

112TH CONGRESS
2ND SESSION

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. DENHAM (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.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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. 14. Report on impacts of Hurricane Sandy.
 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.

1 SEC. 2. HAZARD MITIGATION.

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

6 “(d) STREAMLINED PROCEDURES.—

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

10 “(A) adequate resources are devoted to en-
 11 sure that applicable environmental reviews
 12 under the National Environmental Policy Act of
 13 1969 and historic preservation reviews under
 14 the National Historic Preservation Act are com-
 15 pleted on an expeditious basis; and

16 “(B) the shortest existing applicable proc-
 17 ess under the National Environmental Policy
 18 Act of 1969 and the National Historic Preser-
 19 vation Act is utilized.

1 “(2) AUTHORITY FOR OTHER EXPEDITED PRO-
2 CEDURES.—The President may utilize expedited pro-
3 cedures in addition to those required under para-
4 graph (1) for the purpose of providing assistance
5 under this section, such as procedures under the
6 Prototype Programmatic Agreement of the Federal
7 Emergency Management Agency, for the consider-
8 ation of multiple structures as a group and for an
9 analysis of the cost-effectiveness and fulfillment of
10 cost-share requirements for proposed hazard mitiga-
11 tion measures.

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

17 (b) ESTABLISHMENT OF CRITERIA RELATING TO AD-
18 MINISTRATION OF HAZARD MITIGATION ASSISTANCE BY
19 STATES.—Section 404(c)(2) of the Robert T. Stafford
20 Disaster Relief and Emergency Assistance Act (42 U.S.C.
21 5170c(c)(2)) is amended by inserting after “applications
22 submitted under paragraph (1).” the following: “Until
23 such time as the Administrator promulgates regulations
24 to implement this paragraph, the Administrator may
25 waive notice and comment rulemaking, if the Adminis-

1 trator determines doing so is necessary to expeditiously
2 implement this section, and may carry out this section as
3 a pilot program.”.

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

- 6 (1) any major disaster or emergency declared
7 under the Robert T. Stafford Disaster Relief and
8 Emergency Assistance Act (42 U.S.C. 5121 et seq.)
9 on or after the date of enactment of this Act; and
10 (2) a major disaster or emergency declared
11 under that Act before the date of enactment of this
12 Act for which the period for processing requests for
13 assistance has not ended as of the date of enactment
14 of this Act.

15 **SEC. 3. INDIVIDUAL ASSISTANCE FACTORS.**

16 In order to provide more objective criteria for evalu-
17 ating the need for assistance to individuals, to clarify the
18 threshold for eligibility and to speed a declaration of a
19 major disaster or emergency under the Robert T. Stafford
20 Disaster Relief and Emergency Assistance Act (42 U.S.C.
21 5121 et seq.), not later than 1 year after the date of enact-
22 ment of this Act, the Administrator of the Federal Emer-
23 gency Management Agency, in cooperation with represent-
24 atives of State, tribal, and local emergency management
25 agencies, shall review, update, and revise through rule-

1 making the factors considered under section 206.48 of
2 title 44, Code of Federal Regulations (including section
3 206.48(b)(2) of such title relating to trauma and the spe-
4 cific conditions or losses that contribute to trauma), to
5 measure the severity, magnitude, and impact of a disaster.

6 **SEC. 4. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PRO-**
7 **CEDURES.**

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

11 (1) by redesignating the second section 425 (re-
12 lating to essential service providers) as section 427;
13 and

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

15 **“SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE**
16 **PROCEDURES.**

17 “(a) APPROVAL OF PROJECTS.—The President, act-
18 ing through the Administrator of the Federal Emergency
19 Management Agency, may approve projects under the al-
20 ternative procedures adopted under this section for any
21 major disaster or emergency declared on or after the date
22 of enactment of this section. The Administrator may also
23 apply the alternate procedures adopted under this section
24 to a major disaster or emergency declared before enact-

1 ment of this Act for which construction has not begun as
2 of the date of enactment of this Act.

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

8 “(c) GOALS OF PROCEDURES.—The alternative pro-
9 cedures adopted under subsection (a) shall further the
10 goals of—

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

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

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

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

23 “(d) PARTICIPATION.—Participation in the alter-
24 native procedures adopted under this section shall be at
25 the election of a State, tribal or local government, or

1 owner or operator of a private nonprofit facility consistent
2 with procedures determined by the Administrator.

3 “(e) MINIMUM PROCEDURES.—The alternative pro-
4 cedures adopted under this section shall include the fol-
5 lowing:

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

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

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

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

23 “(ii) management expenses;

24 “(C) consolidating, to the extent deter-
25 mined appropriate by the Administrator, the fa-

1 cilities of a State, tribal or local government, or
2 owner or operator of a private nonprofit facility
3 as a single project based upon the estimates
4 adopted under the procedures;

5 “(D) if the actual costs of a project com-
6 pleted under the procedures are less than the
7 estimated costs thereof, the Administrator may
8 permit a grantee or subgrantee to use all or
9 part of the excess funds for—

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

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

15 “(E) in determining eligible costs under
16 section 406, the Administrator shall make avail-
17 able, at an applicant’s request and where the
18 Administrator or the certified cost estimate pre-
19 pared by the applicant’s professionally licensed
20 engineers has estimated an eligible Federal
21 share for a project of at least \$5,000,000, an
22 independent expert panel to validate the esti-
23 mated eligible cost consistent with applicable
24 regulations and policies implementing this sec-
25 tion; and

1 “(F) in determining eligible costs under
2 section 406, the Administrator shall, at the ap-
3 plicant’s request, consider properly conducted
4 and certified cost estimates prepared by profes-
5 sionally licensed engineers (mutually agreed
6 upon by the Administrator and the applicant),
7 to the extent that such estimates comply with
8 applicable regulations, policy, and guidance.

