H. R. 6728

To reauthorize the programs and activities of the Federal Emergency Management Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 1, 2013

Mr. DeLaMaga (for himself, Mr. Mica, and Mr. Rahall) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To reauthorize the programs and activities of the Federal Emergency Management Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Disaster Recovery Reform Act of 2012”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Hazard mitigation.
Sec. 3. Individual assistance factors.
Sec. 4. Public assistance program alternative procedures.
Sec. 5. Tribal requests for a major disaster or emergency declaration under the Stafford Act.
Sec. 6. Federal assistance to individuals and households.
Sec. 7. Simplified procedures.
Sec. 8. Unified Federal review.
Sec. 9. Child care.
Sec. 10. Essential assistance.
Sec. 11. State hazard mitigation plans.
Sec. 12. Other methods of disposal.
Sec. 13. Integrated public alert and warning system modernization.
Sec. 15. Urban Search and Rescue Response System.
Sec. 16. Recovery commissions.
Sec. 17. Enhancing response and recovery operations and programs.
Sec. 18. Federal recovery preparedness officials.
Sec. 19. Dispute resolution pilot program.

SEC. 2. HAZARD MITIGATION.

(a) Streamlined Procedures; Advance Assistance.—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

“(d) Streamlined Procedures.—

“(1) In general.—For the purpose of providing assistance under this section, the President shall ensure that—

“(A) adequate resources are devoted to ensure that applicable environmental reviews under the National Environmental Policy Act of 1969 and historic preservation reviews under the National Historic Preservation Act are completed on an expeditious basis; and

“(B) the shortest existing applicable process under the National Environmental Policy Act of 1969 and the National Historic Preservation Act is utilized.
“(2) Authority for other expedited procedures.—The President may utilize expedited procedures in addition to those required under paragraph (1) for the purpose of providing assistance under this section, such as procedures under the Prototype Programmatic Agreement of the Federal Emergency Management Agency, for the consideration of multiple structures as a group and for an analysis of the cost-effectiveness and fulfillment of cost-share requirements for proposed hazard mitigation measures.

“(e) Advance assistance.—The President may provide not more than 25 percent of the amount of the estimated cost of hazard mitigation measures to a State grantee eligible for a grant under this section before eligible costs are incurred.”.

(b) Establishment of criteria relating to administration of hazard mitigation assistance by States.—Section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(c)(2)) is amended by inserting after “applications submitted under paragraph (1).” the following: “Until such time as the Administrator promulgates regulations to implement this paragraph, the Administrator may waive notice and comment rulemaking, if the Adminis-
tractor determines doing so is necessary to expeditiously implement this section, and may carry out this section as a pilot program.”.

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

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

(2) a major disaster or emergency declared under that Act before the date of enactment of this Act for which the period for processing requests for assistance has not ended as of the date of enactment of this Act.

SEC. 3. INDIVIDUAL ASSISTANCE FACTORS.

In order to provide more objective criteria for evaluating the need for assistance to individuals, to clarify the threshold for eligibility 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 rule-
making 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 spe-
cific conditions or losses that contribute to trauma), to
measure the severity, magnitude, and impact of a disaster.

SEC. 4. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PRO-
CEDURES.

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

(1) by redesignating the second section 425 (re-
lating to essential service providers) as section 427;
and
(2) by adding at the end the following:

“SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE
PROCEDURES.

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

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

“(c) GOALS OF PROCEDURES.—The alternative procedures adopted under subsection (a) shall further the goals of—

“(1) reducing the costs to the Federal Government of providing such assistance;

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

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

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

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

“(e) Minimum Procedures.—The alternative pro-
cedures adopted under this section shall include the fol-
lowing:

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

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

“(B) providing an option for a State, tribal
or local government, or owner or operator of a
private nonprofit facility to elect to receive an
in-lieu contribution, without reduction, on the
basis of estimates of—

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

“(ii) management expenses;

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

“(D) if the actual costs of a project completed under the procedures are less than the estimated costs thereof, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for—

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

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

“(E) in determining eligible costs under section 406, the Administrator shall make available, at an applicant’s request and where the Administrator or the certified cost estimate prepared by the applicant’s professionally licensed engineers has estimated an eligible Federal share for a project of at least $5,000,000, an independent expert panel to validate the estimated eligible cost consistent with applicable regulations and policies implementing this section; and
“(F) in determining eligible costs under section 406, the Administrator shall, at the applicant’s request, consider properly conducted and certified cost estimates prepared by professionally licensed engineers (mutually agreed upon by the Administrator and the applicant), to the extent that such estimates comply with applicable regulations, policy, and guidance.

