AN ACT

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

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “FEMA Reauthorization Act of 2012”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

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

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

SEC. 101. REAUTHORIZATION OF FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

"SEC. 699. AUTHORIZATION OF APPROPRIATIONS.

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

"(1) for fiscal year 2012, $1,031,378,000, including amounts transferred from grant programs;

"(2) for fiscal year 2013, $1,031,378,000, including amounts transferred from grant programs;

and

"(3) for fiscal year 2014, $1,031,378,000, including amounts transferred from grant programs."."
SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) Short Title.—This section may be cited as the “Integrated Public Alert and Warning System Modernization Act of 2012”.

(b) Integrated Public Alert and Warning System Modernization.—

(1) In General.—To provide timely and effective disaster warnings under this section, the President, acting through the Administrator of the Federal Emergency Management Agency, shall—

(A) modernize the integrated public alert and warning system of the United States (in this section referred to as the “public alert and warning system”) to ensure that the President under all conditions is able to alert and warn governmental authorities and the civilian population in areas endangered by disasters; and

(B) implement the public alert and warning system.

(2) Implementation Requirements.—In carrying out paragraph (1), the Administrator shall, consistent with the recommendations in the final report of the Integrated Public Alert and Warning System Advisory Committee (established under subsection (c))—
(A) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

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

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

(D) ensure that training, tests, and exercises are conducted for the public alert and warning system and that the system is incorporated into other training and exercise programs of the Department of Homeland Security, as appropriate;

(E) establish and integrate into the National Incident Management System a comprehensive and periodic training program to instruct and educate Federal, State, Tribal, and local government officials in the use of the
Common Alerting Protocol enabled Emergency Alert System;

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

(G) ensure that the public alert and warning system is resilient, secure, and can withstand acts of terrorism and other external attacks.

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

(A) incorporate multiple communications technologies;

(B) be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(C) to the extent technically feasible, be designed to provide alerts to the largest portion of the affected population, including non-resident visitors and tourists and individuals with disabilities and access and functional needs, and improve the ability of remote areas to receive alerts;
(D) promote local and regional public and private partnerships to enhance community preparedness and response;

(E) provide redundant alert mechanisms if practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device; and

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

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

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

(c) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM ADVISORY COMMITTEE.—

(1) Establishment.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the “Advisory Committee”).

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

(A) The Chairman of the Federal Communications Commission.

(B) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce.
(C) The Assistant Secretary for Communications and Information of the Department of Commerce.

(D) Representatives of State and local governments, representatives of emergency management agencies, and representatives of emergency response providers, selected from among individuals nominated by national organizations representing governments and personnel.

(E) Representatives from federally recognized Indian tribes and national Indian organizations.

(F) Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee, including representatives of—

(i) communications service providers;

(ii) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(iii) third-party service bureaus;

(iv) the broadcasting industry;

(v) the national organization representing the licensees and permittees of
noncommercial broadcast television stations;

(vi) the cellular industry;

(vii) the cable industry;

(viii) the satellite industry; and

(ix) national organizations representing individuals with disabilities and access and functional needs and national organizations representing the elderly.

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

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

(4) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 120 days after the date of enactment of this Act.

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

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

(5) Rules.—

(A) Quorum.—One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.

(B) Subcommittees.—To assist the Advisory Committee in carrying out its functions, the Chairperson may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as the Chairperson considers necessary.

(C) Additional Rules.—The Advisory Committee may adopt such other rules as are necessary to carry out its duties.

(6) Consultation with nonmembers.—The Advisory Committee and the program offices for the integrated public alert and warning system for the United States shall regularly meet with groups that are not represented on the Advisory Committee to consider new and developing technologies that may be beneficial to the public alert and warning system. Such groups may include—
(A) the Defense Advanced Research Projects Agency;

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

(C) academic institutions engaged in rel-
vant work and research.