9 “(2) For debris removal under sections
10 403(a)(3)(A), 407, and 502(a)(5)—

11 “(A) making grants on the basis of fixed
12 estimates to provide financial incentives and
13 disincentives for the timely or cost-effective
14 completion if the State, tribal or local govern-
15 ment, or owner or operator of the private non-
16 profit facility agrees to be responsible to pay for
17 any actual costs that exceed the estimate;

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

22 “(C) allowing use of program income from
23 recycled debris without offset to the grant
24 amount;

1 “(D) reimbursing base and overtime wages
2 for employees and extra hires of a State, tribal
3 or local government, or owner or operator of a
4 private nonprofit facility performing or admin-
5 istering debris and wreckage removal;

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

12 “(F) if the actual costs of projects under
13 subparagraph (A) are less than the estimated
14 costs of the project, the Administrator may per-
15 mit a grantee or subgrantee to use all or part
16 of the excess funds for—

17 “(i) debris management planning;

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

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

23 “(f) WAIVER AUTHORITY.—Until such time as the
24 Administrator promulgates regulations to implement this
25 section, the Administrator may—

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

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

6 “(g) OVERTIME PAYMENTS.—The guidelines for re-
7 imbursement for costs under subsection (e)(2)(D) shall
8 ensure that no State or local government is denied reim-
9 bursement for overtime payments that are required pursu-
10 ant to the Fair Labor Standards Act of 1938 (29 U.S.C.
11 201 et seq.).

12 “(h) REPORT.—

13 “(1) IN GENERAL.—Not earlier than 3 years,
14 and not later than 5 years, after the date of enact-
15 ment of this section, the Inspector General of the
16 Department of Homeland Security shall submit to
17 the Committee on Homeland Security and Govern-
18 mental Affairs of the Senate and the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives a report on the alternative proce-
21 dures for the repair, restoration, and replacement of
22 damaged facilities under section 406 authorized
23 under this section.

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

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

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

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

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

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

16 “(F) recommendations for whether the al-
17 ternative procedures should be continued and
18 any recommendations for changes to the alter-
19 native procedures.”.

20 **SEC. 5. TRIBAL REQUESTS FOR A MAJOR DISASTER OR**
21 **EMERGENCY DECLARATION UNDER THE**
22 **STAFFORD ACT.**

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

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

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

5 “(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

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

11 “(2) REFERENCES.—In implementing assist-
12 ance authorized by the President under this Act in
13 response to a request of the Chief Executive of an
14 affected Indian tribal government for a major dis-
15 aster declaration, any reference in this title or title
16 III (except sections 310 and 326) to a State or the
17 Governor of a State is deemed to refer to an affected
18 Indian tribal government or the Chief Executive of
19 an affected Indian tribal government, as appro-
20 priate.

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

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

3 “(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIB-
4 AL GOVERNMENTS.—

5 “(1) IN GENERAL.—In providing assistance to
6 an Indian tribal government under this title, the
7 President may waive or adjust any payment of a
8 non-Federal contribution with respect to the assist-
9 ance if—

10 “(A) the President has the authority to
11 waive or adjust the payment under another pro-
12 vision of this title; and

13 “(B) the President determines that the
14 waiver or adjustment is necessary and appro-
15 priate.

16 “(2) CRITERIA FOR MAKING DETERMINA-
17 TIONS.—The President shall establish criteria for
18 making determinations under paragraph (1)(B).”.

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

23 “(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

24 “(1) IN GENERAL.—The Chief Executive of an
25 affected Indian tribal government may submit a re-

1 quest for a declaration by the President that an
2 emergency exists consistent with the requirements of
3 subsection (a).

4 “(2) REFERENCES.—In implementing assist-
5 ance authorized by the President under this title in
6 response to a request of the Chief Executive of an
7 affected Indian tribal government for an emergency
8 declaration, any reference in this title or title III
9 (except sections 310 and 326) to a State or the Gov-
10 ernor of a State is deemed to refer to an affected
11 Indian tribal government or the Chief Executive of
12 an affected Indian tribal government, as appro-
13 priate.

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

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

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

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

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

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

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

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

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

1 **“SEC. 103. REFERENCES.**

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

9 (e) **REGULATIONS.—**

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

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

17 **SEC. 6. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
 18 **HOUSEHOLDS.**

19 Section 408(c)(1)(B) of the Robert T. Stafford Dis-
 20 aster Relief and Emergency Assistance Act (42 U.S.C.
 21 5174(c)(1)(B)) is amended—

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

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

25 “(ii) **LEASE AND REPAIR OF RENTAL**
 26 **UNITS FOR TEMPORARY HOUSING.—**

1 “(I) IN GENERAL.—The Presi-
2 dent, to the extent the President de-
3 termines it would be a cost-effective
4 alternative to other temporary housing
5 options, may—

6 “(aa) enter into lease agree-
7 ments with owners of multifamily
8 rental property located in areas
9 covered by a major disaster dec-
10 laration to house individuals and
11 households eligible for assistance
12 under this section; and

13 “(bb) make repairs or im-
14 provements to properties under
15 such lease agreements, to the ex-
16 tent necessary to serve as safe
17 and adequate temporary housing.

18 “(II) IMPROVEMENTS OR RE-
19 PAIRS.—Under the terms of any lease
20 agreement for property entered into
21 under this subsection, the value of the
22 improvements or repairs—

23 “(aa) shall be deducted from
24 the value of the lease agreement;
25 and

1 “(bb) may not exceed the
2 value of the lease agreement.”;
3 and

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

6 **SEC. 7. SIMPLIFIED PROCEDURES.**

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

10 (1) by striking “If the Federal estimate” and
11 inserting “(a) IN GENERAL.—If the Federal esti-
12 mate”;

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

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

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

21 “(b) THRESHOLD.—

22 “(1) REPORT.—Not later than 1 year after the
23 date of enactment of this subsection, the President,
24 acting through the Administrator of the Federal

1 Emergency Management Agency (in this section re-
2 ferred to as the ‘Administrator’), shall—

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

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

14 “(2) AMOUNT.—After the Administrator sub-
15 mits the report required under paragraph (1), the
16 President shall direct the Administrator to—

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

21 “(B) adjust the threshold annually to re-
22 flect changes in the Consumer Price Index for
23 all Urban Consumers published by the Depart-
24 ment of Labor.

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

7 **SEC. 8. UNIFIED FEDERAL REVIEW.**

8 Title IV of the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (as amended by this Act) is
10 further amended by adding at the end the following:

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

12 “(a) IN GENERAL.—Not later than 18 months after
13 the date of enactment of this section, and in consultation
14 with the Council on Environmental Quality and the Advi-
15 sory Council on Historic Preservation, the President shall
16 establish an expedited and unified interagency review
17 process to ensure compliance with environmental and his-
18 toric requirements under Federal law relating to disaster
19 recovery projects, in order to expedite the recovery proc-
20 ess, consistent with applicable law.