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

“(A) making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost-effective completion 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;

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

“(C) allowing use of program income from recycled debris without offset to the grant amount;
“(D) reimbursing base and overtime wages for employees and extra hires of a State, tribal or local government, or owner or operator of a private nonprofit facility performing or administering debris and wreckage removal;

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

“(F) if the actual costs of projects under subparagraph (A) are less than the estimated costs of the project, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for—

“(i) debris management planning;

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

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

“(f) Waiver Authority.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may—
“(1) waive notice and comment rulemaking, if the Administrator determines the waiver is necessary to expeditiously implement this section; and

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

“(g) OVERTIME PAYMENTS.—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall ensure that no State or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(h) REPORT.—

“(1) IN GENERAL.—Not earlier than 3 years, and not later than 5 years, after the date of enactment of this section, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the alternative procedures for the repair, restoration, and replacement of damaged facilities under section 406 authorized under this section.
“(2) CONTENTS.—The report shall contain an assessment of the effectiveness of the alternative procedures, including—

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

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

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

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

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

“(F) recommendations for whether the alternative procedures should be continued and any recommendations for changes to the alternative procedures.”.

SEC. 5. 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 title III (except sections 310 and 326) 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:

“(c) 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 assist-
ance 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 title III
(except sections 310 and 326) to a State or the Gov-
ernor of a State is deemed to refer to an affected
Indian tribal government or the Chief Executive of
an affected Indian tribal government, as appro-
priate.

“(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—

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

(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 the Chief, Chairman, Governor, President, or similar executive official 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’, ‘State, and local’, ‘State, or local’, or ‘State, local’ (including plurals) with respect to governments or officials and any reference to a ‘local government’ in sections 406(d)(3) and 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. 6. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—

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

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

“(ii) lease and repair of rental units for temporary housing.”
“(I) IN GENERAL.—The President, to the extent the President determines it would be a cost-effective alternative to other temporary housing options, may—

“(aa) enter into lease agreements with owners of multifamily rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and

“(bb) make repairs or improvements to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.

“(II) IMPROVEMENTS OR REPAIRS.—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs—

“(aa) shall be deducted from the value of the lease agreement; and
“(bb) may not exceed the value of the lease agreement.”;
and
(3) in clause (iv) (as so redesignated) by striking “clause (ii)” and inserting “clause (iii)”.

SEC. 7. SIMPLIFIED PROCEDURES.

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

(1) by striking “If the Federal estimate” and inserting “(a) IN GENERAL.—If the Federal estimate”;

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

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

(4) by adding at the end the following:

“(b) THRESHOLD.—

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

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

“(B) submit to the appropriate committees of Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) a report regarding the analysis conducted under subparagraph (A).

“(2) AMOUNT.—After the Administrator submits the report required under paragraph (1), the President shall direct the Administrator to—

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

“(B) adjust the threshold annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.
“(3) Review.—Not later than 3 years after the date on which the Administrator establishes a threshold under paragraph (2), and every 3 years thereafter, the President, acting through the Administrator, shall review the threshold for eligibility under this section.”.

SEC. 8. UNIFIED FEDERAL REVIEW.

Title IV 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. 429. UNIFIED FEDERAL REVIEW.

“(a) In general.—Not later than 18 months after the date of enactment of this section, and in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, the President shall establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law.

“(b) Contents.—The review process established under this section shall include mechanisms to expeditiously address delays that may occur during the recovery from a major disaster and be updated, as appropriate, consistent with applicable law.”.
SEC. 9. CHILD CARE.

Section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)) is amended—

(1) in the paragraph heading by inserting “CHILD CARE,” after “DENTAL,”; and

(2) by inserting “child care,” after “dental,”.

SEC. 10. ESSENTIAL ASSISTANCE.

Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended by adding at the end the following:

“(d) SALARIES AND BENEFITS.—

“(1) IN GENERAL.—If the President declares a major disaster or emergency for an area within the jurisdiction of a State, tribal, or local government, the President may reimburse the State, tribal, or local government for costs relating to—

“(A) basic pay and benefits for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, if—

“(i) the work is not typically performed by the employees; and

“(ii) the type of work may otherwise be carried out by contract or agreement
with private organizations, firms, or individuals.; or

“(B) overtime and hazardous duty compensation for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section.

“(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall ensure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(3) NO EFFECT ON MUTUAL AID PACTS.—Nothing in this subsection shall affect the ability of the President to reimburse labor force expenses provided pursuant to an authorized mutual aid pact.”.

**SEC. 11. STATE HAZARD MITIGATION PLANS.**

The President, acting through the Administrator of the Federal Emergency Management Agency, 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. 12. OTHER METHODS OF DISPOSAL.

