

self-governance program in Interior agencies other than the Bureau of Indian Affairs, in particular the Bureau of Reclamation. Indian tribal leaders and Senate staff have worked for many months to resolve those issues, and their efforts in that regard are incorporated into this bill. I believe the bill goes a long way in dealing with those issues, and the program will be better off as a result of these efforts.

I want to thank Senator AKAKA, the Chairman of the Indian Affairs Committee and with whom I have worked this past Congress as Vice Chairman, for his leadership on this bill which I support and on advancing initiatives that will improve the lives of Indian people.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 619—TO ELECT PATRICK J. LEAHY, A SENATOR FROM THE STATE OF VERMONT, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 619

Resolved, That Patrick J. Leahy, a Senator from the State of Vermont, be, and he is hereby, elected President of the Senate pro tempore.

SENATE RESOLUTION 620—TO AUTHORIZE HARRY REID, A SENATOR FROM THE STATE OF NEVADA, TO ADMINISTER THE OATH OF OFFICE OF PRESIDENT OF THE SENATE PRO TEMPORE TO PATRICK J. LEAHY, A SENATOR FROM THE STATE OF VERMONT

Mr. MCCONNELL (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 620

Resolved, That Harry Reid, a Senator from the State of Nevada, is hereby authorized to administer the oath of office of President of the Senate Pro Tempore to Patrick J. Leahy, a Senator from the State of Vermont.

SENATE RESOLUTION 621—CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE IMPACTED BY THAT TRAGEDY

Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER,

Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 621

Whereas, on December 14, 2012, a mass shooting took place at Sandy Hook Elementary School in Newtown, Connecticut;

Whereas the people of the United States mourn the 26 innocent lives, including those of 20 children, that have been lost at Sandy Hook Elementary School in this unimaginable tragedy;

Whereas the people of the United States will always remember the victims of the previous mass shootings that have occurred in the United States and stand in solidarity with the survivors; and

Whereas the quick action of law enforcement officials and other first responders prevented additional losses of life: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the senseless attack at Sandy Hook Elementary School in Newtown, Connecticut, on Friday, December 14, 2012;

(2) offers condolences to all of the students, teachers, administrators, and faculty of Sandy Hook Elementary School, as well as their families, and recognizes that the healing process will be long and difficult for the entire Newtown community;

(3) honors the selfless, dedicated service of—

(A) the teachers, school administrators, school support staff, medical professionals, and others in the greater Newtown community;

(B) the emergency response teams and law enforcement officials who responded to the attack; and

(C) the law enforcement officials who continue to investigate the attack; and

(4) remains committed to working together to help prevent tragedies like this from ever happening again.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3338. Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and

the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

SA 3339. Mr. LEAHY (for Mr. INOUE) proposed an amendment to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3340. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3341. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

SA 3342. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

SA 3343. Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 4362, to provide effective criminal prosecutions for certain identity thefts, and for other purposes; which was referred to the Committee on the Judiciary.

SA 3344. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3345. Mrs. HAGAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

TEXT OF AMENDMENTS

SA 3338. Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Strike all after the enacting clause, and insert in lieu thereof:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2013, and for other purposes, namely:

SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For necessary expenses for the "Emergency Conservation Program", \$25,090,000, to remain available until expended, of which \$15,000,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i)

of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY FOREST RESTORATION PROGRAM

For necessary expenses for the “Emergency Forest Restoration Program”, \$58,855,000, to remain available until expended, of which \$49,010,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE EMERGENCY WATERSHED PROTECTION PROGRAM

For necessary expenses for the “Emergency Watershed Protection Program”, \$125,055,000, to remain available until expended, of which \$77,085,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That unobligated balances for the “Emergency Watershed Protection Program” provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program for disasters, and shall remain available until expended: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE COMMODITY ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), \$15,000,000, to remain available through September 30, 2014: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the “Act”), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by Hurricane Sandy among the states without regard to sections 204 and 214 of the Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

TITLE II

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities”, \$373,000,000 to remain available until September 30, 2014, as follows—

(1) \$6,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;

(2) \$10,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) \$150,000,000 to evaluate, stabilize and restore coastal ecosystems affected by Hurricane Sandy;

(4) \$56,800,000 for mapping, charting, damage assessment, and marine debris coordination and remediation; and

(5) \$150,000,000, for necessary expenses related to fishery disasters as declared by the Secretary of Commerce in calendar year 2012: *Provided*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for “Procurement, Acquisition and Construction”, \$109,000,000, to remain available until September 30, 2015, as follows—

(1) \$47,000,000 for the Coastal and Estuarine Land Conservation Program to support State and local restoration in areas affected by Hurricane Sandy;

(2) \$9,000,000 to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy;

(3) \$44,500,000 for repairs and upgrades to NOAA hurricane reconnaissance aircraft; and

(4) \$8,500,000 for improvements to weather forecasting equipment and supercomputer infrastructure:

Provided, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for “General Administration, Office of Inspector General” for necessary expenses related to the consequences of Hurricane Sandy, \$20,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Federal Bureau of Investigation, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$4,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Drug Enforcement Administration, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for “Bureau of Alcohol, Tobacco, Firearms and Explosives,

Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$230,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for “Federal Prison System, Buildings and Facilities” for necessary expenses related to the consequences of Hurricane Sandy, \$10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for “Construction and Environmental Compliance and Restoration” for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, \$15,000,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Legal Services Corporation, Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: *Provided*, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricane Sandy: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively, and except that sections 501 and 503 of Public Law 104–134 (referred by Public Law 105–119) shall not apply to the amount made available under this heading.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$5,370,000, to remain available until September 30, 2013, for

necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$40,015,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$8,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$5,775,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$1,310,000, to remain available until September 30, 2015, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$24,200,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for "Investigations" to expedite studies of flood and storm

damage reduction related natural disasters, \$50,000,000 at full Federal expense, to remain available until expended: *Provided*, That using \$29,500,000 of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers: *Provided further*, That using up to \$20,000,000 of the funds provided herein, the Secretary shall support an interagency planning process in conjunction with State, local and Tribal officials to develop plans to address the flood risks of vulnerable coastal populations, including innovative approaches to promote the long-term sustainability of the coastal ecosystems and communities to reduce the economic costs and risks associated with large-scale flood and storm events: *Provided further*, That using \$500,000 of the funds provided herein, the Secretary shall conduct an evaluation of the performance of existing projects constructed by the U.S. Army Corps of Engineers and impacted by Hurricane Sandy for the purposes of determining their effectiveness and making recommendations for improvements thereto: *Provided further*, That as a part of the study, the Secretary shall identify institutional and other barriers to providing comprehensive protection to affected coastal areas and shall provide this report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" to rehabilitate, repair and construct U.S. Army Corps of Engineers projects related to the consequences of natural disasters, \$3,461,000,000, to remain available until expended: *Provided*, That \$2,902,000,000 of the funds provided under this heading shall be used to reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events in areas along the Atlantic Coast within the boundaries of the North Atlantic Division of the Corps that was affected by Hurricane Sandy: *Provided further*, That efforts using these funds shall incorporate current science and engineering standards in constructing previously authorized Corps projects designed to reduce flood and storm damage risks and modifying existing Corps projects that do not meet these standards, with such modifications as the Secretary determines are necessary to incorporate these standards or to meet the goal of providing sustainable reduction to flooding and storm damage risks: *Provided further*, That any project that is under study by the Corps for reducing flooding and storm damage risks and that the Corps studies demonstrate will cost-effectively reduce those risks is hereby authorized: *Provided further*, That local interests shall provide all lands, easements, rights-of-way, relocations and disposal areas (LERRDs) necessary for projects using these funds at no cost to the Government: *Provided further*, That cost sharing for implementa-

tion of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs: *Provided further*, That the non-Federal cash contribution for projects using these funds shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That for these projects, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: *Provided further*, That the Secretary may transfer up to \$499,000,000 of the funds provided under this heading to other U.S. Army Corps of Engineers Accounts to address damages from previous natural disasters following normal policies and cost sharing: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any such transfer: *Provided further*, That up to \$51,000,000 of the funds provided under this heading shall be used to expedite continuing authorities projects along the coastal areas in States impacted by Hurricane Sandy within the boundaries of the North Atlantic Division: *Provided further*, That \$9,000,000 of the funds provided under this heading shall be used for repairs to projects that were under construction and damaged by the impacts of Hurricane Sandy: *Provided further*, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", \$821,000,000, to remain available until expended to dredge Federal navigation channels and repair damage to Corps projects nationwide related to natural disasters: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", \$1,008,000,000, to remain available until expended to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs and other activities in response to flood, hurricanes or other natural disasters as authorized by law: *Provided*, That \$430,000,000 of the funds provided herein shall be utilized by the Corps to restore projects

impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers to design profiles of the authorized projects: *Provided further*, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to funds provided under this heading: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

EXPENSES

For an additional amount for “Expenses” for increased efforts to oversee emergency response and recovery activities related to natural disasters, \$10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the “Federal Buildings Fund”, \$7,000,000, to remain available until expended, notwithstanding 40 U.S.C. 3307, for necessary expenses related to the consequences of Hurricane Sandy, including repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$40,000,000, to remain available until September 30, 2014, of which \$20,000,000 is for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resiliency to small businesses that are recovering from Hurricane Sandy; and of which \$20,000,000 is for grants or cooperative agreements for public-private partnerships to provide long-term economic development assistance to industries and/or regions affected by Hurricane Sandy through economic development initiatives, including innovation clusters, industry accelerators, supply-chain support, commercialization, and workforce development: *Provided*, That the Small Business Administration (SBA) shall expedite the delivery of assistance in disaster-affected areas by awarding grants or cooperative agreements for technical assistance only to current recipients of SBA grants or cooperative agreements using a streamlined application process that relies, to the maximum extent practicable, upon previously submitted docu-

mentation: *Provided further*, That the Administrator of the Small Business Administration shall waive the matching requirements under section 21(a)(4)(A) and 29(c) of the Small Business Act for any grant made using funds made available under this heading: *Provided further*, That in designing appropriate economic development initiatives and identifying those regions and industries most affected by Hurricane Sandy, the SBA shall work with other Federal agencies, State and local economic development entities, institutions of higher learning, and private sector partners: *Provided further*, That grants or cooperative agreements for public-private partnerships may be awarded to public or private nonprofit organizations, or any combination thereof: *Provided further*, That no later than 30 days after the date of enactment of this Act, or no less than 7 days prior to obligation of funds, whichever occurs earlier, the SBA shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General” for necessary expenses related to the consequences of Hurricane Sandy and other disasters, \$5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to Hurricane Sandy and other disasters, \$500,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, \$260,000,000, to remain available until expended, of which \$250,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which \$10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

SEC. 502. Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after “which are made under paragraph (1) of subsection (b)” the following: “: *Provided further*, That the Administrator, in obtaining the best available collateral for a loan of not more than \$200,000 under paragraph (1) or (2) of subsection (b) relating to

damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral”.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$1,667,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