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

1 **SEC. 9. CHILD CARE.**

2 Section 408(e)(1) of the Robert T. Stafford Disaster
3 Relief and Emergency Assistance Act (42 U.S.C.
4 5174(e)(1)) is amended—

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

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

8 **SEC. 10. ESSENTIAL ASSISTANCE.**

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

12 “(d) SALARIES AND BENEFITS.—

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

18 “(A) basic pay and benefits for permanent
19 employees of the State, tribal, or local govern-
20 ment conducting emergency protective measures
21 under this section, if—

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

24 “(ii) the type of work may otherwise
25 be carried out by contract or agreement

1 with private organizations, firms, or indi-
2 viduals.; or

3 “(B) overtime and hazardous duty com-
4 pensation for permanent employees of the
5 State, tribal, or local government conducting
6 emergency protective measures under this sec-
7 tion.

8 “(2) OVERTIME.—The guidelines for reimburse-
9 ment for costs under paragraph (1) shall ensure that
10 no State, tribal, or local government is denied reim-
11 bursement for overtime payments that are required
12 pursuant to the Fair Labor Standards Act of 1938
13 (29 U.S.C. 201 et seq.).

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

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

19 The President, acting through the Administrator of
20 the Federal Emergency Management Agency, shall revise
21 regulations related to the submission of State Hazard
22 Mitigation Plans to extend the hazard mitigation planning
23 cycle to every 5 years, consistent with local planning cy-
24 cles.

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

2 Section 408(d)(2)(B)(ii) of the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act (42 U.S.C.
4 5174(d)(2)(B)(ii)) is amended by striking “and emer-
5 gencies” and inserting “, emergencies, or, if the President
6 determines that the sale, transfer, or donation would be
7 cost effective to the Federal Government, for an incident
8 caused by a hazard (as defined in section 602), for which
9 the Governor has taken appropriate action under State
10 law and directed execution of the State emergency plan,
11 but that does not result in a Presidential declaration of
12 a major disaster or emergency”.

13 **SEC. 13. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
14 **TEM MODERNIZATION.**

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

18 (b) INTEGRATED PUBLIC ALERT AND WARNING SYS-
19 TEM MODERNIZATION.—

20 (1) IN GENERAL.—To provide timely and effec-
21 tive warnings regarding disasters and other hazards
22 to public safety, the President, acting through the
23 Administrator of the Federal Emergency Manage-
24 ment Agency (in this section referred to as the “Ad-
25 ministrator”), shall—

1 (A) modernize the integrated public alert
2 and warning system of the United States (in
3 this section referred to as the “public alert and
4 warning system”) to ensure that under all con-
5 ditions the President and, except to the extent
6 the public alert and warning system is in use by
7 the President, Federal agencies and State, trib-
8 al, and local governments can alert and warn
9 the civilian population in areas endangered by
10 disasters or other hazards to public safety; and

11 (B) implement the public alert and warn-
12 ing system.

13 (2) IMPLEMENTATION REQUIREMENTS.—In car-
14 rying out paragraph (1), the Administrator shall—

15 (A) establish or adopt, as appropriate,
16 common alerting and warning protocols, stand-
17 ards, terminology, and operating procedures for
18 the public alert and warning system;

19 (B) include in the public alert and warning
20 system the capability to adapt the distribution
21 and content of communications on the basis of
22 geographic location, risks, and multiple commu-
23 nication systems and technologies, as appro-
24 priate;

1 (C) include in the public alert and warning
2 system the capability to alert, warn, and pro-
3 vide equivalent information to individuals with
4 disabilities, individuals with access and func-
5 tional needs, and individuals with limited-
6 English proficiency, to the extent technically
7 feasible;

8 (D) ensure that training, tests, and exer-
9 cises are conducted for the public alert and
10 warning system, including by—

11 (i) incorporating the system into other
12 training and exercise programs of the De-
13 partment of Homeland Security, as appro-
14 priate;

15 (ii) establishing and integrating into
16 the National Incident Management System
17 a comprehensive and periodic training pro-
18 gram to instruct and educate Federal,
19 State, tribal, and local government officials
20 in the use of the Common Alerting Pro-
21 tocol enabled Emergency Alert System;
22 and

23 (iii) conducting, at least once every 3
24 years, periodic nationwide tests of the pub-
25 lic alert and warning system;

1 (E) ensure that the public alert and warn-
2 ing system is resilient, secure, and can with-
3 stand acts of terrorism and other external at-
4 tacks;

5 (F) conduct public education efforts so
6 that State, tribal, and local governments, pri-
7 vate entities, and the people of the United
8 States reasonably understand the functions of
9 the public alert and warning system and how to
10 access, use, and respond to information from
11 the public alert and warning system through a
12 general market awareness campaign;

13 (G) consult, coordinate, and cooperate with
14 the appropriate private sector entities and Fed-
15 eral, State, tribal, and local governmental au-
16 thorities, including the regional administrators
17 of the Federal Emergency Management Agency
18 and emergency response providers;

19 (H) coordinate with, and consider the rec-
20 ommendations of the subcommittee established
21 under subsection (c); and

22 (I) to the extent that the development of
23 the public alert and warning system is not con-
24 sistent with the recommendations of the sub-
25 committee, report such inconsistencies to the

1 Committee on Homeland Security and Govern-
2 mental Affairs of the Senate and the Committee
3 on Transportation and Infrastructure and the
4 Committee on Homeland Security of the House
5 of Representatives.