Section 408(d)(2)(B)(ii) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)(B)(ii)) is amended by striking “and emergencies” and inserting “, emergencies, or, if the President determines that the sale, transfer, or donation would be cost effective to the Federal Government, for an incident caused by a hazard (as defined in section 602), for which the Governor has taken appropriate action under State law and directed execution of the State emergency plan, but that does not result in a Presidential declaration of a major disaster or emergency”.

SEC. 13. 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 warnings regarding disasters and other hazards to public safety, the President, acting through the Administrator of the Federal Emergency Management Agency (in this section referred to as the “Administrator”), 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 under all conditions the President and, except to the extent the public alert and warning system is in use by the President, Federal agencies and State, tribal, and local governments can alert and warn the civilian population in areas endangered by disasters or other hazards to public safety; and

(B) implement the public alert and warning system.

(2) IMPLEMENTATION REQUIREMENTS.—In carrying out paragraph (1), the Administrator shall—

(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, and multiple communication systems and technologies, as appropriate;
(C) include in the public alert and warning system the capability to alert, warn, and provide equivalent information to individuals with disabilities, individuals with access and functional needs, and individuals with limited-English proficiency, to the extent technically feasible;

(D) ensure that training, tests, and exercises are conducted for the public alert and warning system, including by—

(i) incorporating the system into other training and exercise programs of the Department of Homeland Security, as appropriate;

(ii) establishing and integrating 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; and

(iii) conducting, at least once every 3 years, periodic nationwide tests of the public alert and warning system;
(E) ensure that the public alert and warning system is resilient, secure, and can withstand acts of terrorism and other external attacks;

(F) conduct public education efforts so that State, tribal, and local governments, private entities, and the people of the United States reasonably understand the functions of the public alert and warning system and how to access, use, and respond to information from the public alert and warning system through a general market awareness campaign;

(G) consult, coordinate, and cooperate with the appropriate private sector entities and Federal, State, tribal, and local governmental authorities, including the regional administrators of the Federal Emergency Management Agency and emergency response providers;

(H) coordinate with, and consider the recommendations of the subcommittee established under subsection (c); and

(I) to the extent that the development of the public alert and warning system is not consistent with the recommendations of the subcommittee, report such inconsistencies to the
Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

(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—

(i) to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, individuals with disabilities and access and functional needs, and individuals with limited-English proficiency; and

(ii) to 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 where 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 subcommittee under subsection (c)(7), 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) USE OF SYSTEM.—

(A) LIMITATION.—Except to the extent necessary for testing the public alert and warning system, the public alert and warning system shall not be used to transmit a message that
does not relate to a disaster or other hazard to public safety.

(B) CONSUMER OPT-OUT.—Nothing in this section shall be construed to supersede section 602 of the SAFE Port Act (47 U.S.C. 1201).

(6) PERFORMANCE REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through 2017, the Administrator shall make available on the public Web site of the Federal Emergency Management Agency a performance report, which shall—

(i) establish performance goals for the implementation of the public alert and warning system by the Federal Emergency Management Agency;

(ii) describe the performance of the public alert and warning system, including—

(I) the type of technology used for alerts and warnings issued under the system;

(II) the measures taken to alert, warn, and provide equivalent information to individuals with disabilities
and individuals with limited-English proficiency; and

(III) the training, tests, and exercises performed and the outcomes obtained by the Federal Emergency Management Agency;

(iii) identify significant challenges to the effective operation of the public alert and warning system and any plans to address these challenges;

(iv) identify other necessary improvements to the system; and

(v) provide an analysis comparing the performance of the public alert and warning system with the performance goals established under clause (i).

(B) CONGRESS.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives each report required under subparagraph (A).

(c) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM SUBCOMMITTEE.—
(1) **Establishment.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish a Subcommittee to the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318) to be known as the Integrated Public Alert and Warning System Subcommittee (in this subsection referred to as the “Subcommittee”).

(2) **Membership.**—Notwithstanding section 508(c) of the Homeland Security Act of 2002 (6 U.S.C. 318(c)), the Subcommittee 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) The Under Secretary for Science and Technology of the Department of Homeland Security.
(E) The Under Secretary for the National Protection and Programs Directorate.

(F) The Director of Disability Integration and Coordination of the Federal Emergency Management Agency.

(G) The National Council on Disability.

(H) Qualified individuals appointed by the Administrator as soon as practicable after the date of enactment of this Act from among the following:

(i) Representatives of State and local governments, representatives of emergency management agencies, and representatives of emergency response providers, with the Administrator considering individuals nominated by national organizations representing governments and personnel.

