

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2903
OFFERED BY MR. DENHAM OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

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

4 (b) TABLE OF CONTENTS.—

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. Clarification on grant authority.

Sec. 211. Tribal requests for a major disaster or emergency declaration under the Stafford act.

Sec. 212. Individual assistance factors.

Sec. 213. Public assistance pilot program.

Sec. 214. Public assistance debris removal procedures.

Sec. 215. Use of funds.

Sec. 216. Technical correction.

Sec. 217. National dam safety program act reauthorization.

1 **TITLE I—Reauthorization of FEMA**
2 **and Modernization of Inte-**
3 **grated Public Alert and Warn-**
4 **ing 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, \$1,013,378,000, in-
15 cluding amounts transferred from grant programs;

16 “(2) for fiscal year 2013, \$1,013,378,000, in-
17 cluding amounts transferred from grant programs;
18 and

19 “(3) for fiscal year 2014, \$1,013,378,000, in-
20 cluding amounts transferred from grant programs.”.

21 **SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
22 **TEM MODERNIZATION.**

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

1 (b) INTEGRATED PUBLIC ALERT AND WARNING SYS-
2 TEM MODERNIZATION.—

3 (1) IN GENERAL.—To provide timely and effec-
4 tive disaster warnings under this section, the Presi-
5 dent, acting through the Administrator of the Fed-
6 eral Emergency Management Agency, shall—

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

14 (B) implement the public alert and warn-
15 ing system.

16 (2) IMPLEMENTATION REQUIREMENTS.—In car-
17 rying out paragraph (1), the Administrator shall,
18 consistent with the recommendations in the final re-
19 port of the Integrated Public Alert and Warning
20 System Advisory Committee (established under sub-
21 section (c))—

22 (A) establish or adopt, as appropriate,
23 common alerting and warning protocols, stand-
24 ards, terminology, and operating procedures for
25 the public alert and warning system;

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

6 (C) include in the public alert and warning
7 system the capability to alert and warn individ-
8 uals with disabilities and individuals with lim-
9 ited English proficiency; and

10 (D) ensure that training, tests, and exer-
11 cises are conducted for the public alert and
12 warning system.

13 (3) SYSTEM REQUIREMENTS.—The public alert
14 and warning system shall—

15 (A) incorporate multiple communications
16 technologies;

17 (B) be designed to adapt to, and incor-
18 porate, future technologies for communicating
19 directly with the public;

20 (C) be designed to provide alerts to the
21 largest portion of the affected population fea-
22 sible, including nonresident visitors and tour-
23 ists, and improve the ability of remote areas to
24 receive alerts;

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

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

9 (4) IMPLEMENTATION PLAN.—Not later than 6
10 months after the date of submission of the report of
11 the Integrated Public Alert and Warning System
12 Advisory Committee, the Administrator shall submit
13 to the Committee on Transportation and Infrastruc-
14 ture of the House of Representatives and the Com-
15 mittee on Homeland Security and Governmental Af-
16 fairs of the Senate a detailed plan to implement the
17 public alert and warning system. The plan shall in-
18 clude a timeline for implementation, a spending
19 plan, and recommendations for any additional au-
20 thority that may be necessary to fully implement
21 this subsection.

22 (5) MAXIMUM FUNDS.—The Administrator may
23 use not more than \$13,287,000 of the amount made
24 available pursuant to section 699 of the Post-
25 Katrina Emergency Management Reform Act of

1 2006 (6 U.S.C. 811) for each of fiscal years 2012,
2 2013, and 2014 to carry out the provisions of this
3 section.

4 (c) INTEGRATED PUBLIC ALERT AND WARNING SYS-
5 TEM MODERNIZATION ADVISORY COMMITTEE.—

6 (1) ESTABLISHMENT.—Not later than 60 days
7 after the date of enactment of this Act, the Adminis-
8 trator of the Federal Emergency Management Agen-
9 cy shall establish an advisory committee to be known
10 as the Integrated Public Alert and Warning System
11 Advisory Committee (in this subsection referred to
12 as the “Advisory Committee”)

13 (2) MEMBERSHIP.—The Advisory Committee
14 shall be composed of the following members, to be
15 appointed by the Administrator as soon as prac-
16 ticable after the date of enactment of this Act:

17 (A) The Chairman of the Federal Commu-
18 nications Commission.

19 (B) The Administrator of the National
20 Oceanic and Atmospheric Administration of the
21 Department of Commerce

22 (C) The Assistant Secretary for Commu-
23 nications and Information of the Department of
24 Commerce.

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

7 (E) Representatives from federally recog-
8 nized Indian tribes and national Indian organi-
9 zations.