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

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

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

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

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

(iii) incorporates multiple communica-
tions technologies;
(iv) is designed to adapt to, and incorporate, future technologies for communicating directly with the public;

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

(vi) promotes local and regional public and private partnerships to enhance community preparedness and response; and

(vii) provides redundant alert mechanisms if practicable in order to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(8) Initial and Annual Report.—Not later than 1 year after the date of enactment of this Act, the Advisory Committee shall submit to the Administrator, the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Af-
fairs of the Senate a report containing the rec-
ommendations of the Advisory Committee.

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

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

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

TITLE II—STAFFORD ACT AND
OTHER PROGRAMS

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

(a) IN GENERAL.—Title III of the Robert T. Stafford
Disaster Relief and Emergency Assistance Act (42 U.S.C.
5141 et seq.) is amended by adding at the end the fol-
lowing:
“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

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

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

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

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

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

“(5) PARTICIPATING AGENCY.—The term ‘participating agency’ means a State or local government, nonprofit organization, or private organization that has executed an agreement with a sponsoring agency to participate in the System.

“(6) SPONSORING AGENCY.—The term ‘sponsoring agency’ means a State or local government that is the sponsor of a task force designated by the Administrator to participate in the System.
“(7) System.—The term ‘System’ means the National Urban Search and Rescue Response System to be administered under this section.

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

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

“(b) General Authority.—Subject to the requirements of this section, the Administrator shall continue to administer the emergency response system known as the National Urban Search and Rescue Response System.

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

“(d) Task Forces.—

“(1) Designation.—The Administrator shall designate task forces to participate in the System. The Administrator shall determine the criteria for such participation.
“(2) Sponsoring Agencies.—Each task force shall have a sponsoring agency. The Administrator shall enter into an agreement with the sponsoring agency with respect to the participation of each task force in the System.

“(3) Composition.—

“(A) Participating Agencies.—A task force may include, at the discretion of the sponsoring agency, 1 or more participating agencies. The sponsoring agency shall enter into an agreement with each participating agency of the task force with respect to the participation of the participating agency on the task force.

“(B) Other Individuals.—A task force may also include, at the discretion of the sponsoring agency, other individuals not otherwise associated with the sponsoring agency or a participating agency of the task force. The sponsoring agency of a task force may enter into a separate agreement with each such individual with respect to the participation of the individual on the task force.

“(e) Management and Technical Teams.—The Administrator shall maintain such management teams and
other technical teams as the Administrator determines are necessary to administer the System.

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

“(1) IN GENERAL.—The Administrator may appoint a System member into Federal service for a period of service to provide for the participation of the System member in exercises, preincident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by the Administrator.

“(2) NONAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Administrator may make appointments under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

“(3) RELATIONSHIP TO OTHER AUTHORITIES.—The authority of the Administrator to make appointments under this subsection shall not affect any other authority of the Administrator under this Act.

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

“(g) COMPENSATION.—

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

“(A) to reimburse each employer of a System member on the task force for compensation paid by the employer to the System member for any period during which the System member is appointed into Federal service under subsection (f)(1); and

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

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

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

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

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

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

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

“(2) Election of benefits.—

“(A) In general.—If a System member
(or, in the case of the death of the System
member, the System member’s dependent) is
entitled—

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

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

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

“(C) Effect of Election.—An election
of benefits made under this paragraph is irrev-
ceable unless otherwise provided by law.

“(3) Reimbursement for State or Local
benefits.—Subject to such terms and conditions as
the Administrator may impose by regulation, in the
event that a System member or dependent elects
benefits from a State or local government under
paragraph (2)(A), the Administrator shall reimburse
the State or local government for the value of those
benefits.

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

“(j) Employment and Reemployment Rights.—
With respect to a System member who is not a regular
full-time employee of a sponsoring agency or participating
agency, the following terms and conditions apply:
“(1) Service as a System member is deemed ‘service in the uniformed services’ for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in such chapter.

“(2) Preclusion of giving notice of service by necessity of appointment under this section is deemed preclusion by ‘military necessity’ for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to judicial review.

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

“(l) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Administrator shall es-

Establish and maintain an advisory committee to pro-

vide expert recommendations to the Administrator in

order to assist the Administrator in administering

the System.