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

8 (A) incorporate multiple communications
9 technologies;

10 (B) be designed to adapt to, and incor-
11 porate, future technologies for communicating
12 directly with the public;

13 (C) to the extent technically feasible, be
14 designed—

15 (i) to provide alerts to the largest por-
16 tion of the affected population feasible, in-
17 cluding nonresident visitors and tourists,
18 individuals with disabilities and access and
19 functional needs, and individuals with lim-
20 ited-English proficiency; and

21 (ii) to improve the ability of remote
22 areas to receive alerts;

23 (D) promote local and regional public and
24 private partnerships to enhance community pre-
25 paredness and response;

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

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

8 (4) IMPLEMENTATION PLAN.—Not later than
9 180 days after the date of submission of the report
10 of the subcommittee under subsection (c)(7), the Ad-
11 ministrator shall submit to the Committee on Trans-
12 portation and Infrastructure and the Committee on
13 Homeland Security of the House of Representatives
14 and the Committee on Homeland Security and Gov-
15 ernmental Affairs of the Senate a detailed plan to
16 implement the public alert and warning system. The
17 plan shall include a timeline for implementation, a
18 spending plan, and recommendations for any addi-
19 tional authority that may be necessary to fully im-
20 plement this subsection.

21 (5) USE OF SYSTEM.—

22 (A) LIMITATION.—Except to the extent
23 necessary for testing the public alert and warn-
24 ing system, the public alert and warning system
25 shall not be used to transmit a message that

1 does not relate to a disaster or other hazard to
2 public safety.

3 (B) CONSUMER OPT-OUT.—Nothing in this
4 section shall be construed to supersede section
5 602 of the SAFE Port Act (47 U.S.C. 1201).

6 (6) PERFORMANCE REPORTS.—

7 (A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of this Act, and an-
9 nually thereafter through 2017, the Adminis-
10 trator shall make available on the public Web
11 site of the Federal Emergency Management
12 Agency a performance report, which shall—

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

17 (ii) describe the performance of the
18 public alert and warning system, includ-
19 ing—

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

23 (II) the measures taken to alert,
24 warn, and provide equivalent informa-
25 tion to individuals with disabilities

1 and individuals with limited-English
2 proficiency; and

3 (III) the training, tests, and ex-
4 ercises performed and the outcomes
5 obtained by the Federal Emergency
6 Management Agency;

7 (iii) identify significant challenges to
8 the effective operation of the public alert
9 and warning system and any plans to ad-
10 dress these challenges;

11 (iv) identify other necessary improve-
12 ments to the system; and

13 (v) provide an analysis comparing the
14 performance of the public alert and warn-
15 ing system with the performance goals es-
16 tablished under clause (i).

17 (B) CONGRESS.—The Administrator shall
18 submit to the Committee on Homeland Security
19 and Governmental Affairs of the Senate and the
20 Committee on Transportation and Infrastruc-
21 ture and the Committee on Homeland Security
22 of the House of Representatives each report re-
23 quired under subparagraph (A).

24 (c) INTEGRATED PUBLIC ALERT AND WARNING SYS-
25 TEM SUBCOMMITTEE.—

1 (1) ESTABLISHMENT.—Not later than 90 days
2 after the date of enactment of this Act, the Adminis-
3 trator shall establish a Subcommittee to the Na-
4 tional Advisory Council established under section
5 508 of the Homeland Security Act of 2002 (6
6 U.S.C. 318) to be known as the Integrated Public
7 Alert and Warning System Subcommittee (in this
8 subsection referred to as the “Subcommittee”).

9 (2) MEMBERSHIP.—Notwithstanding section
10 508(c) of the Homeland Security Act of 2002 (6
11 U.S.C. 318(c)), the Subcommittee shall be composed
12 of the following members (or their designees) to be
13 appointed by the Administrator as soon as prac-
14 ticable after the date of enactment of this Act:

15 (A) The Chairman of the Federal Commu-
16 nications Commission.

17 (B) The Administrator of the National
18 Oceanic and Atmospheric Administration of the
19 Department of Commerce.

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

23 (D) The Under Secretary for Science and
24 Technology of the Department of Homeland Se-
25 curity.

1 (E) The Under Secretary for the National
2 Protection and Programs Directorate.

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

6 (G) The National Council on Disability.

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

11 (i) Representatives of State and local
12 governments, representatives of emergency
13 management agencies, and representatives
14 of emergency response providers, with the
15 Administrator considering individuals nom-
16 inated by national organizations rep-
17 resenting governments and personnel.

18 (ii) Representatives from federally rec-
19 ognized Indian tribes and national Indian
20 organizations.

21 (iii) Individuals who have the requisite
22 technical knowledge and expertise to serve
23 on the Subcommittee, including representa-
24 tives of—

1 (I) communications service pro-
2 viders;

3 (II) vendors, developers, and
4 manufacturers of systems, facilities,
5 equipment, and capabilities for the
6 provision of communications services;

7 (III) third-party service bureaus;

8 (IV) the broadcasting industry;

9 (V) the cellular industry;

10 (VI) the cable industry;

11 (VII) the satellite industry;

12 (VIII) national organizations rep-
13 resenting individuals with disabilities,
14 the blind, deaf, and hearing-loss com-
15 munities, individuals with access and
16 functional needs, and the elderly;

17 (IX) consumer or privacy advo-
18 cates; and

19 (X) organizations representing
20 individuals with limited-English pro-
21 ficiency.

22 (iv) Qualified representatives of such
23 other stakeholders and interested and af-
24 fected parties as the Administrator con-
25 siders appropriate.

1 (3) CHAIRPERSON.—The Administrator shall
2 serve as the Chairperson of the Subcommittee.

3 (4) MEETINGS.—

4 (A) INITIAL MEETING.—The initial meet-
5 ing of the Subcommittee shall take place not
6 later than 120 days after the date of enactment
7 of this Act.

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

11 (5) CONSULTATION WITH NONMEMBERS.—The
12 Subcommittee and the program offices for the inte-
13 grated public alert and warning system for the
14 United States shall consult with groups that are not
15 represented on the Subcommittee to consider new
16 and developing technologies that may be beneficial to
17 the public alert and warning system. Such groups
18 may include—

19 (A) the Defense Advanced Research
20 Projects Agency;

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

23 (C) academic institutions engaged in rel-
24 evant work and research.

1 (6) RECOMMENDATIONS.—The Subcommittee
2 shall develop recommendations for an integrated
3 public alert and warning system, including—

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

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

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

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

18 (iii) incorporates multiple communica-
19 tions technologies;

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

23 (v) is designed to provide alerts to the
24 largest portion of the affected population
25 feasible, including nonresident visitors and

1 tourists, and improve the ability of remote
2 areas to receive alerts;

3 (vi) promotes local and regional public
4 and private partnerships to enhance com-
5 munity preparedness and response; and

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

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

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

24 (d) LIMITATION ON AUTHORITY AND EFFECT ON OB-
25 LIGATIONS.—Nothing in this section shall be construed—

1 (1) to provide the Secretary of Homeland Secu-
2 rity authority to require any action by the Federal
3 Communications Commission, the Department of
4 Commerce, or any nongovernment entity; or

5 (2) to affect any existing obligations of the Fed-
6 eral Communications Commission, the Department
7 of Commerce, or any nongovernment entity.