U.S. IMMIGRATION AND CUSTOMS

ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$855,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Acquisition, Construction, and Improvements” for necessary expenses related to the consequences of Hurricane Sandy, \$274,233,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That notwithstanding the transfer limitation contained in section 503 of division D of Public Law 112-74, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: *Provided further*, That a description all facilities and property to be reconstructed and restored, with associated costs and time lines, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$300,000: *Provided*, That such amount is designated by the Congress as being for an

emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF FUND
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Disaster Relief Fund” in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$11,487,735,000, to remain available until expended: *Provided*, That of the total amount provided, \$5,379,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That the amount in the previous proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the total amount provided, \$6,108,735,000 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 which shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That of the total amount provided, \$3,000,000 shall be transferred to the Department of Homeland Security “Office of Inspector General” for audits and investigations related to disasters.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM
ACCOUNT

For an additional amount for the cost of direct loans, \$300,000,000, to remain available until expended, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), of which up to \$4,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$400,000,000: *Provided further*, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE AND TECHNOLOGY
RESEARCH, DEVELOPMENT, ACQUISITION, AND
OPERATIONS

For an additional amount for “Research, Development, Acquisition, and Operations” for necessary expenses related to the consequences of Hurricane Sandy, \$3,249,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC NUCLEAR DETECTION OFFICE
SYSTEMS ACQUISITION

For an additional amount for “Systems Acquisition” for necessary expenses related to the consequences of Hurricane Sandy for replacing or repairing U.S. Customs and Border Protection equipment, \$3,869,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress as being for an emergency require-

ment pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “\$20,725,000,000” and inserting “\$30,425,000,000”.

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered to have taken effect on December 12, 2012.

SEC. 602. The Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local governments may give greater weight to the factors considered under section 206.48(b)(3) of title 44, Code of Federal Regulations, to accurately measure the acute needs of a population following a disaster in order to expedite a declaration of Individual Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 603. For determinations regarding compliance with codes and standards under the Federal Emergency Management Agency Public Assistance program (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency, for major disasters declared on or after August 27, 2011, shall consider eligible the costs required to comply with a State’s Stream Alteration General Permit process, including any design standards required to be met as a condition of permit issuance.

SEC. 604. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency may recommend to the President an increase in the Federal cost share of the eligible cost of permanent work under section 406 and of emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for damages resulting from Hurricane Sandy without delay.

SEC. 605. For any major disaster declared between August 27, 2011, and December 5, 2012, and any subsequent major disaster declaration resulting from Hurricane Sandy or Tropical Storm Sandy of 2012, the Administrator of the Federal Emergency Management Agency shall establish a Pilot Program for the Relocation of State Facilities, under which the Administrator may fund under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), the permanent relocation of significantly disaster damaged State facilities subject to flood risk, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (heat, sewage, mechanical, electrical, and plumbing), that are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility. The Administrator may waive such regulations as the Administrator determines necessary to carry out the Pilot Program established under this section.

SEC. 606. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall ap-

prove the construction of a permanent flood risk reduction levee by a State, local, or tribal government participating in the National Flood Insurance Program on land acquired under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on or after the date of enactment of this Act and in a Midwest state that received a Major Disaster Declaration for flooding in 2011 if the Administrator and the Chief of Engineers determines that such levee—

(1) would more effectively mitigate against flooding;

(2) be in compliance with Federal, State, and local requirements; and

(3) be maintained under an adequate State, local, or tribal government plan that documents the procedures to be used to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including detailing the plan for financing the maintenance of the levee, and shall submit an annual certification of compliance to the Administrator and the Chief of Engineers.

SEC. 607. The Administrator of the Federal Emergency Management Agency shall cancel the liquidated balances of all remaining uncanceled or partially canceled loans disbursed under the Community Disaster Loan Act of 2005 (Public Law 109-88) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234), as amended by section 4502 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq’s Accountability Appropriations Act, 2007 (Public Law 110-28) to the extent that revenues of the local government during the period following the major disaster are insufficient to meet the budget of the local government, including additional disaster-related expenses of a municipal character. In calculating a community’s revenues while determining cancellation, the Administrator shall exclude revenues for special districts and any other revenues that are required by law to be disbursed to other units of local government or used for specific purposes more limited than the scope allowed by the General Fund. In calculating a community’s expenses, the Administrator shall include disaster-related capital expenses for which the community has not been reimbursed by Federal or insurance proceeds, debt service expenses, and accrued but unpaid uncompensated absences (vacation and sick pay). In calculating the operating deficit of the local government, the Administrator shall also consider all interfund transfers. When considering the period following the disaster, the Administrator may consider a period of 3, 5, or 7 full fiscal years after the disaster, beginning on the date of the declaration, in determining eligibility for cancellation. The criteria for cancellation do not apply to those loans already cancelled in full. Applicants shall submit supplemental documentation in support of their applications for cancellation on or before April 30, 2014, and the Administrator shall issue determinations and resolve any appeals on or before April 30, 2015. Loans not cancelled in full shall be repaid not later than September 30, 2035. The Administrator may use funds provided under Public Law 109-88 to reimburse those communities that have repaid all or a portion of loans, including interest, provided as Special Community Disaster Loans under Public Law 109-88 or Public Law 109-234, as amended by section 4502 of Public Law 110-28. Further, the Administrator may use funds provided under Public Law 109-88 for necessary expenses to carry out this provision: *Provided*, That the entire amount is designated by the Congress as an emergency

requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 608. The Inspector General shall review the applications for public assistance provided through the Disaster Relief Fund with a project cost that exceeds \$10,000,000 and the resulting decisions issued by the Federal Emergency Management Agency for category A debris removal for DR-1786 upon receipt of a request from an applicant made no earlier than 90 days after filing an appeal with the Federal Emergency Management Agency without regard to whether the Administrator of the Federal Emergency Management Agency has issued a final agency determination on the application for assistance: *Provided*, That not later than 180 days after the date of such request, the Inspector General shall determine whether the Federal Emergency Management Agency correctly applied its rules and regulations to determine eligibility of the applicant's claim: *Provided further*, That if the Inspector General finds that the Federal Emergency Management Agency determinations related to eligibility and cost involved a misapplication of its rules and regulations, the applicant may submit the dispute to the arbitration process established under the authority granted under section 601 of Public Law 111-5 not later than 15 days after the date of issuance of the Inspector General's finding in the previous proviso: *Provided further*, That if the Inspector General finds that the Federal Emergency Management Agency provided unauthorized funding, that the Federal Emergency Management Agency shall take corrective action.

DISASTER RECOVERY

SEC. 609. (a) **SHORT TITLE.**—This section may be cited as the "Disaster Recovery Act of 2012".

(b) **HAZARD MITIGATION.**—

(1) **IN GENERAL.**—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.**—For purposes of providing assistance under this section, the President may establish streamlined procedures, including procedures for consideration of multiple structures as a group and for an analysis of the environmental impacts, impacts to historic properties, 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."

(2) **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 "Until such time as the Administrator promulgates regulations to implement this paragraph, the Administrator may waive notice and comment rule-making if the Administrator determines doing so is necessary to expeditiously implement this section and may carry out the alternative procedures under this section as a pilot program" after "applications submitted under paragraph (1)".

(3) **APPLICABILITY.**—The authority under the amendments made by this subsection shall apply for—

(A) 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

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

(c) **PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.**—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) relating to essential service providers, as added by section 607 of the SAFE Port Act (Public Law 109-347; 120 Stat. 1941) as section 427; and

(2) by adding at the end the following:

"SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.

"(a) **IN GENERAL.**—The Administrator of the Federal Emergency Management Agency may approve projects under the alternative procedures adopted under this section for—

"(1) any major disaster or emergency declared on or after the date of enactment of this section; and

"(2) any project relating to a major disaster or emergency declared before the date of enactment of this section for which construction has not begun on the date of enactment of this section.

"(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.**—Any procedures adopted under subsection (b) 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 States, tribal, and local governments and to owners or operators of private nonprofit facilities; and

"(4) providing financial incentives and disincentives for the 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) **VOLUNTARY PARTICIPATION.**—Participation in 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) **REQUIREMENTS FOR PROCEDURES.**—The alternative procedures adopted under subsection (b) shall include—

"(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 government, or owner or operator of the private nonprofit 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, reconstruction, or replacement of a public facility owned or controlled by the State, tribal, or local government or the owner or operator of a private nonprofit facility; and

"(ii) management expenses;

"(C) consolidating, to the extent determined appropriate by the Administrator, the facilities 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 purposes of—

"(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 cost under section 406, the Administrator shall make available, at an applicant's request and where the Federal Emergency Management Agency or the certified cost estimate prepared by the applicant's professionally licensed engineers has estimated an eligible Federal share for a project of not less than \$5,000,000, an independent expert panel to validate the estimated eligible cost consistent with applicable regulations and policies implementing this section;

"(F) in determining eligible cost 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 regulation, policy, and guidance; and

"(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 nonprofit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

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

"(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 State, tribal, and local governments to have a debris management plan approved by the Federal Emergency Management Agency and have prequalified one 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 waive such regulations or rules as the Administrator determines are necessary to carry out the alternative procedures under this section as a pilot program.

"(g) **REIMBURSEMENT.**—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall assure 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.)."

(d) 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 the following:

“(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”; and

(4) by adding at the end the following:

“(b) THRESHOLD.—

“(1) REPORT.—Not later than 1 year after the date of enactment of the Disaster Recovery Act of 2012, 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 the 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.”.

(e) 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.—The President may reimburse a State, tribal, or local government for costs relating to pay and benefits (including overtime and hazardous duty pay) for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, provided such work is not typically performed by such employees and the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals.

“(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall assure 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.).”.

(f) UNIFIED FEDERAL REVIEW.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by subsection (c), is 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 the

Disaster Recovery Act of 2012, 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.

“(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 shall be updated as appropriate.”.

(g) DISPUTE RESOLUTION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(B) the term “eligible assistance” means assistance—

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

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

(iii) for which the applicant has a non-Federal share.

(2) PROCEDURES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, 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.

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

(C) CONSIDERATIONS.—The procedures established under this subsection shall—

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

(ii) require a party requesting an independent review panel as described in clause (i) to agree to forego rights to any further appeal of the dispute relating to any eligible assistance;

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

(I) an individual or entity unaffiliated with the dispute (which may include a Federal agency, an administrative law judge, or a re-employed 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 subsection;

(iv) require an independent review panel to—

(I) resolve any remaining disputed issue in accordance with all applicable laws, regulations, and Federal Emergency Management 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 Federal Emergency Management Agency made its initial decision;

(III) only set aside a decision of the Federal Emergency Management Agency found to be arbitrary, capricious, an abuse of dis-

cretion, 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;

(v) require an independent review panel to expeditiously issue a written decision for any alternative dispute resolution under this subsection; and

(vi) direct that if an independent review panel for any alternative dispute resolution under this subsection 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 of the Federal Emergency Management Agency relating to the review by the independent review panel.