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

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

- 1 (vii) the cable industry;
2 (viii) the satellite industry; and
3 (ix) national organizations rep-
4 resenting individuals with special needs, in-
5 cluding individuals with disabilities and the
6 elderly.

7 (G) Qualified representatives of such other
8 stakeholders and interested and affected parties
9 as the Administrator considers appropriate.

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

12 (4) MEETINGS.—

13 (A) INITIAL MEETING.—The initial meet-
14 ing of the Advisory Committee shall take place
15 not later than 60 days after the date of enact-
16 ment of this Act.

17 (B) OTHER MEETINGS.—After the initial
18 meeting, the Advisory Committee shall meet at
19 the call of the Chairperson.

20 (C) NOTICE; OPEN MEETINGS.—Meetings
21 held by the Advisory Committee shall be duly
22 noticed at least 14 days in advance and shall be
23 open to the public.

24 (5) RULES.—

1 (A) QUORUM.—One-third of the members
2 of the Advisory Committee shall constitute a
3 quorum for conducting business of the Advisory
4 Committee.

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

11 (C) ADDITIONAL RULES.—The Advisory
12 Committee may adopt such other rules as are
13 necessary to carry out its duties.

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

17 (A) recommendations for common alerting
18 and warning protocols, standards, terminology,
19 and operating procedures for the public alert
20 and warning system;

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

23 (i) has the capability to adapt the dis-
24 tribution and content of communications
25 on the basis of geographic location, risks,

1 or personal user preferences, as appro-
2 priate;

3 (ii) has the capability to alert and
4 warn individuals with disabilities and indi-
5 viduals with limited English proficiency;

6 (iii) incorporates multiple communica-
7 tions technologies;

8 (iv) is designed to adapt to, and incor-
9 porate, future technologies for commu-
10 nicating directly with the public;

11 (v) is designed to provide alerts to the
12 largest portion of the affected population
13 feasible, including nonresident visitors and
14 tourists, and improve the ability of remote
15 areas to receive alerts;

16 (vi) promotes local and regional public
17 and private partnerships to enhance com-
18 munity preparedness and response; and

19 (vii) provides redundant alert mecha-
20 nisms if practicable in order to reach the
21 greatest number of people regardless of
22 whether they have access to, or utilize, any
23 specific medium of communication or any
24 particular device.

1 (7) INITIAL AND ANNUAL REPORT.—Not later
2 than 1 year after the date of enactment of this Act,
3 the Advisory Committee shall submit to the Admin-
4 istrator, the Committee on Transportation and In-
5 frastructure of the House of Representatives, and
6 the Committee on Homeland Security and Govern-
7 mental Affairs of the Senate a report containing the
8 recommendations of the Advisory Committee.

9 (8) FEDERAL ADVISORY COMMITTEE ACT.—
10 Neither the Federal Advisory Committee Act (5
11 U.S.C. App.) nor any rule, order, or regulation pro-
12 mulgated under that Act shall apply to the Advisory
13 Committee.

14 (9) TERMINATION.—The Advisory Committee
15 shall terminate not later than 3 years after enact-
16 ment of this Act.

17 (d) LIMITATION ON STATUTORY CONSTRUCTION.—
18 Nothing in this section (including the amendment made
19 by this section) shall be construed to affect the authority
20 of the Department of Commerce or the Federal Commu-
21 nications Commission.

1 **TITLE II—STAFFORD ACT AND**
2 **OTHER PROGRAMS**

3 **SEC. 201. REAUTHORIZATION OF URBAN SEARCH AND RES-**
4 **CUE RESPONSE SYSTEM.**

5 (a) IN GENERAL.—Title III of the Robert T. Stafford
6 Disaster Relief and Emergency Assistance Act (42 U.S.C.
7 5141 et seq.) is amended by adding at the end the fol-
8 lowing:

9 **“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RE-**
10 **SPONSE SYSTEM.**

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

13 “(1) ADMINISTRATOR.—The term ‘Adminis-
14 trator’ means the Administrator of the Federal
15 Emergency Management Agency.

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

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

20 “(4) NON-EMPLOYEE SYSTEM MEMBER.—The
21 term ‘non-employee System member’ means a Sys-
22 tem member not employed by a sponsoring agency
23 or participating agency.

24 “(5) PARTICIPATING AGENCY.—The term ‘par-
25 ticipating agency’ means a State or local govern-

1 ment, nonprofit organization, or private organization
2 that has executed an agreement with a sponsoring
3 agency to participate in the System.

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

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

11 “(8) SYSTEM MEMBER.—The term ‘System
12 member’ means an individual who is not a full-time
13 employee of the Federal Government, who serves on
14 a task force or on a System management or other
15 technical team.