“(2) COMPOSITION.—The advisory committee

shall be composed of members from geographically

diverse areas, and shall include—

“(A) the chief officer or senior executive

from at least three sponsoring agencies;

“(B) the senior emergency manager from

at least two States that include sponsoring

agencies; and

“(C) at least one representative rec-

ommended by the leaders of the task forces.

“(3) INAPPLICABILITY OF TERMINATION RE-

quirement.—Section 14(a)(2) of the Federal Advi-

sory Committee Act (5 U.S.C. App.) shall not apply

to the advisory committee under this subsection.

“(m) PREPAREDNESS COOPERATIVE AGREE-

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

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

“(B) Acquisition and maintenance of equipment, including interoperable communications and personal protective equipment.

“(C) Medical monitoring required for responder safety and health in anticipation of and following a major disaster, emergency, or other hazard, as determined by the Administrator.

“(2) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding section 1552(b) of title 31, United States Code, amounts made available for cooperative agreements under this subsection that are not expended shall be deposited in an Agency account and shall remain available for such agreements without fiscal year limitation.
“(n) **Response Cooperative Agreements.**—The Administrator shall enter into a response cooperative agreement with each sponsoring agency, as appropriate, under which the Administrator agrees to reimburse the sponsoring agency for costs incurred by the sponsoring agency in responding to a major disaster or emergency.

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

“(p) **Authorization of Appropriations.**—

“(1) **In General.**—There is authorized to be appropriated to carry out the System and the provisions of this section $35,250,000 for each of fiscal years 2012, 2013, and 2014.

“(2) **Administrative Expenses.**—The Administrator may use not to exceed 6 percent of the funds appropriated for a fiscal year pursuant to paragraph (1) for salaries, expenses, and other administrative costs incurred by the Administrator in carrying out this section.”.

(b) **Conforming Amendments.**—

(1) **Applicability of Title 5, United States Code.**—Section 8101(1) of title 5, United States Code, is amended—
(A) in subparagraph (D) by striking “and” at the end;

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

(C) in subparagraph (F)—

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

and

(ii) by adding “and” at the end; and

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

“(G) an individual who is a System member of the National Urban Search and Rescue Response System during a period of appointment into Federal service pursuant to section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;”.

(2) INCLUSION AS PART OF UNIFORMED SERVICES FOR PURPOSES OF USERRA.—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13) by inserting “, a period for which a System member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under section 327 of the Robert T. Stafford
Disaster Relief and Emergency Assistance Act” before “, and a period”; and

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

SEC. 202. REAUTHORIZATION OF EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

(a) In General.—Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended by adding at the end the following:

“SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

“(a) In General.—The Administrator of the Federal Emergency Management Agency may make grants to provide for implementation of the Emergency Management Assistance Compact consented to by Congress in the joint resolution entitled ‘Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact’ (Public Law 104–321; 110 Stat. 3877).
“(b) ELIGIBLE GRANT RECIPIENTS.—States and the Administrator of the Emergency Management Assistance Compact shall be eligible to receive grants under subsection (a).

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

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

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

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

“(4) to continue coordination with States and local governments and their respective national organizations; and

“(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing the providers and the typing of emergency response resources.
“(d) COORDINATION.—The Administrator of the Federal Emergency Management Agency shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

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

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

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

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

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

“(a) IN GENERAL.—Notwithstanding any other provision of law, if the President determines that materials, supplies, or equipment acquired by the President pursuant to title IV or V for response or recovery efforts in connection with a major disaster or emergency are in excess of the amount needed for those efforts, the President may
transfer the excess materials, supplies, or equipment di-
rectly to a State, local government, or relief or disaster
assistance organization for the purpose of—

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

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

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

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

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

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

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

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

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

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

(4) HAZARD.—The term “hazard” has the meaning given such term in section 602 of the Stafford Act (42 U.S.C. 5195a).