(D) FUNDS RECEIVED.—Any funds received by the Federal Emergency Management Agency under the authority under this subsection 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.

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

(4) REPORT.—

(A) IN GENERAL.—Not later than 270 days after the termination of authority under this subsection pursuant to paragraph (3), 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 subsection.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

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

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

(iii) 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;

(iv) 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;

(v) a recommendation as to whether any aspect of the program under this subsection should be made a permanent authority; and

(vi) recommendations for any modifications to the authority or the administration of the authority under this subsection in order to improve the disaster recovery process.

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

to measure the severity, magnitude, and impact of a disaster.

(i) **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,”.

(j) **TEMPORARY HOUSING.**—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 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 improvement 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 shall be deducted from the value of the lease agreement; and may not exceed the value of the lease agreement.

“(III) **PERIOD OF ASSISTANCE.**—The President may not provide direct assistance under this clause with respect to a major disaster after the end of the 18-month period beginning on the date of declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.”; and

(3) in clause (iv), as so redesignated, by striking “clause (ii)” and inserting “clause (iii)”.

(k) **TRIBAL REQUESTS FOR A MAJOR DISASTER OR EMERGENCY DECLARATION UNDER THE STAFFORD ACT.**—

(1) **MAJOR DISASTER REQUESTS.**—Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is amended—

(A) by striking “All requests for a declaration” and inserting “(a) **IN GENERAL.**—All requests for a declaration”; and

(B) 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 Act, 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 Act 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 Act, 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 Act; 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).”.

(2) **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 request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

“(2) **REFERENCES.**—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for an emergency declaration, any reference in this Act, 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 Act 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.”.

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

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

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

(C) 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

(D) 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.”.

(4) **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 the plural form of such terms) with respect to govern-

ments or officials and any reference to a ‘local government’ in sections 406(d)(3) and 417 shall be deemed to refer also to Indian tribal governments and officials, as appropriate.”.

(5) **REGULATIONS.**—

(A) **ISSUANCE.**—The President shall issue regulations to carry out the amendments made by this subsection.

(B) **FACTORS.**—In issuing regulations under this paragraph, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.

(1) **REPORT.**—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 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.

(m) APPLICABILITY.—Unless otherwise specified, this section and the amendments made by this section shall apply for—

(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 before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

TITLE VII

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$78,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricane Sandy, \$50,000,000, to remain available until September 30, 2015, including costs to states necessary to complete compliance activities required by section 106 of the National Historic Preservation Act and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$348,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OIL SPILL RESEARCH

For an additional amount for “Oil Spill Research” for necessary expenses related to the consequences of Hurricane Sandy, \$3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OPERATIONS

OFFICE OF THE SECRETARY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Departmental Operations” and any Department of the Interior component bureau or office for necessary expenses related to the consequences of Hurricane Sandy and for other activities related to storms and natural disasters, \$150,000,000, to remain available until expended: *Provided*, That funds appropriated herein shall be used to restore and rebuild

parks, refuges, and other public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand future storms and reduce the amount of damage caused by such storms; protect natural and cultural values; and assist State, tribal and local governments: *Provided further*, That the Secretary may transfer these funds to any other account in the Department and may expend such funds by direct expenditure, grants, or cooperative agreements, including grants to or cooperative agreements with States, Tribes, and municipalities, to carry out the purposes provided herein: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan for the amounts provided herein within 60 days of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for “Environmental Programs and Management” for necessary expenses related to the consequences of Hurricane Sandy, \$725,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for “Hazardous Substance Superfund” for necessary expenses related to the consequences of Hurricane Sandy, \$2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for “Leaking Underground Storage Tank Fund” for necessary expenses related to the consequences of Hurricane Sandy, \$5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for “State and Tribal Assistance Grants”, \$810,000,000, to remain available until expended, of which \$700,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under Title VI of the Federal Water Pollution Control Act, and of which \$110,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided*, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for Hurricane Sandy: *Provided further*, That no eligible state shall receive less than two percent of such funds: *Provided further*, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act:

Provided further, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That the funds appropriated herein shall only be used for eligible projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: *Provided further*, That notwithstanding the definition of treatment works in section 212 of the Federal Water Pollution Control Act, and subject to the purposes described herein, the funds appropriated herein shall be available for the purchase of land and easements necessary for the siting of eligible treatment works projects: *Provided further*, That the Administrator may retain up to \$1,000,000 of the funds appropriated herein for management and oversight of the requirements of this section: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance” for necessary expenses related to the consequences of Hurricane Sandy, \$4,400,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER RELATED AGENCY

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Training and Employment Services”, \$50,000,000, for the dislocated workers assistance national reserve for necessary expenses resulting from Hurricane Sandy, which shall be available from the date of enactment of this Act through September 30, 2013: *Provided*, That the Secretary of Labor may transfer up to \$3,500,000 of such funds to any other Department of Labor account for other Hurricane Sandy reconstruction and recovery needs, including worker protection activities: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
SOCIAL SERVICES BLOCK GRANT