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

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

23 “(c) FUNCTIONS.—In administering the System, the
24 Administrator shall provide for a national network of

1 standardized search and rescue resources to assist States
2 and local governments in responding to hazards.

3 “(d) TASK FORCES.—

4 “(1) DESIGNATION.—The Administrator shall
5 designate task forces to participate in the System.
6 The Administrator shall determine the criteria for
7 such participation.

8 “(2) SPONSORING AGENCIES.—Each task force
9 shall have a sponsoring agency. The Administrator
10 shall enter into an agreement with the sponsoring
11 agency with respect to the participation of each task
12 force in the System.

13 “(3) COMPOSITION.—

14 “(A) PARTICIPATING AGENCIES.—A task
15 force may include, at the discretion of the spon-
16 soring agency, 1 or more participating agencies.
17 The sponsoring agency shall enter into an
18 agreement with each participating agency of the
19 task force with respect to the participation of
20 the participating agency on the task force.

21 “(B) OTHER INDIVIDUALS.—A task force
22 may also include, at the discretion of the spon-
23 soring agency, other individuals not otherwise
24 associated with the sponsoring agency or a par-
25 ticipating agency of the task force. The spon-

1 soring agency of a task force may enter into a
2 separate agreement with each such individual
3 with respect to the participation of the indi-
4 vidual on the task force.

5 “(e) MANAGEMENT AND TECHNICAL TEAMS.—The
6 Administrator shall maintain such management teams and
7 other technical teams as the Administrator determines are
8 necessary to administer the System.

9 “(f) APPOINTMENT OF SYSTEM MEMBERS INTO
10 FEDERAL SERVICE.—

11 “(1) IN GENERAL.—The Administrator may ap-
12 point a System member into Federal service for a
13 period of service to provide for the participation of
14 the System member in exercises, preincident staging,
15 major disaster and emergency response activities,
16 and training events sponsored or sanctioned by the
17 Administrator.

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

23 “(3) RELATIONSHIP TO OTHER AUTHORI-
24 TIES.—The authority of the Administrator to make
25 appointments under this subsection shall not affect

1 any other authority of the Administrator under this
2 Act.

3 “(4) LIMITATION.—A System member who is
4 appointed into Federal service under paragraph (1)
5 shall not be considered an employee of the United
6 States for purposes other than those specifically set
7 forth in this section.

8 “(g) COMPENSATION.—

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

13 “(A) to reimburse each employer of a Sys-
14 tem member on the task force for compensation
15 paid by the employer to the System member for
16 any period during which the System member is
17 appointed into Federal service under subsection
18 (f)(1); and

19 “(B) to make payments directly to a non-
20 employee System member on the task force for
21 any period during which the non-employee Sys-
22 tem member is appointed into Federal service
23 under subsection (f)(1).

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

1 “(A) IN GENERAL.—Subject to such terms
2 and conditions as the Administrator may im-
3 pose by regulation, the Administrator shall
4 make payments to the sponsoring agency of a
5 task force to reimburse each employer of a Sys-
6 tem member on the task force for compensation
7 paid by the employer to an employee filling a
8 position normally filled by the System member
9 for any period during which the System mem-
10 ber is appointed into Federal service under sub-
11 section (f)(1).

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

19 “(3) METHOD OF PAYMENT.—A System mem-
20 ber shall not be entitled to pay directly from the
21 Agency for a period during which the System mem-
22 ber is appointed into Federal service under sub-
23 section (f)(1).

24 “(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR
25 DEATH.—

1 “(1) IN GENERAL.—A System member who is
2 appointed into Federal service under subsection
3 (f)(1) and who suffers personal injury, illness, dis-
4 ability, or death as a result of a personal injury sus-
5 tained while acting in the scope of such appointment
6 shall, for the purposes of subchapter I of chapter 81
7 of title 5, United States Code, be treated as though
8 the member were an employee (as defined by section
9 8101 of that title) who had sustained the injury in
10 the performance of duty.

11 “(2) ELECTION OF BENEFITS.—

12 “(A) IN GENERAL.—If a System member
13 (or, in the case of the death of the System
14 member, the System member’s dependent) is
15 entitled—

16 “(i) under paragraph (1) to receive
17 benefits under subchapter I of chapter 81
18 of title 5, United States Code, by reason of
19 personal injury, illness, disability, or death,
20 and

21 “(ii) to receive benefits from a State
22 or local government by reason of the same
23 personal injury, illness, disability, or death,

1 the System member or dependent shall elect to
2 receive either the benefits referred to in clause
3 (i) or (ii).