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

(iii) Individuals who have the requisite technical knowledge and expertise to serve on the Subcommittee, 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 cellular industry;

(VI) the cable industry;

(VII) the satellite industry;

(VIII) national organizations representing individuals with disabilities, the blind, deaf, and hearing-loss communities, individuals with access and functional needs, and the elderly;

(IX) consumer or privacy advocates; and

(X) organizations representing individuals with limited-English proficiency.

(iv) 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 Subcommittee.

(4) **MEETINGS.**—

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

(B) **OTHER MEETINGS.**—After the initial meeting, the Subcommittee shall meet, at least annually, at the call of the Chairperson.

(5) **CONSULTATION WITH NONMEMBERS.**—The Subcommittee and the program offices for the integrated public alert and warning system for the United States shall consult with groups that are not represented on the Subcommittee 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 research; and

(C) academic institutions engaged in relevant work and research.
(6) RECOMMENDATIONS.—The Subcommittee shall develop recommendations for an integrated 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 public alert and warning system that—

(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;

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

(iii) incorporates multiple communications 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 com-
munity preparedness and response; and

(vii) provides redundant alert mecha-
nisms 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.

(7) REPORT.—Not later than 1 year after the
date of enactment of this Act, the Subcommittee
shall submit to the Administrator, the Committee on
Transportation and Infrastructure and the Com-
mittee on Homeland Security of the House of Rep-
resentatives, and the Committee on Homeland Secu-
ritv and Governmental Affairs of the Senate a report
containing the recommendations of the Sub-
committee.

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

(d) LIMITATION ON AUTHORITY AND EFFECT ON OB-
ligations.—Nothing in this section shall be construed—
(1) to provide the Secretary of Homeland Security authority to require any action by the Federal Communications Commission, the Department of Commerce, or any nongovernment entity; or

(2) to affect any existing obligations of the Federal Communications Commission, the Department of Commerce, or any nongovernment entity.

**SEC. 14. REPORT ON IMPACTS OF HURRICANE SANDY.**

Not later than 90 days after the date of enactment of this Act, the Chair of the Hurricane Sandy Rebuilding Task Force established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, the Secretary of the Treasury, and others whom the Chair determines to be appropriate, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a discussion of—

(1) the impacts of Hurricane Sandy on local government budgets in States where a major disaster has been declared, including revenues from taxes, fees, and other sources, and expenses related
to operations, debt obligations, and unreimbursed disaster-related costs;

(2) the availability of loans from private sources to address such impacts, including information on interest rates, repayment terms, securitization requirements, and the ability of affected local governments to qualify for such loans;

(3) the availability of Federal resources to address the budgetary impacts of Hurricane Sandy upon local governments;

(4) the ability of the Community Disaster Loan program authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to effectively and expeditiously address budgetary impacts of Hurricane Sandy and other disasters upon local governments, including—

(A) an assessment of the current statutory limits on loan amounts;

(B) the regulations, policies, and procedures governing program mobilization to communities in need and expeditious processing of loan applications;

(C) information on interest rates, repayment terms, securitization requirements, and
ability of affected local governments to qualify for such loans;

(D) criteria governing the cancellation of such loans, including appropriate classification of available revenues and eligible expenses, and the consistency of program rules with customary local government budgetary practices and State or local laws that affect the specific budgetary practices of local governments affected by Hurricane Sandy and other disasters;

(E) repayment terms and timeframes on loans that do not qualify for cancellation;

(F) options for Congressional consideration related to legislative modifications of this program, and any other applicable provisions of Federal law, in order to address the budgetary impacts of Hurricane Sandy and other disasters upon local governments; and

(G) recommendations on steps the Federal Emergency Management Agency may take in order to improve program administration, effectiveness, communications, and speed; and

(5) potential consequences of Federal action or inaction to address the budgetary impacts of Hurricane Sandy upon local governments.
SEC. 15. URBAN SEARCH AND RESCUE 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 following:

“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 im-
pose by regulation, the Administrator shall make payments to the sponsoring agency of a task force to reimburse each employer of a System 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 member is appointed into Federal service under subsection (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 Federal service under subsection (f)(1).

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

“(h) LIABILITY.—A System member appointed into Federal service under subsection (f)(1), while acting within 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.

“(i) 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 individ-
uals who have performed service in the uniformed
services (regardless of whether the individual re-
ceives compensation for such participation). All
rights and obligations of such persons and proce-
dures 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 pur-
poses 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 ne-
cessity shall be made by the Administrator and shall
not be subject to judicial review.
“(j) 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).