For an additional amount for “Social Services Block Grant”, \$500,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: *Provided*, That, notwithstanding section 2002 of the Social Security Act, the distribution of such amount shall be limited to States directly affected by these events: *Provided further*, That section 2002(c) of the Social Security Act shall be applied to funds appropriated in this paragraph by substituting succeeding 2 fiscal years for succeeding fiscal year: *Provided further*, That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: *Provided further*, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated in this paragraph may be used for health services (including mental health services), and for costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: *Provided further*, That notwithstanding paragraphs (2) and (8) of section 2005(a) of the Social Security Act, a State may use up to 10 percent of its allotment of funds appropriated in this paragraph to supplement any other funds available for the following costs, subject to guidelines established by the Secretary, for health care providers (as defined by the Secretary): (a) payments to compensate employees of health care providers for wages lost as a direct result of Hurricane Sandy, and (b) payments to support the viability of health care providers with facilities that were substantially damaged as a direct result of Hurricane Sandy: *Provided further*, That funds appropriated in this paragraph are also available for costs incurred up to 3 days prior to Hurricane Sandy’s October 29, 2012, landfall, subject to Federal review of documentation of the cost of services provided: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or insurance: *Provided further*, That, with respect to the Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in Subpart C of 45 CFR Part 1309 shall apply: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$100,000,000, for making payments under the Head Start Act in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: *Provided*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) or the matching requirements of section 640(b) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall be available through September

30, 2014 for activities to assist affected Head Start agencies, including technical assistance, costs of Head Start services (including supportive services for children and families, and provision of mental health services for children affected by Hurricane Sandy), and costs of renovating, repairing, or rebuilding those Head Start facilities damaged as a result of Hurricane Sandy: *Provided further*, That none of the funds appropriated in this paragraph shall be included in the calculation of the “base grant” in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” for disaster response and recovery, and other expenses related to Hurricane Sandy, and for other disaster-response activities, \$200,000,000, to remain available until expended: *Provided*, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, and shall be available only for the purposes provided in this paragraph: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: *Provided further*, That obligations incurred for response activities for Hurricane Sandy prior to the enactment of this Act may be charged to this appropriation: *Provided further*, That funds appropriated in this paragraph may be used for renovating, repairing, or rebuilding non-Federal research facilities damaged as a result of Hurricane Sandy: *Provided further*, That funds appropriated under this paragraph shall not be available for costs that are eligible for reimbursement by the Federal Emergency Management Agency or are covered by insurance: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for “Limitation on Administrative Expenses”, \$2,000,000, for necessary expenses resulting from Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IX

DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL
GUARD

For an additional amount for “Military Construction, Army National Guard”, \$24,200,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not oth-

erwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for “Medical Services”, \$21,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for “Medical Facilities”, \$6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for “National Cemetery Administration”, \$1,100,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for “Information Technology Systems”, \$500,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for “Construction, Major Projects”, \$207,000,000 to remain available until expended, for renovations and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Facilities and equipment”, \$30,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID HIGHWAYS
EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$921,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL RAILROAD ADMINISTRATION
GRANTS TO THE NATIONAL RAILROAD
PASSENGER CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurricane Sandy and to advance capital projects that address Northeast Corridor infrastructure recovery, mitigation and resiliency in the affected areas, \$336,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Railroad Administration may retain up to one-half of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION
PUBLIC TRANSPORTATION EMERGENCY RELIEF
PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 5324 of title 49, United States Code, \$10,783,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, That, of the funds provided under this heading, the Secretary may transfer up to \$5,383,000,000 to the appropriate agencies to fund programs authorized under titles 23 and 49, United States Code, in order to carry out mitigation projects related to reducing risk of damage from future disasters in areas impacted by Hurricane Sandy: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 15 days in advance of any such transfer: *Provided further*, That notwithstanding any other provision of law, the Federal share for all projects funded under this heading for repairs, reconstruction or mitigation of transportation infrastructure in areas impacted by Hurricane Sandy shall be 90 percent: *Provided further*, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized under 49 U.S.C. 5334 and 5338(i)(2) and shall be in addition to any other appropriations for such purposes: *Provided further*, That, of the funds made available under this heading, \$6,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT
COMMUNITY PLANNING AND DEVELOPMENT
COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community Development Fund" for necessary ex-

penses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), \$17,000,000,000, to remain available until expended, of which at least \$2,000,000,000 shall be used for mitigation projects to reduce future risk and vulnerabilities: *Provided*, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: *Provided further*, That, of the amount provided under this heading, \$100,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with a disaster declared in 2011 or 2012: *Provided further*, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: *Provided further*, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: *Provided further*, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That the Secretary shall by notice specify the criteria for approval of such plans within 45 days of enactment of this Act: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105-276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: *Provided further*, That a grantee may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: *Provided further*, That the Secretary shall provide grantees with technical assistance on contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of these funds, to incorporate performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the use of any funds for management and administrative purposes: *Provided further*, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), pursuant to a determination by

the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): *Provided further*, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds to match or supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit: *Provided further*, That, notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That a waiver granted by the Secretary may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is a compelling need to further reduce or eliminate the percentage requirement: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That funds provided under this heading to for-profit enterprises may only assist such enterprises that meet the definition of small business as defined by the Small Business Administration under 13 CFR part 121: *Provided further*, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(i): *Provided further*, That of the funds made available under this heading, up to \$10,000,000 may be transferred to "Program Office Salaries and Expenses, Community Planning and Development" for technical assistance and administrative costs (including information technology costs), related solely to administering funds available under this heading or funds made available under prior appropriations to the "Community Development Fund" for disaster relief, long-term recovery, or emergency expenses: *Provided further*, That, of the funds made available under this heading, \$10,000,000 shall be transferred to "Office of Inspector General": *Provided further*, That the amounts provided under this heading are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make temporary adjustments to the

Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

SEC. 1002. The Departments of Transportation and Housing and Urban Development shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementing the provisions in this title, and updates to such plan on a biannual basis thereafter.

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State or locality is selected to receive a grant award totaling \$1,000,000 or more is announced by either Department or a modal administration.