4 “(B) DEADLINE.—A System member or
5 dependent shall make an election of benefits
6 under subparagraph (A) not later than 1 year
7 after the date of the personal injury, illness,
8 disability, or death that is the reason for the
9 benefits or until such later date as the Sec-
10 retary of Labor may allow for reasonable cause
11 shown.

12 “(C) EFFECT OF ELECTION.—An election
13 of benefits made under this paragraph is irrev-
14 ovable unless otherwise provided by law.

15 “(3) REIMBURSEMENT FOR STATE OR LOCAL
16 BENEFITS.—Subject to such terms and conditions as
17 the Administrator may impose by regulation, in the
18 event that a System member or dependent elects
19 benefits from a State or local government under
20 paragraph (2)(A), the Administrator shall reimburse
21 the State or local government for the value of those
22 benefits.

23 “(i) LIABILITY.—A System member appointed into
24 Federal service under subsection (f)(1), while acting with-
25 in the scope of the appointment, is deemed an employee

1 of the Government under section 1346(b) of title 28,
2 United States Code, and chapter 171 of that title, relating
3 to tort claims procedure.

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

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

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

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

10 “(l) ADVISORY COMMITTEE.—

11 “(1) IN GENERAL.—The Administrator shall es-
12 tablish and maintain an advisory committee to pro-
13 vide expert recommendations to the Administrator in
14 order to assist the Administrator in administering
15 the System.

16 “(2) COMPOSITION.—The advisory committee
17 shall be composed of members from geographically
18 diverse areas, and shall include—

19 “(A) the chief officer or senior executive
20 from at least 3 sponsoring agencies;

21 “(B) the senior emergency manager from
22 at least 2 States that include sponsoring agen-
23 cies; and

24 “(C) at least 1 representative rec-
25 ommended by the leaders of the task forces.

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

5 “(m) PREPAREDNESS COOPERATIVE AGREE-
6 MENTS.—

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

14 “(A) Training and exercises, including
15 training and exercises with other Federal,
16 State, and local government response entities.

17 “(B) Acquisition and maintenance of
18 equipment, including interoperable communica-
19 tions and personal protective equipment.

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

24 “(2) AVAILABILITY OF APPROPRIATIONS.—Not-
25 withstanding section 1552(b) of title 31, United

1 States Code, amounts made available for cooperative
2 agreements under this subsection that are not ex-
3 pended shall be deposited in an Agency account and
4 shall remain available for such agreements without
5 fiscal year limitation.

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

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

15 “(p) AUTHORIZATION OF APPROPRIATIONS.—

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

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

1 (b) CONFORMING AMENDMENTS.—

2 (1) APPLICABILITY OF TITLE 5, UNITED
3 STATES CODE.—Section 8101(1) of title 5, United
4 States Code, is amended—

5 (A) in subparagraph (D) by striking “and”
6 at the end;

7 (B) by moving subparagraph (F) to appear
8 after subparagraph (E);

9 (C) in subparagraph (F) by adding “and”
10 at the end; and

11 (D) by inserting after subparagraph (F)
12 the following:

13 “(G) an individual who is a System mem-
14 ber of the National Urban Search and Rescue
15 Response System during a period of appoint-
16 ment into Federal service pursuant to section
17 327 of the Robert T. Stafford Disaster Relief
18 and Emergency Assistance Act;”.

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

22 (A) in paragraph (13) by inserting “, a pe-
23 riod for which a System member of the Na-
24 tional Urban Search and Rescue Response Sys-
25 tem is absent from a position of employment

1 due to an appointment into Federal service
2 under section 327 of the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act”
4 before “, and a period”; and

5 (B) in paragraph (16) by inserting after
6 “Public Health Service,” the following: “System
7 members of the National Urban Search and
8 Rescue Response System during a period of ap-
9 pointment into Federal service under section
10 327 of the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act,”.

12 **SEC. 202. REAUTHORIZATION OF EMERGENCY MANAGE-**
13 **MENT ASSISTANCE COMPACT GRANTS.**

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

18 **“SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COM-**
19 **PACT GRANTS.**

20 “(a) IN GENERAL.—The Administrator of the Fed-
21 eral Emergency Management Agency may make grants to
22 provide for implementation of the Emergency Manage-
23 ment Assistance Compact consented to by Congress in the
24 joint resolution entitled ‘Joint resolution granting the con-

1 sent of Congress to the Emergency Management Assist-
2 ance Compact' (Public Law 104-321; 110 Stat. 3877).

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

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

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

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

16 “(3) to continue coordination with the Federal
17 Emergency Management Agency of the and appro-
18 priate Federal agencies;

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

22 “(5) to assist State and local governments,
23 emergency response providers, and organizations
24 representing such providers with credentialing the

1 providers and the typing of emergency response re-
2 sources.