“(k) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Administrator shall establish and maintain an advisory committee to provide 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 recommended by the leaders of the task forces.
“(3) **Inapplicability of Termination Requirement.**—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee under this subsection.

“(l) **Preparedness Cooperative Agreements.**—

“(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 ex-
pended shall be deposited in an Agency account and
shall remain available for such agreements without
fiscal year limitation.

“(m) 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.

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

(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
SEC. 16. RECOVERY COMMISSIONS.

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. RECOVERY COMMISSIONS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency;

“(2) the term ‘Chairperson’ means the Chairperson of a Commission selected under subsection (b)(2); and

“(3) the term ‘Commission’ means a commission established under subsection (b)(1).

“(b) COMMISSION ESTABLISHMENT.—

“(1) IN GENERAL.—If the President determines it is appropriate after a large and complex major disaster, the President may establish a commission to facilitate and support States and local governments in achieving an efficient, effective, and expeditious recovery from the major disaster.

“(2) CHAIRPERSON.—The President shall select an official to serve as the Chairperson of each Com-
mission established by the President to ensure the responsibilities of the Commission are fulfilled. The duties of the Chairperson shall include coordination of the efforts of Federal agencies in a manner consistent with authorities under this Act, in support of the efficient, effective, and expeditious recovery from the major disaster.

“(3) Members of Commissions.—Each Commission shall include as a member the Administrator, the head of appropriate coordinating and primary Federal agencies under the National Disaster Recovery Framework, and the head of any other Federal agency that the President determines necessary.

“(4) Staffing.—Appropriate senior officials and employees may be detailed to a Commission to serve full-time or part-time, as appropriate, on the Commission to ensure efficient coordination of the assistance provided by the Federal Government.

“(c) Responsibilities of a Commission.—The responsibilities of a Commission may include, consistent with this Act, to—

“(1) develop and implement a strategic support plan under subsection (d) for the Federal support of the recovery from the major disaster and to mitigate
against the effects of and foster resilience against subsequent disasters;

“(2) coordinate the activities of Federal agencies represented by the members of the Commission and other Federal agencies that the President determines necessary, resolve disagreements relating to recovery from the major disaster between or among Federal agencies, and support implementation of the National Disaster Recovery Framework;

“(3) compile data relating to the recovery from the major disaster, including on the Federal assistance provided and the status of meeting recovery goals;

“(4) identify Federal regulations, policies, and procedures that need to be streamlined and coordinated to enable an efficient, expeditious, and effective recovery from the major disaster;

“(5) identify and facilitate the provision of Federal funds to address gaps in the recovery from the major disaster;

“(6) coordinate with State and local governments and nongovernmental partners and stakeholders in the affected area to support recovery from the major disaster; and
“(7) take actions to prevent waste, fraud, and abuse in the recovery from the major disaster.

“(d) **STRATEGIC RECOVERY SUPPORT PLAN.**—

“(1) **IN GENERAL.**—As soon as feasible, but not later than 180 days after the date of a major disaster relating to which the President establishes a Commission, the Commission shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a strategic recovery support plan for how the Federal Government will expeditiously assist State and local governments in the recovery of the area affected by the major disaster.

“(2) **CONTENTS.**—Each strategic recovery support plan submitted under paragraph (1)—

“(A) shall be written in coordination with State and local governments affected by the major disaster; and

“(B) may include, as appropriate—

“(i) an assessment of challenges and needs faced in the recovery from the major disaster;
“(ii) specific outcomes, goals and actions, with a plan for monitoring progress towards such outcomes and goals;

“(iii) a description of how each Federal agency will support State and local governments in the recovery efforts, including technical, financial, and planning assistance, and the roles and responsibilities of each Federal agency in fulfilling the strategic recovery support plan;

“(iv) a description of how each Federal agency on the Commission will administer and provide staffing to support recovery from the major disaster;

“(v) a description of any procedures of a Federal agency that will be streamlined to help ensure an efficient and effective recovery from the major disaster; and

“(vi) a description of any legislative authority needed to help ensure an efficient, expeditious, and effective recovery from the major disaster.

“(3) UPDATE.—Not later than 180 days after the date on which a Commission submits a strategic recovery support plan under paragraph (1), and
every 180 days thereafter until the date on which
the Commission terminates under subsection (e), the
Commission shall submit to the Committee on
Homeland Security and Governmental Affairs of the
Senate and the Committee on Transportation and
Infrastructure of the House of Representatives a re-
port describing—

“(A) progress in achieving the major dis-
aster outcomes and goals since the date on
which the most recent strategic support strat-
egy or report relating to the major disaster was
submitted; and

“(B) major challenges and unmet needs re-
aining in the recovery from the major dis-
aster.