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

9 Not later than 90 days after the date of enactment
10 of this Act, the Chair of the Hurricane Sandy Rebuilding
11 Task Force established by the President, in consultation
12 with the Administrator of the Federal Emergency Man-
13 agement Agency, the Secretary of the Treasury, and oth-
14 ers whom the Chair determines to be appropriate, shall
15 submit to the Committee on Appropriations and the Com-
16 mittee on Homeland Security and Governmental Affairs
17 of the Senate and the Committee on Appropriations and
18 the Committee on Transportation and Infrastructure of
19 the House of Representatives a report that includes a dis-
20 cussion of—

21 (1) the impacts of Hurricane Sandy on local
22 government budgets in States where a major dis-
23 aster has been declared, including revenues from
24 taxes, fees, and other sources, and expenses related

1 to operations, debt obligations, and unreimbursed
2 disaster-related costs;

3 (2) the availability of loans from private sources
4 to address such impacts, including information on
5 interest rates, repayment terms, securitization re-
6 quirements, and the ability of affected local govern-
7 ments to qualify for such loans;

8 (3) the availability of Federal resources to ad-
9 dress the budgetary impacts of Hurricane Sandy
10 upon local governments;

11 (4) the ability of the Community Disaster Loan
12 program authorized under section 417 of the Robert
13 T. Stafford Disaster Relief and Emergency Assist-
14 ance Act (42 U.S.C. 5184) to effectively and expedi-
15 tiously address budgetary impacts of Hurricane
16 Sandy and other disasters upon local governments,
17 including—

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

20 (B) the regulations, policies, and proce-
21 dures governing program mobilization to com-
22 munities in need and expeditious processing of
23 loan applications;

24 (C) information on interest rates, repay-
25 ment terms, securitization requirements, and

1 ability of affected local governments to qualify
2 for such loans;

3 (D) criteria governing the cancellation of
4 such loans, including appropriate classification
5 of available revenues and eligible expenses, and
6 the consistency of program rules with cus-
7 tomary local government budgetary practices
8 and State or local laws that affect the specific
9 budgetary practices of local governments af-
10 fected by Hurricane Sandy and other disasters;

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

13 (F) options for Congressional consideration
14 related to legislative modifications of this pro-
15 gram, and any other applicable provisions of
16 Federal law, in order to address the budgetary
17 impacts of Hurricane Sandy and other disasters
18 upon local governments; and

19 (G) recommendations on steps the Federal
20 Emergency Management Agency may take in
21 order to improve program administration, effec-
22 tiveness, communications, and speed; and

23 (5) potential consequences of Federal action or
24 inaction to address the budgetary impacts of Hurri-
25 cane Sandy upon local governments.

1 **SEC. 15. URBAN SEARCH AND RESCUE RESPONSE SYSTEM.**

2 (a) IN GENERAL.—Title III of the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act (42 U.S.C.
4 5141 et seq.) is amended by adding at the end the fol-
5 lowing:

6 **“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RE-**
7 **SPONSE SYSTEM.**

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

10 “(1) ADMINISTRATOR.—The term ‘Adminis-
11 trator’ means the Administrator of the Federal
12 Emergency Management Agency.

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

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

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

21 “(5) PARTICIPATING AGENCY.—The term ‘par-
22 ticipating agency’ means a State or local govern-
23 ment, nonprofit organization, or private organization
24 that has executed an agreement with a sponsoring
25 agency to participate in the System.

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

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

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

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

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

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

24 “(d) TASK FORCES.—

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

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

10 “(3) COMPOSITION.—

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

18 “(B) OTHER INDIVIDUALS.—A task force
19 may also include, at the discretion of the spon-
20 soring agency, other individuals not otherwise
21 associated with the sponsoring agency or a par-
22 ticipating agency of the task force. The spon-
23 soring agency of a task force may enter into a
24 separate agreement with each such individual

1 with respect to the participation of the indi-
2 vidual on the task force.

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

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

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

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

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

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

6 “(g) COMPENSATION.—

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

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

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

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

24 “(A) IN GENERAL.—Subject to such terms
25 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,

1 United States Code, and chapter 171 of that title, relating
2 to tort claims procedure.

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

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

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

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

10 “(k) ADVISORY COMMITTEE.—

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

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

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

21 “(B) the senior emergency manager from
22 at least two States that include sponsoring
23 agencies; and

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

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

5 “(1) PREPAREDNESS COOPERATIVE AGREEMENTS.—

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

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

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

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

23 “(2) AVAILABILITY OF APPROPRIATIONS.—Not-
24 withstanding section 1552(b) of title 31, United
25 States Code, amounts made available for cooperative

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

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

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

14 (b) CONFORMING AMENDMENTS.—

15 (1) APPLICABILITY OF TITLE 5, UNITED
16 STATES CODE.—Section 8101(1) of title 5, United
17 States Code, is amended—

18 (A) in subparagraph (D) by striking “and”
19 at the end;

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

22 (C) in subparagraph (F)—

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

24 and

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

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

3 “(G) an individual who is a System mem-
4 ber of the National Urban Search and Rescue
5 Response System during a period of appoint-
6 ment into Federal service pursuant to section
7 327 of the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act;”.

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

12 (A) in paragraph (13) by inserting “, a pe-
13 riod for which a System member of the Na-
14 tional Urban Search and Rescue Response Sys-
15 tem is absent from a position of employment
16 due to an appointment into Federal service
17 under section 327 of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act”
19 before “, and a period”; and

20 (B) in paragraph (16) by inserting after
21 “Public Health Service,” the following: “System
22 members of the National Urban Search and
23 Rescue Response System during a period of ap-
24 pointment into Federal service under section

1 327 of the Robert T. Stafford Disaster Relief
2 and Emergency Assistance Act,”.