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

8 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to carry out this section
10 \$2,000,000 for each of the fiscal years 2012, 2013, and
11 2014. Such sums shall remain available until expended.”.

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

15 **SEC. 203. DISPOSAL OF EXCESS PROPERTY TO ASSIST**
16 **OTHER DISASTER SURVIVORS.**

17 Title III of the Robert T. Stafford Disaster Relief
18 and Emergency Assistance Act (42 U.S.C. 5141 et seq.)
19 is further amended by adding at the end the following:

20 **“SEC. 328. DISPOSAL OF EXCESS MATERIALS, SUPPLIES,**
21 **AND EQUIPMENT.**

22 “(a) IN GENERAL.—Notwithstanding any other pro-
23 vision of law, if the President determines that materials,
24 supplies, or equipment acquired by the President pursuant
25 to title IV or V for response or recovery efforts in connec-

1 tion with a major disaster or emergency is in excess of
2 the amount needed for those efforts, the President may
3 transfer the excess materials, supplies, or equipment di-
4 rectly to a State, local government, or relief or disaster
5 assistance organization for the purpose of—

6 “(1) assisting disaster survivors in other major
7 disasters and emergencies; and

8 “(2) assisting survivors in incidents caused by
9 a hazard that do not result in a declaration of a
10 major disaster or emergency if—

11 “(A) the Governor of the affected State
12 certifies that—

13 “(i) there is an urgent need for the
14 materials, supplies, or equipment; and

15 “(ii) the State is unable to provide the
16 materials, supplies, or equipment in a
17 timely manner.

18 “(b) HAZARD DEFINED.—In this section, the term
19 ‘hazard’ has the meaning given that term by section
20 602.”.

21 **SEC. 204. STORAGE, SALE, TRANSFER, AND DISPOSAL OF**
22 **HOUSING UNITS.**

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

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

3 (2) EMERGENCY; MAJOR DISASTER.—The terms
4 “emergency” and “major disaster” have the mean-
5 ings given such terms in section 102 of the Stafford
6 Act (42 U.S.C. 5122).

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

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

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

15 (b) NEEDS ASSESSMENT; ESTABLISHMENT OF CRI-
16 TERIA.—Not later than 3 months after the date of enact-
17 ment of this Act, the Administrator shall complete an as-
18 sessment to determine the number of temporary housing
19 units that FEMA needs to maintain in stock to respond
20 appropriately to emergencies or major disasters occurring
21 after the date of enactment of this Act.

22 (c) PLAN.—

23 (1) IN GENERAL.—Not later than 6 months
24 after the date of enactment of this Act, the Adminis-
25 trator shall establish a plan and guidelines for—

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

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

12 (2) REPORT.—

13 (A) IN GENERAL.—Not later than 6
14 months after the date of enactment of this Act
15 and annually thereafter, the Administrator shall
16 submit to the Committee on Transportation and
17 Infrastructure of the House of Representatives
18 and the Committee on Homeland Security and
19 Governmental Affairs of the Senate a report on
20 the actions that the Administrator has taken to
21 establish and implement the plan and guidelines
22 established under paragraph (1).

23 (B) REQUIRED INFORMATION.—In each
24 report submitted under subparagraph (A), the
25 Administrator shall document the number of

1 temporary housing units remaining in the in-
2 ventory of FEMA and the number of units sold,
3 transferred, donated, and otherwise disposed of
4 pursuant to this section.

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

11 (d) TRANSFER OF TEMPORARY HOUSING UNITS TO
12 STATES.—

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

20 (2) STATE REQUESTS.—

21 (A) IN GENERAL.—Not later than 6
22 months after the date of enactment of this Act,
23 a State may submit to the Administrator a re-
24 quest to receive excess temporary housing units
25 under paragraph (1).

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

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

9 (ii) to pay to store and maintain the
10 units;

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

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

21 (v) to obtain and maintain hazard and
22 flood insurance on the units.

23 (C) INCIDENTS.—The incidents referred to
24 in subparagraph (B)(i) may include incidents
25 that do not result in a declaration of a major

1 disaster or emergency by the President under
2 the Stafford Act.

3 (3) DISTRIBUTION.—

4 (A) ESTABLISHMENT OF PROCESS.—The
5 Administrator shall establish a process—

6 (i) to review requests submitted by
7 States under paragraph (2); and

8 (ii) to distribute excess temporary
9 housing units that are in the inventory of
10 FEMA.