“(e) TERMINATION.—

“(1) IN GENERAL.—The President shall termi-
nate a Commission established in relation to a major
disaster when the President determines that all
issues relating to the Federal coordination of the re-
covery have been substantially resolved.

“(2) WITHDRAWAL.—Upon a determination by
the President that the matters with which a Federal
agency has been involved as part of a Commission
have been substantially resolved, the Federal agency may withdraw from the Commission.

“(f) AUTHORITIES.—Nothing in this section shall be construed to impair, alter, or otherwise affect the authority of any agency of the Federal Government including under section 302.”.

SEC. 17. ENHANCING RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

“SEC. 526. ADMINISTRATION OF RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘annuitant’ means an annuitant under a Government retirement system;

“(2) the terms ‘deployed’ and ‘deployment’ mean the performance of services under the response and recovery operations and programs of the Agency, including exercises and training for such operations and programs;

“(3) the term ‘disaster reserve workforce’ means the disaster reserve workforce established under subsection (b);
“(4) the term ‘employee’ has the meaning given under section 2105 of title 5, United States Code;

“(5) the term ‘employee designated for short term deployments’ means an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) designated only for short-term deployments;

“(6) the term ‘Government retirement system’ means a retirement system established by law for employees of the Government of the United States;

“(7) the term ‘major project’ means any project for which the total costs are greater than $400,000;

“(8) the term ‘permanent seasonal employee’ means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), working under seasonal employment as defined under section 340.401 of title 5 of the Code of Federal Regulations or any successor regulation;

“(9) the term ‘reservist’ means an employee who is a member of the disaster reserve workforce;
“(10) the term ‘response and recovery operations and programs’ means response operations and programs and recovery operations and programs;

“(11) the term ‘response operations and programs’ means operations and programs that involve taking immediate actions to save lives, protect property or the environment, or meet basic human needs;

“(12) the term ‘recovery operations and programs’ means operations and programs to support and enable recovery, as defined in section 501 of the Homeland Security Act of 2002; and

“(13) the term ‘employee’ means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), who is appointed to a term of 1 or more years.

“(b) DISASTER RESERVE WORKFORCE.—In order to provide efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs there is within the Agency a disaster reserve workforce, which shall be used to supplement the work of permanent full-time employees of the Agency on response and recovery operations and programs.
“(c) Provision of Services Performed Under Response and Recovery Operations and Programs.—

“(1) In general.—The Administrator shall ensure that the disaster reserve workforce can rapidly and efficiently deploy qualified, skilled, and trained reservists for a sufficiently long period to provide continuity in response and recovery operations and programs.

“(2) Management and implementation.—

“(A) In general.—Sufficient numbers of qualified permanent full-time employees of the Agency shall lead and manage the disaster reserve workforce and implement response and recovery operations and programs, including leading individual major projects under sections 404, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c, 5172, and 5173).

“(B) Disaster reserve workforce.—

The Disaster Reserve Workforce shall include—

“(i) term employees;

“(ii) permanent seasonal employees;

“(iii) employees designated for short-term deployments;
“(iv) employees of the Department who are not employees of the Agency; and

“(v) employees of other Federal agencies.

“(C) FACTORS.—In supporting the work of permanent full-time employees, the Administrator—

“(i) shall rely to the greatest extent possible on term employees and permanent seasonal employees deployed for long periods of time in order to help ensure greater efficiency, continuity, quality, and accuracy in services performed under recovery operations and programs; and

“(ii) may use discretion to deploy the reservists most able to ensure the greatest efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs.

“(3) POLICIES AND PROCEDURES.—In order to ensure that efficient, continuous, and accurate services are provided under response and recovery operations and programs, not later than 180 days after the date of enactment of this section, the Administrator shall develop—
“(A) staffing policies and procedures that provide for the management of response and recovery operations and programs by sufficient numbers of permanent full-time senior-level officials;

“(B) plans to recruit individuals who reside in the area affected by a major disaster when long-term recovery efforts are needed; and

“(C) policies and procedures relating to sections 403, 404, 406, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5170c, 5172, 5173, and 5192).

“(4) MINIMUM STANDARDS AND GUIDELINES FOR THE DISASTER RESERVE WORKFORCE.—

“(A) STANDARDS AND GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop standards and guidelines for the disaster reserve workforce, including—

“(i) setting appropriate mandatory before and after disaster training requirements;

“(ii) establishing the minimum number of days annually an individual is re-
quired to deploy in a year during which there is sufficient work for members of the disaster reserve workforce;

“(iii) providing for a reasonably long time period for deployment to ensure continuity in operations; and

“(iv) establishing performance requirements, including for the timely and accurate resolution of issues and projects.