3 **SEC. 16. RECOVERY COMMISSIONS.**

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

7 **“SEC. 328. RECOVERY COMMISSIONS.**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘Administrator’ means the Ad-
10 ministrator of the Federal Emergency Management
11 Agency;

12 “(2) the term ‘Chairperson’ means the Chair-
13 person of a Commission selected under subsection
14 (b)(2); and

15 “(3) the term ‘Commission’ means a commis-
16 sion established under subsection (b)(1).

17 “(b) COMMISSION ESTABLISHMENT.—

18 “(1) IN GENERAL.—If the President determines
19 it is appropriate after a large and complex major
20 disaster, the President may establish a commission
21 to facilitate and support States and local govern-
22 ments in achieving an efficient, effective, and expedi-
23 tious recovery from the major disaster.

24 “(2) CHAIRPERSON.—The President shall select
25 an official to serve as the Chairperson of each Com-

1 mission established by the President to ensure the
2 responsibilities of the Commission are fulfilled. The
3 duties of the Chairperson shall include coordination
4 of the efforts of Federal agencies in a manner con-
5 sistent with authorities under this Act, in support of
6 the efficient, effective, and expeditious recovery from
7 the major disaster.

8 “(3) MEMBERS OF COMMISSIONS.—Each Com-
9 mission shall include as a member the Adminis-
10 trator, the head of appropriate coordinating and pri-
11 mary Federal agencies under the National Disaster
12 Recovery Framework, and the head of any other
13 Federal agency that the President determines nec-
14 essary.

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

20 “(c) RESPONSIBILITIES OF A COMMISSION.—The re-
21 sponsibilities of a Commission may include, consistent
22 with this Act, to—

23 “(1) develop and implement a strategic support
24 plan under subsection (d) for the Federal support of
25 the recovery from the major disaster and to mitigate

1 against the effects of and foster resilience against
2 subsequent disasters;

3 “(2) coordinate the activities of Federal agen-
4 cies represented by the members of the Commission
5 and other Federal agencies that the President deter-
6 mines necessary, resolve disagreements relating to
7 recovery from the major disaster between or among
8 Federal agencies, and support implementation of the
9 National Disaster Recovery Framework;

10 “(3) compile data relating to the recovery from
11 the major disaster, including on the Federal assist-
12 ance provided and the status of meeting recovery
13 goals;

14 “(4) identify Federal regulations, policies, and
15 procedures that need to be streamlined and coordi-
16 nated to enable an efficient, expeditious, and effec-
17 tive recovery from the major disaster;

18 “(5) identify and facilitate the provision of Fed-
19 eral funds to address gaps in the recovery from the
20 major disaster;

21 “(6) coordinate with State and local govern-
22 ments and nongovernmental partners and stake-
23 holders in the affected area to support recovery from
24 the major disaster; and

1 “(7) take actions to prevent waste, fraud, and
2 abuse in the recovery from the major disaster.

3 “(d) STRATEGIC RECOVERY SUPPORT PLAN.—

4 “(1) IN GENERAL.—As soon as feasible, but not
5 later than 180 days after the date of a major dis-
6 aster relating to which the President establishes a
7 Commission, the Commission shall submit to the
8 Committee on Homeland Security and Governmental
9 Affairs of the Senate and the Committee on Trans-
10 portation and Infrastructure of the House of Rep-
11 resentatives a strategic recovery support plan for
12 how the Federal Government will expeditiously assist
13 State and local governments in the recovery of the
14 area affected by the major disaster.

15 “(2) CONTENTS.—Each strategic recovery sup-
16 port plan submitted under paragraph (1)—

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

20 “(B) may include, as appropriate—

21 “(i) an assessment of challenges and
22 needs faced in the recovery from the major
23 disaster;

1 “(ii) specific outcomes, goals and ac-
2 tions, with a plan for monitoring progress
3 towards such outcomes and goals;

4 “(iii) a description of how each Fed-
5 eral agency will support State and local
6 governments in the recovery efforts, includ-
7 ing technical, financial, and planning as-
8 sistance, and the roles and responsibilities
9 of each Federal agency in fulfilling the
10 strategic recovery support plan;

11 “(iv) a description of how each Fed-
12 eral agency on the Commission will admin-
13 ister and provide staffing to support recov-
14 ery from the major disaster;

15 “(v) a description of any procedures
16 of a Federal agency that will be stream-
17 lined to help ensure an efficient and effec-
18 tive recovery from the major disaster; and

19 “(vi) a description of any legislative
20 authority needed to help ensure an effi-
21 cient, expeditious, and effective recovery
22 from the major disaster.

23 “(3) UPDATE.—Not later than 180 days after
24 the date on which a Commission submits a strategic
25 recovery support plan under paragraph (1), and

1 every 180 days thereafter until the date on which
2 the Commission terminates under subsection (e), the
3 Commission shall submit to the Committee on
4 Homeland Security and Governmental Affairs of the
5 Senate and the Committee on Transportation and
6 Infrastructure of the House of Representatives a re-
7 port describing—

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

13 “(B) major challenges and unmet needs re-
14 maining in the recovery from the major dis-
15 aster.

16 “(e) TERMINATION.—

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

22 “(2) WITHDRAWAL.—Upon a determination by
23 the President that the matters with which a Federal
24 agency has been involved as part of a Commission

1 have been substantially resolved, the Federal agency
 2 may withdraw from the Commission.

3 “(f) AUTHORITIES.—Nothing in this section shall be
 4 construed to impair, alter, or otherwise affect the author-
 5 ity of any agency of the Federal Government including
 6 under section 302.”.