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

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

24 (5) LIMITATION ON STATUTORY CONSTRUC-
25 TION.—Nothing in this section shall be construed to

1 affect section 689k of the Post-Katrina Emergency
2 Management Reform Act of 2006 (120 Stat. 1456).
3 For purposes of that section, a transfer or donation
4 to a State of a temporary housing unit under para-
5 graph (1) shall be treated as a disposal to house in-
6 dividuals or households under section 408 of the
7 Stafford Act (42 U.S.C. 5174).

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

9 Section 408(d)(2)(B) of the Robert T. Stafford Dis-
10 aster Relief and Emergency Assistance Act (42 U.S.C.
11 5174(d)(2)(B)) is amended—

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

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

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

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

1 other governmental agency, or voluntary
2 organization agrees—

3 “(I) to comply with the non-
4 discrimination provisions of section
5 308; and

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

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

12 Not later than 180 days after the date of enactment
13 of this Act, the President shall establish the criteria re-
14 quired under section 404(c)(2) of the Robert T. Stafford
15 Disaster Relief and Emergency Assistance Act (42 U.S.C.
16 5170c(c)(2)).

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

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

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

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

14 **SEC. 208. APPEALS PROCESS.**

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

18 “(b) PERIOD FOR DECISION.—

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

24 “(2) FAILURE TO SATISFY DEADLINE.—If the
25 Federal official fails to satisfy the requirement

1 under paragraph (1), the Federal official shall pro-
2 vide a written explanation of such failure to the ap-
3 plicant. The President, acting through the Adminis-
4 trator of the Federal Emergency Management Agen-
5 cy, shall transmit quarterly to the Committee on
6 Transportation and Infrastructure of the House of
7 Representatives and the Committee on Homeland
8 Security and Governmental Affairs of the Senate a
9 report on such failures.”.

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

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

21 **SEC. 210. CLARIFICATION ON GRANT AUTHORITY.**

22 Section 309(b) of the Robert T. Stafford Disaster Re-
23 lief and Emergency Assistance Act (42 U.S.C. 5172(a))
24 is amended to read as follows:

1 “(b) AGREEMENTS WITH CERTAIN ORGANIZA-
2 TIONS.—The President is authorized to enter into agree-
3 ments, including grant agreements (excluding emergency
4 management preparedness grants and other preparedness
5 grants authorized in title VI), with the American National
6 Red Cross, the Salvation Army, the Mennonite Disaster
7 Service, and other relief or disaster assistance organiza-
8 tions under which the disaster relief and emergency pre-
9 paredness activities (as defined in this Act) of such organi-
10 zations may be utilized or coordinated by the President
11 prior to a declaration or by the Federal coordinating offi-
12 cer whenever such organizations are engaged in providing
13 relief during and after a major disaster or emergency. Any
14 such agreement shall include provisions assuring that use
15 of Federal facilities, supplies, and services will be in com-
16 pliance with regulations prohibiting duplication of benefits
17 and guaranteeing nondiscrimination promulgated by the
18 President under this Act, and such other regulations as
19 the President may require.”.

20 **SEC. 211. TRIBAL REQUESTS FOR A MAJOR DISASTER OR**
21 **EMERGENCY DECLARATION UNDER THE**
22 **STAFFORD ACT.**

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

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

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

5 “(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

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

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

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

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

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

7 “(d) INDIAN TRIBAL GOVERNMENT REQUESTS.—

8 “(1) IN GENERAL.—The Chief Executive of an
9 affected Indian tribal government may submit a re-
10 quest for a declaration by the President that an
11 emergency exists consistent with the requirements of
12 subsection (a).

13 “(2) REFERENCES.—In implementing assist-
14 ance authorized by the President under this title in
15 response to a request of the Chief Executive of an
16 affected Indian tribal government for an emergency
17 declaration, any reference in this title or section 319
18 to a State or the Governor of a State shall be
19 deemed to refer to an affected Indian tribal govern-
20 ment or the Chief Executive of an affected Indian
21 tribal government, as appropriate.

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

1 a State under subsection (a) if the President does
2 not make a declaration under this subsection for the
3 same incident.”.

4 (c) DEFINITIONS.—Section 102 of the Robert T.
5 Stafford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5122) is further amended—

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

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

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

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

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

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

1 (d) REFERENCES.—Title I of the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act (42 U.S.C.
3 5121 et seq.) is amended by adding after section 102 the
4 following:

5 **“SEC. 103. REFERENCES.**

6 “Except as otherwise specified, any reference to
7 ‘State and local’ or ‘State or local’ governments or officials
8 in this Act, and all references to ‘local government’ in sec-
9 tion 417, is deemed to refer also to Indian tribal govern-
10 ments and officials, as appropriate.”.