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

(b) NEEDS ASSESSMENT; ESTABLISHMENT OF CRITERIA.—Not later than 90 days after the date of enactment of this Act, the Administrator shall complete an assessment to determine the number of temporary housing units that FEMA needs to maintain in stock to respond appropriately to emergencies or major disasters occurring after the date of enactment of this Act.

(c) PLAN.—

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

(A) storing the number of temporary housing units that FEMA needs to maintain in stock, as determined by the Administrator under subsection (b); and
(B) selling, transferring, donating, or otherwise disposing of the temporary housing units in the inventory of FEMA that are in excess of the number of temporary housing units that FEMA needs to maintain in stock, as determined by the Administrator under subsection (b).

(2) REPORT.—

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

(B) REQUIRED INFORMATION.—In each report submitted under subparagraph (A), the Administrator shall document the number of temporary housing units remaining in the inventory of FEMA and the number of units sold, transferred, donated, and otherwise disposed of pursuant to this section.
(3) UPDATE.—The Administrator shall update
the plan established under paragraph (1) as nec-
essary to ensure that the Administrator maintains in
the inventory of FEMA only those temporary hous-
ing units that are needed to respond appropriately
to emergencies or major disasters.

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

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

(2) STATE REQUESTS.—

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

(B) ELIGIBILITY.—A State shall be eligible
to receive excess temporary housing units under
paragraph (1) if the State agrees—
(i) to use the units to provide temporary housing to survivors of incidents that are caused by hazards and that the Governor of the State determines require State assistance;

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

(iii) in the event of a major disaster or emergency declared for the State by the President under the Stafford Act, to make the units available to the President or to use the units to provide housing directly to survivors of the major disaster or emergency in the State;

(iv) to comply with the nondiscrimination provisions of section 308 of the Stafford Act (42 U.S.C. 5151); and

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

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

(3) DISTRIBUTION.—
(A) Establishment of process.—The Administrator shall establish a process—

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

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

(B) Allocation.—If the number of temporary housing units requested by States under paragraph (2) exceeds the number of excess temporary housing units available, the Administrator shall allocate the available units among the States that have submitted a request.

(4) Remaining temporary housing units.—Temporary housing units that are not transferred or donated under paragraph (1) shall be sold, transferred, donated, or otherwise disposed of subject to the requirements of section 408(d)(2) of the Stafford Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(5) Limitation on statutory construction.—Nothing in this section shall be construed to affect section 689k of the Post-Katrina Emergency Management Reform Act of 2006 (120 Stat. 1456). For purposes of that section, a transfer or donation
to a State of a temporary housing unit under paragraph (1) shall be treated as a disposal to house individuals or households under section 408 of the Stafford Act (42 U.S.C. 5174).

SEC. 205. OTHER METHODS OF DISPOSAL.

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

(1) in clause (i) by striking “or”;

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

(3) by adding at the end the following:

“(iii) may be sold, transferred, or donated directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in disasters and incidents caused by a hazard (as such term is defined in section 602) that do not result in a declaration of a major disaster or emergency if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—
“(I) to comply with the non-discrimination provisions of section 308; and
“(II) to obtain and maintain hazard and flood insurance for the housing units.”.

SEC. 206. ESTABLISHMENT OF CRITERIA RELATING TO ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE BY STATES.
Not later than 180 days after the date of enactment of this Act, the President shall establish the criteria required under section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170e(c)(2)).

SEC. 207. REVIEW OF REGULATIONS AND POLICIES.
(a) In General.—Not later than 180 days after the date of enactment of this Act, the President, acting through the Administrator of the Federal Emergency Management Agency, shall review regulations and policies relating to Federal disaster assistance to eliminate regulations the President determines are no longer relevant, to harmonize contradictory regulations, and to simplify and expedite disaster recovery and assistance.
(b) Report.—Not later than 1 year after the date of enactment of this Act, the President shall transmit to
the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing changes made to regulations as a result of the review required under subsection (a), together with any legislative recommendations relating thereto.