7 **SEC. 17. ENHANCING RESPONSE AND RECOVERY OPER-**
 8 **ATIONS AND PROGRAMS.**

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

12 **“SEC. 526. ADMINISTRATION OF RESPONSE AND RECOVERY**
 13 **OPERATIONS AND PROGRAMS.**

14 “(a) DEFINITIONS.—In this section—

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

17 “(2) the terms ‘deployed’ and ‘deployment’
 18 mean the performance of services under the response
 19 and recovery operations and programs of the Agen-
 20 cy, including exercises and training for such oper-
 21 ations and programs;

22 “(3) the term ‘disaster reserve workforce’
 23 means the disaster reserve workforce established
 24 under subsection (b);

1 “(4) the term ‘employee’ has the meaning given
2 under section 2105 of title 5, United States Code;

3 “(5) the term ‘employee designated for short
4 term deployments’ means an employee hired under
5 section 306(b)(1) of the Robert T. Stafford Disaster
6 Relief and Emergency Assistance Act (42 U.S.C.
7 5149(b)(1)) designated only for short-term deploy-
8 ments;

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

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

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

22 “(9) the term ‘reservist’ means an employee
23 who is a member of the disaster reserve workforce;

1 “(10) the term ‘response and recovery oper-
2 ations and programs’ means response operations and
3 programs and recovery operations and programs;

4 “(11) the term ‘response operations and pro-
5 grams’ means operations and programs that involve
6 taking immediate actions to save lives, protect prop-
7 erty or the environment, or meet basic human needs;

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

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

17 “(b) DISASTER RESERVE WORKFORCE.—In order to
18 provide efficiency, continuity, quality, and accuracy in
19 services performed under response and recovery operations
20 and programs there is within the Agency a disaster reserve
21 workforce, which shall be used to supplement the work of
22 permanent full-time employees of the Agency on response
23 and recovery operations and programs.

1 “(c) PROVISION OF SERVICES PERFORMED UNDER
2 RESPONSE AND RECOVERY OPERATIONS AND PRO-
3 GRAMS.—

4 “(1) IN GENERAL.—The Administrator shall
5 ensure that the disaster reserve workforce can rap-
6 idly and efficiently deploy qualified, skilled, and
7 trained reservists for a sufficiently long period to
8 provide continuity in response and recovery oper-
9 ations and programs.

10 “(2) MANAGEMENT AND IMPLEMENTATION.—

11 “(A) IN GENERAL.—Sufficient numbers of
12 qualified permanent full-time employees of the
13 Agency shall lead and manage the disaster re-
14 serve workforce and implement response and re-
15 covery operations and programs, including lead-
16 ing individual major projects under sections
17 404, 406, and 407 of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5170c, 5172, and 5173).

20 “(B) DISASTER RESERVE WORKFORCE.—

21 The Disaster Reserve Workforce shall include—

22 “(i) term employees;

23 “(ii) permanent seasonal employees;

24 “(iii) employees designated for short-
25 term deployments;

1 “(iv) employees of the Department
2 who are not employees of the Agency; and

3 “(v) employees of other Federal agen-
4 cies.

5 “(C) FACTORS.—In supporting the work of
6 permanent full-time employees, the Adminis-
7 trator—

8 “(i) shall rely to the greatest extent
9 possible on term employees and permanent
10 seasonal employees deployed for long peri-
11 ods of time in order to help ensure greater
12 efficiency, continuity, quality, and accuracy
13 in services performed under recovery oper-
14 ations and programs; and

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

20 “(3) POLICIES AND PROCEDURES.—In order to
21 ensure that efficient, continuous, and accurate serv-
22 ices are provided under response and recovery oper-
23 ations and programs, not later than 180 days after
24 the date of enactment of this section, the Adminis-
25 trator shall develop—

1 “(A) staffing policies and procedures that
2 provide for the management of response and re-
3 covery operations and programs by sufficient
4 numbers of permanent full-time senior-level of-
5 ficials;

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

9 “(C) policies and procedures relating to
10 sections 403, 404, 406, 407, and 502 of the
11 Robert T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C. 5170b, 5170c,
13 5172, 5173, and 5192).

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

16 “(A) STANDARDS AND GUIDELINES.—Not
17 later than 180 days after the date of enactment
18 of this section, the Administrator shall develop
19 standards and guidelines for the disaster re-
20 serve workforce, including—

21 “(i) setting appropriate mandatory be-
22 fore and after disaster training require-
23 ments;

24 “(ii) establishing the minimum num-
25 ber 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 develop 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 developed and implemented under this subparagraph.

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

“(6) REEMPLOYED ANNUITANTS.—

“(A) IN GENERAL.—In appointing reservists to the disaster reserve workforce, the application of sections 8344 and 8468 of title 5,

1 United States Code (relating to annuities and
2 pay on reemployment) or any other similar pro-
3 vision of law under a Government retirement
4 system may be waived by the Administrator for
5 annuitants reemployed on deployments involv-
6 ing a direct threat to life or property or other
7 unusual circumstances for the entirety of the
8 deployment.

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

11 “(i) is granted to assist the Adminis-
12 trator in establishing and effectively oper-
13 ating the disaster reserve workforce if no
14 other qualified applicant is available for a
15 reservist position; and

16 “(ii) may be exercised only—

17 “(I) with respect to natural dis-
18 asters, acts of terrorism, or other
19 man-made disasters, including cata-
20 strophic incidents; and

21 “(II) if the applicant will not ac-
22 cept the position without a waiver.

23 “(C) NOT EMPLOYEE FOR RETIREMENT
24 PURPOSES.—An annuitant to whom a waiver
25 under subparagraph (A) is in effect shall not be

1 considered an employee for purposes of any
2 Government retirement system.

3 “(7) PERMANENT EMPLOYMENT POSITIONS.—

4 “(A) IN GENERAL.—An employee hired
5 under section 306(b)(1) of the Robert T. Staf-
6 ford Disaster Relief and Emergency Assistance
7 Act (42 U.S.C. 5149(b)(1)) and NCCC-FEMA
8 corps members who complete their terms of
9 service pursuant to an Interagency Agreement
10 between FEMA and the Corporation for Na-
11 tional and Community Service may compete for
12 permanent positions in the Agency under merit
13 promotion procedures. The actual time deployed
14 as a reservist shall be considered creditable
15 service for purposes of such competition and
16 shall be calculated, for purposes of section 8411
17 of title 5, United States Code, by dividing the
18 total number of days of service as a reservist by
19 365 to obtain the number of years of service
20 and dividing any remainder by 30 to obtain the
21 number of additional months of service and ex-
22 cluding from the aggregate the fractional part
23 of a month, if any.

24 “(B) CONSIDERATION.—In evaluating a
25 reservist hired under section 306(b)(1) of the

1 Robert T. Stafford Disaster Relief and Emer-
 2 gency Assistance Act (42 U.S.C. 5149(b)(1))
 3 for a potential permanent employment position,
 4 the Administrator shall consider the qualifica-
 5 tions of, and performance as a reservist by, the
 6 reservist, including the ability of the reservist to
 7 timely, accurately, and creatively resolve issues
 8 and projects when deployed.