11 **SEC. 212. INDIVIDUAL ASSISTANCE FACTORS.**

12 In order to provide more objective criteria for evalu-
13 ating the need for assistance to individuals and to speed
14 a declaration of a major disaster or emergency under the
15 Robert T. Stafford Disaster Relief and Emergency Assist-
16 ance Act (42 U.S.C. 5121 et seq.), not later than 1 year
17 after the date of enactment of this Act, the Administrator
18 of the Federal Emergency Management Agency, in co-
19 operation with representatives of State and local emer-
20 gency management agencies, shall review, update, and re-
21 vise through rulemaking the factors considered under sec-
22 tion 206.48 of title 44, Code of Federal Regulations, to
23 measure the severity, magnitude, and impact of a disaster.

24 **SEC. 213. PUBLIC ASSISTANCE PILOT PROGRAM.**

25 (a) PILOT PROGRAM.—

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

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

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

16 (C) expedite the provision of assistance to
17 States and local governments provided under
18 section 406 of the Act.

19 (2) PARTICIPATION.—Only States, Tribal and
20 local governments, and owners or operators of pri-
21 vate non-profit facilities that elect to participate in
22 the pilot program may participate in the pilot pro-
23 gram for their projects.

24 (3) ADMINISTRATION.—

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

5 (B) NEW PROCEDURES.—The new proce-
6 dures established under subparagraph (A) shall
7 include—

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

18 (ii) notwithstanding sections
19 406(c)(1)(A) and 406(c)(2)(A) of the Act,
20 providing an option for a State, Tribal or
21 local government, or owner or operator of
22 a private non-profit facility to elect to re-
23 ceive an in-lieu contribution, without re-
24 duction, on the basis of estimates of the
25 cost of repair, restoration, reconstruction,

1 or replacement of a public facility owned or
2 controlled by the State or local government
3 and of management expenses;

4 (iii) consolidating, to the extent deter-
5 mined appropriate by the Administrator,
6 the facilities of a State, local government,
7 or owner operator of a private nonprofit
8 facility as a single project based upon the
9 estimates established under the pilot proce-
10 dures; and

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

20 (4) WAIVER.—The Administrator may waive
21 such regulations or rules applicable to the provisions
22 of assistance in section 406 of the Act as the Ad-
23 ministrator determines are necessary to carry out
24 the pilot program under this section.

25 (b) REPORT.—

1 (1) IN GENERAL.—Not later than October 31,
2 2015, the Administration shall submit to the Com-
3 mittee on Transportation and Infrastructure of the
4 House of Representatives and the Committee on
5 Homeland Security and Governmental Affairs of the
6 Senate a report regarding the effectiveness of the
7 pilot program under this section.

8 (2) CONTENTS.—The report submitted under
9 paragraph (1) shall include—

10 (A) an assessment by the Administrator of
11 any administrative or financial benefits of the
12 pilot program;

13 (B) an assessment by the Administrator of
14 the effect, including any savings in time and
15 cost, of the pilot program;

16 (C) any other findings and conclusions of
17 the Administration with respect to the pilot pro-
18 gram; and

19 (D) any recommendations of the Adminis-
20 trator for additional authority to continue or
21 make permanent the pilot program.

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

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

4 **SEC. 214. PUBLIC ASSISTANCE DEBRIS REMOVAL PROCE-**
5 **DURES.**

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

13 (b) NEW PROCEDURES.—The new procedures estab-
14 lished under paragraph (a) may include—

15 (1) making grants on the basis of fixed esti-
16 mates to provide financial incentives and disincen-
17 tives for the timely or cost effective completion of
18 projects under sections 403(a)(3)(A), 407, and
19 502(a)(5) of such Act if the State, local government,
20 or owner or operator of the private non-profit facility
21 agrees to be responsible to pay for any actual costs
22 that exceed the estimate;

23 (2) using a sliding scale for the Federal share
24 for removal of debris and wreckage based on the

1 time it takes to complete debris and wreckage re-
2 moval;

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

5 (4) reimbursing base and overtime wages for
6 employees and extra hires of a State, local govern-
7 ment, or owner or operator of a private non-profit
8 facility performing or administering debris and
9 wreckage removal; and

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

16 (A) Debris management planning.

17 (B) Acquisition of debris management
18 equipment for current or future use.

19 (C) Other activities to improve future de-
20bris removal operations, as determined by the
21 Administrator.

22 **SEC. 215. USE OF FUNDS.**

23 Unless otherwise specified in this Act, the Adminis-
24 trator of the Federal Emergency Management Agency
25 shall use amounts authorized pursuant to section 699 of

1 the Post-Katrina Emergency Management Reform Act of
2 2006 (6 U.S.C. 811) for reviews, reports, and studies in-
3 cluded in this Act.

