures are*
20 *less than the estimated costs thereof, the Ad-*
21 *ministrator may permit a grantee or sub*
22 *grantee to use all or part of the excess funds*
23 *for cost-effective activities that reduce the*
24 *risk of future damage, hardship, or suf-*
25 *fering from a major disaster.*

1 (4) *WAIVER.*—*The Administrator may waive*
2 *such regulations or rules applicable to the provisions*
3 *of assistance in section 406 of the Act as the Adminis-*
4 *trator determines are necessary to carry out the pilot*
5 *program under this section.*

6 (b) *REPORT.*—

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

14 (2) *CONTENTS.*—*The report submitted under*
15 *paragraph (1) shall include—*

16 (A) *an assessment by the Administrator of*
17 *any administrative or financial benefits of the*
18 *pilot program;*

19 (B) *an assessment by the Administrator of*
20 *the effect, including any savings in time and*
21 *cost, of the pilot program;*

22 (C) *any other findings and conclusions of*
23 *the Administrator with respect to the pilot pro-*
24 *gram; and*

1 (D) any recommendations of the Adminis-
 2 trator for additional authority to continue or
 3 make permanent the pilot program.

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

8 (d) *PILOT PROGRAM DURATION.*—The Administrator
 9 may not approve a project under the pilot program under
 10 this section after December 31, 2014.

11 **SEC. 213. PUBLIC ASSISTANCE DEBRIS REMOVAL PROCE-**
 12 **DURES.**

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

20 (b) *NEW PROCEDURES.*—The new procedures estab-
 21 lished under subsection (a) may include—

22 (1) making grants on the basis of fixed estimates
 23 to provide financial incentives and disincentives for
 24 the timely or cost effective completion of projects
 25 under sections 403(a)(3)(A), 407, and 502(a)(5) of

1 *such Act if the State, tribal, or local government, or*
2 *owner or operator of the private non-profit facility*
3 *agrees to be responsible to pay for any actual costs*
4 *that exceed the estimate;*

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

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

10 *(4) reimbursing base and overtime wages for em-*
11 *ployees and extra hires of a State, tribal, or local gov-*
12 *ernment, or owner or operator of a private non-profit*
13 *facility performing or administering debris and*
14 *wreckage removal; and*

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

21 *(A) Debris management planning.*

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

1 (C) *Other activities to improve future debris*
2 *removal operations, as determined by the Ad-*
3 *ministrator.*

4 **SEC. 214. USE OF FUNDS.**

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

11 **SEC. 215. REDUCTION OF AUTHORIZATION FOR EMER-**
12 **GENCY MANAGEMENT PERFORMANCE**
13 **GRANTS.**

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

17 **SEC. 216. TECHNICAL CORRECTION.**

18 *Section 202(c) of the Robert T. Stafford Disaster Relief*
19 *and Emergency Assistance Act (42 U.S.C. 5132(c)) is*
20 *amended by striking “section 611(c)” and inserting “sec-*
21 *tion 611(d)”.*

22 **SEC. 217. NATIONAL DAM SAFETY PROGRAM ACT REAU-**
23 **THORIZATION.**

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

1 (b) *PURPOSE.*—*The purpose of this section is to reduce*
2 *the risks to life and property from dam failure in the*
3 *United States through the reauthorization of an effective*
4 *national dam safety program that brings together the exper-*
5 *tise and resources of Federal and non-Federal communities*
6 *in achieving national dam safety hazard reduction.*

7 (c) *AMENDMENTS TO THE NATIONAL DAM SAFETY*
8 *PROGRAM ACT.*—

9 (1) *ADMINISTRATOR.*—

10 (A) *IN GENERAL.*—*The National Dam Safe-*
11 *ty Program Act (33 U.S.C. 467 et seq.) is*
12 *amended by striking “Director” each place it ap-*
13 *pears and inserting “Administrator”.*

14 (B) *CONFORMING AMENDMENT.*—*Section*
15 *2(3) of such Act (33 U.S.C. 467(3)) is amended*
16 *in the paragraph heading by striking “DIREC-*
17 *TOR” and inserting “ADMINISTRATOR”.*

18 (2) *INSPECTION OF DAMS.*—*Section 3(b)(1) of*
19 *such Act (33 U.S.C. 467a(b)(1)) is amended by strik-*
20 *ing “or maintenance” and inserting “maintenance,*
21 *condition, or provision for emergency operations”.*

22 (3) *NATIONAL DAM SAFETY PROGRAM.*—

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

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

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

10 (4) AUTHORIZATION OF APPROPRIATIONS.—

11 (A) NATIONAL DAM SAFETY PROGRAM.—

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

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

23 (I) IN GENERAL.—Section
24 13(a)(2)(B) of such Act (33 U.S.C.
25 467j(a)(2)(B)) is amended by striking

1 “50 percent of the reasonable cost of
2 implementing the State dam safety
3 program” and inserting “the amount
4 of funds committed by the State to im-
5 plement dam safety program activi-
6 ties”.

7 (II) *APPLICABILITY.*—The amend-
8 ment made by subclause (I) shall
9 apply to fiscal year 2013 and each fis-
10 cal year thereafter.

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

19 (C) *RESEARCH.*—Section 13(c) of such Act
20 (33 U.S.C. 467j(c)) is amended by striking
21 “\$1,600,000 for fiscal year 2007, \$1,700,000 for
22 fiscal year 2008, \$1,800,000 for fiscal year 2009,
23 \$1,900,000 for fiscal year 2010, and \$2,000,000
24 for fiscal year 2011” and inserting “\$1,000,000
25 for each of fiscal years 2012 through 2015”.

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

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

Union Calendar No. 486

112TH CONGRESS
2^D SESSION

H. R. 2903

[Report No. 112-674, Part I]

A BILL

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

SEPTEMBER 17, 2012

The Committee on Homeland Security discharged; com-
mitted to the Committee of the Whole House on the
State of the Union and ordered to be printed