9 “(C) EFFECTIVE DATE AND APPLICA-
 10 TION.—This paragraph shall—

11 “(i) take effect on the date on which
 12 the Administrator implements the evalua-
 13 tion system under paragraph (4)(C); and

14 “(ii) apply to periods of service per-
 15 formed after that date.

16 “(8) NO IMPACT ON AGENCY PERSONNEL CEIL-
 17 ING.—Reservists shall not be counted against any
 18 personnel ceiling limitation applicable to the Agen-
 19 cy.”.

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

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

24 (c) PERMANENT SEASONAL EMPLOYEES.—Section
 25 306(b) of the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act (42 U.S.C. 5149(b)) is amend-
2 ed—

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

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

12 **SEC. 18. FEDERAL RECOVERY PREPAREDNESS OFFICIALS.**

13 Section 653(a) of the Post-Katrina Emergency Man-
14 agement Reform Act of 2006 (6 U.S.C. 753(a)) is amend-
15 ed to read as follows:

16 “(a) AGENCY RESPONSIBILITY.—

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

22 “(A) has designated a lead senior official
23 to—

1 “(i) ensure the Federal agency is pre-
2 pared to execute its response and recovery
3 responsibilities under such plans; and

4 “(ii) coordinate disaster response and
5 recovery efforts and activities with the Ad-
6 ministrator;

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

9 “(i) the personnel to make and com-
10 municate decisions;

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

14 “(iii) sufficient physical resources; and

15 “(iv) the command, control, and com-
16 munication channels to make, monitor, and
17 communicate decisions;

18 “(C) complies with the National Incident
19 Management System, including credentialing of
20 personnel and typing of resources likely needed
21 to respond to a natural disaster, act of ter-
22 rorism, or other man-made disaster in accord-
23 ance with section 510 of the Homeland Security
24 Act of 2002 (6 U.S.C. 320);

1 “(D) develops, trains and exercises rosters
2 of response and recovery personnel to be de-
3 ployed when the agency is called upon to sup-
4 port a Federal response and recovery;

5 “(E) develops deliberate operational plans
6 and the corresponding capabilities, including
7 crisis planning, to effectively respond to and re-
8 cover from natural disasters, acts of terrorism,
9 and other man-made disasters in support of the
10 National Response Plan and National Disaster
11 Recovery Framework to ensure a coordinated
12 Federal response; and

13 “(F) regularly updates, verifies the accu-
14 racy of, and provides to the Administrator the
15 information in the inventory required under sec-
16 tion 651.

17 “(2) NATIONAL DISASTER RECOVERY FRAME-
18 WORK DEFINED.—In this subsection, the term ‘Na-
19 tional Disaster Recovery Framework’ means the Na-
20 tional Disaster Recovery Framework developed
21 under section 682, or any successor document.”.

22 **SEC. 19. DISPUTE RESOLUTION PILOT PROGRAM.**

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

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

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

6 (A) under section 403, 406, or 407 of the
7 Robert T. Stafford Disaster Relief and Emer-
8 gency Assistance Act (42 U.S.C. 5170b, 5172,
9 5173);

10 (B) for which the legitimate amount in dis-
11 pute is not less than \$1,000,000, which sum the
12 Administrator shall adjust annually to reflect
13 changes in the Consumer Price Index for all
14 Urban Consumers published by the Department
15 of Labor;

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

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

20 (b) PROCEDURES.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this section, and in
23 order to facilitate an efficient recovery from major
24 disasters, the Administrator shall establish proce-
25 dures under which an applicant may request the use

1 of alternative dispute resolution, including arbitra-
2 tion by an independent review panel, to resolve dis-
3 putes relating to eligible assistance.

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

7 (3) CONSIDERATIONS.—The procedures estab-
8 lished under this section shall—

9 (A) allow a party of a dispute relating to
10 eligible assistance to request an independent re-
11 view panel for the review;

12 (B) require a party requesting an inde-
13 pendent review panel as described in subpara-
14 graph (A) to agree to forgo rights to any fur-
15 ther appeal of the dispute relating to any eligi-
16 ble assistance;

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

20 (i) an individual or entity unaffiliated
21 with the dispute (which may include a
22 Federal agency, an administrative law
23 judge, or a reemployed annuitant who was
24 an employee of the Federal Government)
25 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-

1 ternative dispute resolution under this section;
2 and

3 (F) direct that if an independent review
4 panel for any alternative dispute resolution
5 under this section determines that the basis
6 upon which a party submits a request for alter-
7 native dispute resolution is frivolous, the inde-
8 pendent review panel shall direct the party to
9 pay the reasonable costs to the Federal Emer-
10 gency Management Agency relating to the re-
11 view by the independent review panel. Any
12 funds received by the Federal Emergency Man-
13 agement Agency under the authority of this sec-
14 tion shall be deposited to the credit of the ap-
15 propriation or appropriations available for the
16 eligible assistance in dispute on the date on
17 which the funds are received.

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

21 (d) REPORT.—

22 (1) IN GENERAL.—Not later than 270 days
23 after the termination of authority under this section
24 under subsection (c), the Comptroller General of the
25 United States shall submit to the Committee on

1 Homeland Security and Governmental Affairs of the
2 Senate and the Committee on Transportation and
3 Infrastructure of the House of Representatives a re-
4 port analyzing the effectiveness of the program
5 under this section.

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

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

10 (B) an assessment of the effectiveness of
11 the program under this section, including an as-
12 sessment of whether the program expedited or
13 delayed the disaster recovery process;

14 (C) an assessment of whether the program
15 increased or decreased costs to administer sec-
16 tion 403, 406, or 407 of the Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act;

18 (D) an assessment of the procedures and
19 safeguards that the independent review panels
20 established to ensure objectivity and accuracy,
21 and the extent to which they followed those pro-
22 cedures and safeguards;

23 (E) a recommendation as to whether any
24 aspect of the program under this section should
25 be made a permanent authority; and

1 (F) recommendations for any modifications
2 to the authority or the administration of the
3 authority under this section in order to improve
4 the disaster recovery process.

○