TITLE XI

GENERAL PROVISIONS—THIS ACT

SEC. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1103. (a) Not later than March 31, 2013, in accordance with criteria to be established by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act.

(b) All programs and activities receiving funds under this Act shall be deemed to be "susceptible to significant improper payments" for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (IPIA), notwithstanding section 2(a) of IPIA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, after consultation with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities

funded by this title that involve repairing, rebuilding, or restoring infrastructure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that such reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and maintain the flow of power to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development as chair of the Hurricane Sandy Rebuilding Task Force shall issue appropriate guidelines to implement this requirement.

This Act may be cited as the "Disaster Relief Appropriations Act, 2013".

SA 3339. Mr. LEAHY (for Mr. INOUE) proposed an amendment to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

On page 16, line 8, strike "was", and insert "were" in lieu thereof.

SA 3340. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 501 and insert the following:

SEC. 501. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by striking "does not exceed" and all that follows through the period at the end and inserting "does not exceed \$6,500,000, as adjusted for inflation in accordance with section 1908 of title 41, United States Code."; and

(3) by adding at the end the following:

"(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed \$10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary."

(b) LIMITATION OF LIABILITY.—Section 411(c)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(1)) is amended by striking "70 per centum" and inserting "90 percent".

(c) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

"(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

"(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation;

"(2) the total contract amount at the time of execution of the bond or bonds exceeds \$6,500,000;

"(3) the surety has breached a material term or condition of such guarantee agreement; or

"(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d)."; and

(2) by striking subsection (k), as added by section 508(b)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 158), and inserting the following:

"(j) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guarantee application."

(d) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by striking paragraph (9), as added by section 508(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 158), and inserting the following:

"(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System."

SA 3341. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investigative Assistance for Violent Crimes Act of 2012".

SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking "\$2,000,000" and inserting "\$3,000,000"; and

(2) in section 530C(b)(1), by adding at the end the following—

"(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

“(ii) For purposes of this subparagraph—

“(I) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(II) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

“(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

“(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(B) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

SA 3342. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; as follows:

In lieu of matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Investigative Assistance for Violent Crimes Act of 2012”.

SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking “\$2,000,000” and inserting “\$3,000,000”; and

(2) in section 530C(b)(1), by adding at the end the following—

“(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

“(ii) For purposes of this subparagraph—

“(I) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(II) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

“(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

“(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs En-

forcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(B) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

SA 3343. Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 4362, to provide effective criminal prosecutions for certain identity thefts, and for other purposes; which was referred to the Committee on the Judiciary; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012” or the “STOP Identity Theft Act of 2012”.

SEC. 2. USE OF DEPARTMENT OF JUSTICE RESOURCES WITH REGARD TO TAX RETURN IDENTITY THEFT.

(a) IN GENERAL.—The Attorney General should make use of all existing resources of the Department of Justice, including any appropriate task forces, to bring more perpetrators of tax return identity theft to justice.

(b) CONSIDERATIONS TO BE TAKEN INTO ACCOUNT.—In carrying out this section, the Attorney General should take into account the following:

(1) The need to concentrate efforts in those areas of the country where the crime is most frequently reported.

(2) The need to coordinate with State and local authorities for the most efficient use of their laws and resources to prosecute and prevent the crime.

(3) The need to protect vulnerable groups, such as veterans, seniors, and minors (especially foster children) from becoming victims or otherwise used in the offense.

SEC. 3. VICTIMS OF IDENTITY THEFT MAY INCLUDE ORGANIZATIONS.

Chapter 47 of title 18, United States Code, is amended—

(1) in section 1028—

(A) in subsection (a)(7), by inserting “(including an organization)” after “another person”; and

(B) in subsection (d)(7), in the matter preceding subparagraph (A), by inserting “or other person” after “specific individual”; and

(2) in section 1028A(a)(1), by inserting “(including an organization)” after “another person”.

SEC. 4. IDENTITY THEFT FOR PURPOSES OF TAX FRAUD.

Section 1028(b)(3) of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” after the semicolon; and

(3) by adding at the end the following:

“(D) during and in relation to a felony under section 7206 or 7207 of the Internal Revenue Code of 1986.”.

SEC. 5. REPORTING REQUIREMENT.

(a) GENERALLY.—Beginning with the first report made more than 9 months after the date of the enactment of this Act under sec-

tion 1116 of title 31, United States Code, the Attorney General shall include in such report the information described in subsection (b) of this section as to progress in implementing this Act and the amendments made by this Act.

(b) CONTENTS.—The information referred to in subsection (a) is as follows:

(1) Information readily available to the Department of Justice about trends in the incidence of tax return identity theft.

(2) The effectiveness of statutory tools, including those provided by this Act, in aiding the Department of Justice in the prosecution of tax return identity theft.

(3) Recommendations on additional statutory tools that would aid in removing barriers to effective prosecution of tax return identity theft.

(4) The status on implementing the recommendations of the Department’s March 2010 Audit Report 10-21 entitled “The Department of Justice’s Efforts to Combat Identity Theft”.

SA 3344. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . APPROVAL OF THE 2010 U.S.-PALAU AGREEMENT IN RESPONSE TO SUPER TYPHOON BOPHA.

(a) IN GENERAL.—The agreement entitled “The Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review” signed on September 3, 2010 (including the appendices to the agreement) (referred to in this section as the “Agreement”) is approved (other than Article 7 to the extent it extends Article X of the Federal Programs and Services Agreement) and may only enter into force after the Secretary of State, in coordination with the Secretary of the Interior, enters into an implementing arrangement with the Republic of Palau that makes the adjustments to dates and amounts as set forth in Senate Amendment 3331.