(c) STATE HAZARD MITIGATION PLANS.—The President, acting through the Administrator, shall revise regulations related to the submission of State Hazard Mitigation Plans to extend the hazard mitigation planning cycle to every 5 years, consistent with local planning cycles.

SEC. 208. APPEALS PROCESS.

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

``(b) Period for Decision.—

``(1) IN GENERAL.—A decision regarding an appeal under subsection (a) shall be rendered within 60 days after the date on which the Federal official designated to administer such appeal receives notice of such appeal.

``(2) Failure to Satisfy Deadline.—If the Federal official fails to satisfy the requirement under paragraph (1), the Federal official shall provide a written explanation of such failure to the ap-
plicant. The President, acting through the Administrator of the Federal Emergency Management Agency, shall transmit quarterly to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on such failures.”.

SEC. 209. IMPLEMENTATION OF COST ESTIMATING.

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

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

(a) MAJOR DISASTER REQUESTS.—Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is amended—
(1) by striking “All requests for a declaration” and inserting “(a) In General.—All requests for a declaration”; and

(2) by adding at the end the following:

“(b) Indian Tribal Government Requests.—

“(1) In General.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

“(2) References.—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, any reference in this title or section 319 to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

“(3) Savings Provision.—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this title through a declaration made by the President at the request of a State under subsection (a) if the President does
not make a declaration under this subsection for the same incident.

“(c) Cost Share Adjustments for Indian Tribal Governments.—

“(1) In general.—In providing assistance to an Indian tribal government under this title, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

“(A) the President has the authority to waive or adjust the payment under another provision of this title; and

“(B) the President determines that the waiver or adjustment is necessary and appropriate.

“(2) Criteria for Making Determinations.—The President shall establish criteria for making determinations under paragraph (1)(B).”.

(b) Emergency Requests.—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

“(e) Indian Tribal Government Requests.—

“(1) In general.—The Chief Executive of an affected Indian tribal government may submit a re-
quest for a declaration by the President that an
emergency exists consistent with the requirements of
subsection (a).

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

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

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

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

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

(3) by inserting after paragraph (5) the following:

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

(4) by adding at the end the following:

“(12) CHIEF EXECUTIVE.—The term ‘Chief Executive’ means the person who is recognized by the Secretary of the Interior as the chief elected administrative officer of an Indian tribal government.”.

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

“SEC. 103. REFERENCES.

“Except as otherwise specifically provided, any reference in this Act to ‘State and local’, ‘State or local’, or ‘State, local’ with respect to governments or officials and any reference to a ‘local government’ in section 417 is
deemed to refer also to Indian tribal governments and officials, as appropriate.”.

(e) Regulations.—

(1) Issuance.—The President shall issue regulations to carry out the amendments made by this section.

(2) Factors.—In issuing the regulations, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.

SEC. 211. INDIVIDUAL ASSISTANCE FACTORS.

In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations (including section 206.48(b)(2) of such title relating to trauma and the specific conditions or losses that con-
tribute to trauma), to measure the severity, magnitude, and impact of a disaster.

SEC. 212. PUBLIC ASSISTANCE PILOT PROGRAM.

(a) Pilot Program.—

(1) In general.—The President, acting through the Administrator of the Federal Emergency Management Agency, and in coordination with States, tribal and local governments, and owners or operators of private non-profit facilities, shall establish and conduct a pilot program to—

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

(B) increase flexibility in the administration of section 406 of such Act; and

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

(2) Participation.—Only States, tribal and local governments, and owners or operators of private non-profit facilities that elect to participate in
the pilot program may participate in the pilot pro-
gram for their projects.

(3) Administration.—

(A) In general.—For the purposes of the
pilot program, the Administrator shall establish
new procedures to administer assistance pro-
vided under section 406 of the Act.