“(B) MAINTAINING MEMBERSHIP IN THE DISASTER RESERVE WORKFORCE.—In order to maintain membership in the disaster reserve workforce, a reservist shall—

“(i) be credentialed in accordance with section 510; and

“(ii) meet all minimum standards and guidelines established under subparagraph (A)—

“(I) for term employees, before being appointed to a term in the disaster reserve workforce; and

“(II) annually for all other reservists.

“(C) EVALUATION SYSTEM.—In consultation with the Director of the Office of Per-
sonnel Management, the Administrator shall de-
velop and implement a system to continuously
evaluate reservists to ensure that all minimum
standards and guidelines under this paragraph
are satisfied annually by all reservists. Chapter
43 of title 5, United States Code, shall not
apply to reservists covered under the system de-
veloped and implemented under this subpara-
graph.

“(5) CONTRACTORS.—Not later than 180 days
after the date of enactment of this section, the Ad-
ministrator, in conjunction with the Chief Human
Capital Officer of the Agency, shall establish policies
and procedures for contractors that support re-
response and recovery operations and programs, which
shall ensure that the contractors have appropriate
skills, training, knowledge, and experience for as-
signed tasks, including by ensuring that the contrac-
tors meet training, credentialing, and performance
requirements similar to the requirements for reserv-
ists.

“(6) REEMPLOYED ANNUITANTS.—

“(A) IN GENERAL.—In appointing reserv-
ists to the disaster reserve workforce, the appli-
cation of sections 8344 and 8468 of title 5,
United States Code (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system may be waived by the Administrator for annuitants reemployed on deployments involving a direct threat to life or property or other unusual circumstances for the entirety of the deployment.

“(B) LIMITATIONS.—The authority under subparagraph (A)—

“(i) is granted to assist the Administrator in establishing and effectively operating the disaster reserve workforce if no other qualified applicant is available for a reservist position; and

“(ii) may be exercised only—

“(I) with respect to natural disasters, acts of terrorism, or other man-made disasters, including catastrophic incidents; and

“(II) if the applicant will not accept the position without a waiver.

“(C) NOT EMPLOYEE FOR RETIREMENT PURPOSES.—An annuitant to whom a waiver under subparagraph (A) is in effect shall not be
considered an employee for purposes of any Government retirement system.

“(7) PERMANENT EMPLOYMENT POSITIONS.—

“(A) IN GENERAL.—An employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) and NCCC-FEMA corps members who complete their terms of service pursuant to an Interagency Agreement between FEMA and the Corporation for National and Community Service may compete for permanent positions in the Agency under merit promotion procedures. The actual time deployed as a reservist shall be considered creditable service for purposes of such competition and shall be calculated, for purposes of section 8411 of title 5, United States Code, by dividing the total number of days of service as a reservist by 365 to obtain the number of years of service and dividing any remainder by 30 to obtain the number of additional months of service and excluding from the aggregate the fractional part of a month, if any.

“(B) CONSIDERATION.—In evaluating a reservist hired under section 306(b)(1) of the
Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1))
for a potential permanent employment position, the Administrator shall consider the qualifications of, and performance as a reservist by, the reservist, including the ability of the reservist to timely, accurately, and creatively resolve issues and projects when deployed.

“(C) EFFECTIVE DATE AND APPLICATION.—This paragraph shall—

“(i) take effect on the date on which the Administrator implements the evaluation system under paragraph (4)(C); and

“(ii) apply to periods of service performed after that date.

“(8) NO IMPACT ON AGENCY PERSONNEL CEILING.—Reservists shall not be counted against any personnel ceiling limitation applicable to the Agency.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 525 the following:

“Sec. 526. Administration of response and recovery operations and programs.”.

(c) PERMANENT SEASONAL EMPLOYEES.—Section 306(b) of the Robert T. Stafford Disaster Relief
Emergency Assistance Act (42 U.S.C. 5149(b)) is amended—

(1) in paragraph (1) by inserting “or permanent seasonal employees (as that term is defined under section 526(a)(8) of the Homeland Security Act of 2002)” after “temporary personnel”; and

(2) in paragraph (3) by inserting “or the employment of permanent seasonal employees (as that term is defined under section 526(a)(8) of the Homeland Security Act of 2002)” after “additional personnel”.

SEC. 18. FEDERAL RECOVERY PREPAREDNESS OFFICIALS.