4 **SEC. 216. TECHNICAL CORRECTION.**

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

9 **SEC. 217. NATIONAL DAM SAFETY PROGRAM ACT REAU-**
10 **THORIZATION.**

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

13 (b) **PURPOSE.**—The purpose of this section is to re-
14 duce the risks to life and property from dam failure in
15 the United States through the reauthorization of an effec-
16 tive national dam safety program that brings together the
17 expertise and resources of Federal and non-Federal com-
18 munities in achieving national dam safety hazard reduc-
19 tion.

20 (c) **AMENDMENTS TO THE NATIONAL DAM SAFETY**
21 **PROGRAM ACT.**—

22 (1) **ADMINISTRATOR.**—

23 (A) **IN GENERAL.**—The National Dam
24 Safety Program Act (33 U.S.C. 467 et seq.) is

1 amended by striking “Director” each place it
2 appears and inserting “Administrator”.

3 (B) CONFORMING AMENDMENT.—Section
4 2(3) of such Act (33 U.S.C. 467(3)) is amend-
5 ed in the paragraph heading by striking “DI-
6 RECTOR” and inserting “ADMINISTRATOR”.

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

12 (3) NATIONAL DAM SAFETY PROGRAM.—

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

16 “(4) develop and implement a comprehensive
17 dam safety hazard education and public awareness
18 program to assist the public in mitigating against,
19 preparing for, responding to, and recovering from
20 dam incidents;”.

21 (B) BOARD.—Section 8(f)(4) of such Act
22 (33 U.S.C. 467f(f)(4)) is amended by insert-
23 ing “, representatives from nongovernmental or-
24 ganizations,” after “State agencies”.

25 (4) AUTHORIZATION OF APPROPRIATIONS.—

1 (A) NATIONAL DAM SAFETY PROGRAM.—

2 (i) ANNUAL AMOUNTS.—Section
3 13(a)(1) of such Act (33 U.S.C.
4 467j(a)(1)) is amended by striking
5 “\$6,500,000 for fiscal year 2007,
6 \$7,100,000 for fiscal year 2008,
7 \$7,600,000 for fiscal year 2009,
8 \$8,300,000 for fiscal year 2010, and
9 \$9,200,000 for fiscal year 2011” and in-
10 sserting “\$8,024,000 for each of fiscal
11 years 2012 through 2015”.

12 (ii) MAXIMUM AMOUNT OF ALLOCA-
13 TION.—

14 (I) IN GENERAL.—Section
15 13(a)(2)(B) of such Act (33 U.S.C.
16 467j(a)(2)(B)) is amended by striking
17 “50 percent of the reasonable cost of
18 implementing the State dam safety
19 program” and inserting “the amount
20 of funds committed by the State to
21 implement dam safety program activi-
22 ties”.

23 (II) APPLICABILITY.—The
24 amendment made by subclause (I)

1 shall apply to fiscal year 2013 and
2 each fiscal year thereafter.

3 (B) NATIONAL DAM INVENTORY.—Section
4 13(b) of such Act (33 U.S.C. 467j(b)) is
5 amended by striking “\$650,000 for fiscal year
6 2007, \$700,000 for fiscal year 2008, \$750,000
7 for fiscal year 2009, \$800,000 for fiscal year
8 2010, and \$850,000 for fiscal year 2011” and
9 inserting “\$383,000 for each of fiscal years
10 2012 through 2015”.

11 (C) RESEARCH.—Section 13(e) of such Act
12 (33 U.S.C. 467j(e)) is amended by striking
13 “\$1,600,000 for fiscal year 2007, \$1,700,000
14 for fiscal year 2008, \$1,800,000 for fiscal year
15 2009, \$1,900,000 for fiscal year 2010, and
16 \$2,000,000 for fiscal year 2011” and inserting
17 “\$400,000 for each of fiscal years 2012
18 through 2015”.

19 (D) DAM SAFETY TRAINING.—Section
20 13(d) of such Act (33 U.S.C. 467j(d)) is
21 amended by striking “\$550,000 for fiscal year
22 2007, \$600,000 for fiscal year 2008, \$650,000
23 for fiscal year 2009, \$700,000 for fiscal year
24 2010, and \$750,000 for fiscal year 2011” and

1 inserting “\$500,000 for each of fiscal years
2 2012 through 2015”.

3 (E) STAFF.—Section 13(e) of such Act (33
4 U.S.C. 467j(e)) is amended by striking
5 “\$700,000 for fiscal year 2007, \$800,000 for
6 fiscal year 2008, \$900,000 for fiscal year 2009,
7 \$1,000,000 for fiscal year 2010, and
8 \$1,100,000 for fiscal year 2011” and inserting
9 “\$436,000 for each of fiscal years 2012
10 through 2015”.