(B) New procedures.—The new proce-
dures established under subparagraph (A) shall
include—

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

(ii) notwithstanding sections
406(c)(1)(A) and 406(c)(2)(A) of the Act,
providing an option for a State, tribal, or
local government, or owner or operator of
a private non-profit facility to elect to re-
ceive an in-lieu contribution, without re-
duction, on the basis of estimates of the
cost of repair, restoration, reconstruction,
or replacement of a public facility owned or
controlled by the State, tribal, or local gov-
ernment and of management expenses;

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

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

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

(b) REPORT.—

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

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

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

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

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

(D) any recommendations of the Adminis-
trator for additional authority to continue or
make permanent the pilot program.
(c) **Deadline for Initiation of Implementation.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall begin implementation of the pilot program under this section.

(d) **Pilot Program Duration.**—The Administrator may not approve a project under the pilot program under this section after December 31, 2014.

**SEC. 213. PUBLIC ASSISTANCE DEBRIS REMOVAL PROCEDURES.**

(a) **In General.**—The President, acting through the Administrator of the Federal Emergency Management Agency, shall establish new procedures to administer assistance for debris and wreckage removal provided under sections 403(a)(3)(A), 407, and 502(a)(5) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3)(A), 5173, and 5192(a)(5)).

(b) **New Procedures.**—The new procedures established under subsection (a) may include—

(1) making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost effective completion of projects under sections 403(a)(3)(A), 407, and 502(a)(5) of such Act if the State, tribal, or local government, or owner or operator of the private non-
profit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

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

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

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

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

(A) Debris management planning.

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

(C) Other activities to improve future debris removal operations, as determined by the Administrator.
SEC. 214. USE OF FUNDS.
Unless otherwise specified in this Act, the Administrator of the Federal Emergency Management Agency shall use amounts authorized pursuant to section 699 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 811) for reviews, reports, and studies included in this Act.

SEC. 215. REDUCTION OF AUTHORIZATION FOR EMERGENCY MANAGEMENT PERFORMANCE GRANTS.
Section 662(f)(5) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762) is amended by striking “$950,000,000” and inserting “$946,600,000”.

SEC. 216. TECHNICAL CORRECTION.
Section 202(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132(c)) is amended by striking “section 611(c)” and inserting “section 611(d)”.

SEC. 217. NATIONAL DAM SAFETY PROGRAM ACT REAUTHORIZATION.
(a) Short Title.—This section may be cited as the “Dam Safety Act of 2012”.
(b) Purpose.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effec-
tive national dam safety program that brings together the expertise and resources of Federal and non-Federal communities in achieving national dam safety hazard reduction.

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

(1) Administrator.—

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

(B) Conforming amendment.—Section 2(3) of such Act (33 U.S.C. 467(3)) is amended in the paragraph heading by striking “DIRECTOR” and inserting “ADMINISTRATOR”.

(2) Inspection of dams.—Section 3(b)(1) of such Act (33 U.S.C. 467a(b)(1)) is amended by striking “or maintenance” and inserting “maintenance, condition, or provision for emergency operations”.

(3) National dam safety program.—

(A) Objectives.—Section 8(e)(4) of such Act (33 U.S.C. 467f(e)(4)) is amended to read as follows:
“(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in mitigating against, preparing for, responding to, and recovering from dam incidents;”.

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

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) NATIONAL DAM SAFETY PROGRAM.—

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

(ii) MAXIMUM AMOUNT OF ALLOCATION.—

(I) IN GENERAL.—Section 13(a)(2)(B) of such Act (33 U.S.C.
467j(a)(2)(B)) is amended by striking “50 percent of the reasonable cost of implementing the State dam safety program” and inserting “the amount of funds committed by the State to implement dam safety program activities”.

(II) Applicability.—The amendment made by subclause (I) shall apply to fiscal year 2013 and each fiscal year thereafter.

(B) National Dam Inventory.—Section 13(b) of such Act (33 U.S.C. 467j(b)) is amended by striking “$650,000 for fiscal year 2007, $700,000 for fiscal year 2008, $750,000 for fiscal year 2009, $800,000 for fiscal year 2010, and $850,000 for fiscal year 2011” and inserting “$383,000 for each of fiscal years 2012 through 2015”.

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

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

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


Attest: KAREN L. HAAS,

Clerk.