Section 653(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753(a)) is amended to read as follows:

“(a) AGENCY RESPONSIBILITY.—

“(1) IN GENERAL.—In support of the national preparedness system, the President shall ensure that each Federal agency with responsibilities under the National Response Plan or the National Disaster Recovery Framework—

“(A) has designated a lead senior official to—
“(i) ensure the Federal agency is prepared to execute its response and recovery responsibilities under such plans; and

“(ii) coordinate disaster response and recovery efforts and activities with the Administrator;

“(B) has the operational capability to meet the national preparedness goal, including—

“(i) the personnel to make and communicate decisions;

“(ii) organizational structures that are assigned, trained, and exercised for the missions of the agency;

“(iii) sufficient physical resources; and

“(iv) the command, control, and communication channels to make, monitor, and communicate decisions;

“(C) complies with the National Incident Management System, including credentialing of personnel and typing of resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320);
“(D) develops, trains and exercises rosters of response and recovery personnel to be deployed when the agency is called upon to support a Federal response and recovery;

“(E) develops deliberate operational plans and the corresponding capabilities, including crisis planning, to effectively respond to and recover from natural disasters, acts of terrorism, and other man-made disasters in support of the National Response Plan and National Disaster Recovery Framework to ensure a coordinated Federal response; and

“(F) regularly updates, verifies the accuracy of, and provides to the Administrator the information in the inventory required under section 651.

“(2) NATIONAL DISASTER RECOVERY FRAMEWORK DEFINED.—In this subsection, the term ‘National Disaster Recovery Framework’ means the National Disaster Recovery Framework developed under section 682, or any successor document.”.

SEC. 19. DISPUTE RESOLUTION PILOT PROGRAM.

(a) DEFINITIONS.—In this section, the following definitions apply:
(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

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

(A) under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173);

(B) for which the legitimate amount in dispute is not less than $1,000,000, which sum the Administrator shall adjust annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor;

(C) for which the applicant has a non-Federal share; and

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

(b) **PROCEDURES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this section, and in order to facilitate an efficient recovery from major disasters, the Administrator shall establish procedures under which an applicant may request the use
of alternative dispute resolution, including arbitration by an independent review panel, to resolve disputes relating to eligible assistance.

(2) BINDING EFFECT.—A decision by an independent review panel under this section shall be binding upon the parties to the dispute.

(3) CONSIDERATIONS.—The procedures established under this section shall—

(A) allow a party of a dispute relating to eligible assistance to request an independent review panel for the review;

(B) require a party requesting an independent review panel as described in subparagraph (A) to agree to forgo rights to any further appeal of the dispute relating to any eligible assistance;

(C) require that the sponsor of an independent review panel for any alternative dispute resolution under this section be—

(i) an individual or entity unaffiliated with the dispute (which may include a Federal agency, an administrative law judge, or a reemployed annuitant who was an employee of the Federal Government) selected by the Administrator; and
(ii) responsible for identifying and maintaining an adequate number of independent experts qualified to review and resolve disputes under this section;

(D) require an independent review panel to—

(i) resolve any remaining disputed issue in accordance with all applicable laws, regulations, and Agency interpretations of those laws through its published policies and guidance;

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

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

(iv) in the case of a finding of material fact adverse to the claimant made on first appeal, only set aside or reverse such finding if the finding is clearly erroneous.

(E) require an independent review panel to expeditiously issue a written decision for any al-
alternative dispute resolution under this section;

and

(F) direct that if an independent review panel for any alternative dispute resolution under this section determines that the basis upon which a party submits a request for alternative dispute resolution is frivolous, the independent review panel shall direct the party to pay the reasonable costs to the Federal Emergency Management Agency relating to the review by the independent review panel. Any funds received by the Federal Emergency Management Agency under the authority of this section shall be deposited to the credit of the appropriation or appropriations available for the eligible assistance in dispute on the date on which the funds are received.

(c) SUNSET.—A request for review by an independent review panel under this section may not be made after December 31, 2015.

(d) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the termination of authority under this section under subsection (c), the Comptroller General of the United States shall submit to the Committee on
Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report analyzing the effectiveness of the program under this section.

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

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

(B) an assessment of the effectiveness of the program under this section, including an assessment of whether the program expedited or delayed the disaster recovery process;

(C) an assessment of whether the program increased or decreased costs to administer section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(D) an assessment of the procedures and safeguards that the independent review panels established to ensure objectivity and accuracy, and the extent to which they followed those procedures and safeguards;

(E) a recommendation as to whether any aspect of the program under this section should be made a permanent authority; and
(F) recommendations for any modifications to the authority or the administration of the authority under this section in order to improve the disaster recovery process.