(b) AMENDMENT.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking “2009” and inserting “2024”.

(c) FUNDING.—

(1) IN GENERAL.—There are appropriated to the Secretary of the Interior such sums as are specified to carry out sections 1, 2(a), 4(a), and 5 of the Agreement for each of fiscal years 2014 through 2024.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

(3) EMERGENCY DESIGNATION.—Amounts appropriated under paragraph (1) are designated by Congress as being for an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 3345. Mrs. HAGAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Uninterrupted Scholars Act (USA)”.

SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the “Family Educational Rights and Privacy Act of 1974”) is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking “and” after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting “; and”; and

(C) by inserting after subparagraph (K), the following:

“(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), who has the right to access a student’s case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student’s education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student’s education records.”; and

(2) in paragraph (2)(B), by inserting “, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required” after “educational institution or agency”.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent, on behalf of Senator INOUE, that Karen Courington and Mike Hansen, legislative fellows detailed to the Committee on Appropriations, be granted the privileges of the floor during consideration of the fiscal year 2013 disaster assistance supplemental.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRENGTHENING INVESTIGATIONS OF SEX OFFENDERS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 246, S. 1792.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1792) to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, I am pleased that the Senate is finally being

allowed to take up the Investigative Assistance for Violent Crimes Act and the Strengthening Investigations of Sex Offenders and Missing Children Act. These two legislative proposals will enhance federal law enforcement officers’ ability to investigate and solve crimes. I want to thank Senator WHITEHOUSE for his leadership and perseverance in working to pass these important clarifications to existing federal law enforcement authorities.

The Investigative Assistance for Violent Crimes Act of 2011 clarifies the authority of the FBI and other Federal law enforcement agencies to assist state and local law enforcement upon request with investigations of mass killings and other instances of public violence. This important legislation will help to ensure that State and local law enforcement agencies receive the assistance they need in times of crisis. I am disappointed that this Senate bill, which was voted out of the Judiciary Committee on November 17, 2011, with overwhelming support, and the companion House bill, which was passed by the House by a vote of 358 to 9, were held up for more than a year. I hope that there is still time this session for the House to take action so that the bill can be sent to the President and he can sign it into law without further delay.

When tragedy strikes, as with the shootings in Tucson, AZ, in 2011, in Aurora, CO, in 2012, and this past Friday in Newtown, CT, there should be no doubt that Federal law enforcement can assist state and local police officers. The Investigative Assistance for Violent Crimes Act will ensure that all hands can be on deck when law enforcement assistance is needed most.

The Strengthening Investigations of Sex Offenders and Missing Children Act will reconcile an inconsistency in the United States Marshals Service’s statutory authority to improve the ability of U.S. Marshals to investigate cases involving missing children and certain sex offenders. The United States Marshals Service is a key partner in the investigation and prosecution of missing and exploited children, and we must ensure that there is no question as to the marshals’ authority to assist in these cases.

I regret that there are still Republican Senators holding up passage of other legislation to provide Federal assistance to state and local law enforcement that they need. Among the measures being stalled are the Justice for All Reauthorization Act, the National Blue Alert Act, Local Courthouse Safety Act, the Bulletproof Vest Partnership Grant Act, and the Edward Byrne Memorial Justice Award Grant Program Reauthorization.

At least one Republican Senator has gone so far as to contend that it is unconstitutional for the Federal Government to provide assistance and support to State and local law enforcement. I disagree. I believe such support is essential to State and local law enforce-

ment as they work hard to protect communities in difficult times when resources from State and local governments are being squeezed.

I yield the floor.

Mr. WHITEHOUSE. Madam President, I rise today in support of S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act of 2011. This legislation, which is cosponsored by Senators SESSIONS, FEINSTEIN, SCHUMER, KLOBUCHAR, and BLUMENTHAL, as well as Chairman LEAHY of the Judiciary Committee, would clarify the authority of the U.S. Marshals to help track down sex offenders and missing children. It is a simple and common sense of piece of legislation. I urge my fellow Senators to support it, with the hope that our colleagues in the House will soon send it to the President’s desk to be signed into law.

As my colleagues know, time is of the essence when children go missing. Of those children who are abducted and subsequently murdered, 74% are killed within 3 hours of being abducted. The U.S. Marshals Service has extensive experience with and sophisticated tools for quickly identifying and tracking down fugitives and missing individuals. Notably, the U.S. Marshals Service has substantial resources for finding the fugitive sex offenders who too often are involved in child abductions.

As a result, state and local law enforcement and the National Center for Missing and Exploited Children often call on the marshals to assist in the event that a child goes missing. This bill would make it clear that, upon request, the U.S. Marshals are allowed to assist in investigating these cases, even if an arrest warrant has not yet issued. The bill also clarifies the Marshals Service’s authority to assist other law enforcement agencies, upon request, in investigating sex offender cases.

I thank Senator Sessions for working with me on this important legislation, and my fellow Judiciary Committee members Senators FEINSTEIN, SCHUMER, KLOBUCHAR, and BLUMENTHAL for supporting the bill. I also would like to thank Chairman LEAHY for cosponsoring the bill and for his leadership, both generally with respect to all his work to keep our children safe from predators and specifically for moving this piece of legislation through Committee.

I am confident that every member of the Senate will understand the clear and simple principle behind this legislation and the important threat to our children that it addresses. The bill was reported by a voice vote of the Judiciary Committee, I am aware of no concerns or opposition, and I would urge my colleagues to ensure its prompt passage by the Senate.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the