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(Original Signature of Member)

112TH CONGRESS  
2D SESSION

**H. R.**

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

IN THE HOUSE OF REPRESENTATIVES

Mr. DENHAM (for himself, Mr. MICA, and [see ATTACHED LIST of cosponsors])  
introduced the following bill; which was referred to the Committee on

**A BILL**

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

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

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Hazard mitigation.
- Sec. 3. Individual assistance factors.

- Sec. 4. Public assistance program alternative procedures.
- Sec. 5. Tribal requests for a major disaster or emergency declaration under the Stafford Act.
- Sec. 6. Federal assistance to individuals and households.
- Sec. 7. Simplified procedures.
- Sec. 8. Unified Federal review.
- Sec. 9. Child care.
- Sec. 10. Essential assistance.
- Sec. 11. State hazard mitigation plans.
- Sec. 12. Other methods of disposal.
- Sec. 13. Integrated public alert and warning system modernization.
- Sec. 14. Report on impacts of Hurricane Sandy.
- Sec. 15. Urban Search and Rescue Response System.
- Sec. 16. Recovery commissions.
- Sec. 17. Enhancing response and recovery operations and programs.
- Sec. 18. Federal recovery preparedness officials.
- Sec. 19. Dispute resolution pilot program.

1 **SEC. 2. HAZARD MITIGATION.**

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

6 “(d) STREAMLINED PROCEDURES.—

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

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

16 “(B) the shortest existing applicable proc-  
17 ess under the National Environmental Policy

1 Act of 1969 and the National Historic Preser-  
2 vation Act is utilized.

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

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

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

1 to implement this paragraph, the Administrator may  
2 waive notice and comment rulemaking, if the Adminis-  
3 trator determines doing so is necessary to expeditiously  
4 implement this section, and may carry out this section as  
5 a pilot program.”.

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

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

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

17 **SEC. 3. INDIVIDUAL ASSISTANCE FACTORS.**

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

1 atives of State, tribal, and local emergency management  
2 agencies, shall review, update, and revise through rule-  
3 making the factors considered under section 206.48 of  
4 title 44, Code of Federal Regulations (including section  
5 206.48(b)(2) of such title relating to trauma and the spe-  
6 cific conditions or losses that contribute to trauma), to  
7 measure the severity, magnitude, and impact of a disaster.

8 **SEC. 4. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PRO-**  
9 **CEDURES.**

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

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

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

17 **“SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE**  
18 **PROCEDURES.**

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

1 to a major disaster or emergency declared before enact-  
2 ment of this Act for which construction has not begun as  
3 of the date of enactment of this Act.

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

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

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

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

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

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

24 “(d) PARTICIPATION.—Participation in the alter-  
25 native procedures adopted under this section shall be at

1 the election of a State, tribal or local government, or  
2 owner or operator of a private nonprofit facility consistent  
3 with procedures determined by the Administrator.

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

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

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

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

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

24 “(ii) management expenses;

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

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

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

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

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

1 regulations and policies implementing this sec-  
2 tion; and

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

11 “(2) For debris removal under sections  
12 403(a)(3)(A), 407, and 502(a)(5)—

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

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

1           “(C) allowing use of program income from  
2 recycled debris without offset to the grant  
3 amount;

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

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

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

20                   “(i) debris management planning;

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

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

1       “(f) WAIVER AUTHORITY.—Until such time as the  
2 Administrator promulgates regulations to implement this  
3 section, the Administrator may—

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

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

9       “(g) OVERTIME PAYMENTS.—The guidelines for re-  
10 imbursement for costs under subsection (e)(2)(D) shall  
11 ensure that no State or local government is denied reim-  
12 bursement for overtime payments that are required pursu-  
13 ant to the Fair Labor Standards Act of 1938 (29 U.S.C.  
14 201 et seq.).

15       “(h) REPORT.—

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

1       damaged facilities under section 406 authorized  
2       under this section.

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

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

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

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

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

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

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

1 **SEC. 5. TRIBAL REQUESTS FOR A MAJOR DISASTER OR**  
2 **EMERGENCY DECLARATION UNDER THE**  
3 **STAFFORD ACT.**

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

7 (1) by striking “All requests for a declaration”  
8 and inserting “(a) IN GENERAL.—All requests for a  
9 declaration”; and

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

11 “(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

12 “(1) IN GENERAL.—The Chief Executive of an  
13 affected Indian tribal government may submit a re-  
14 quest for a declaration by the President that a  
15 major disaster exists consistent with the require-  
16 ments of subsection (a).

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

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

8           “(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIB-  
9           AL GOVERNMENTS.—

10           “(1) IN GENERAL.—In providing assistance to  
11           an Indian tribal government under this title, the  
12           President may waive or adjust any payment of a  
13           non-Federal contribution with respect to the assist-  
14           ance if—

15                   “(A) the President has the authority to  
16                   waive or adjust the payment under another pro-  
17                   vision of this title; and

18                   “(B) the President determines that the  
19                   waiver or adjustment is necessary and appro-  
20                   priate.

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

24           (b) EMERGENCY REQUESTS.—Section 501 of the  
25           Robert T. Stafford Disaster Relief and Emergency Assist-

1 ance Act (42 U.S.C. 5191) is amended by adding at the  
2 end the following:

3 “(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

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

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

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

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

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

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

9 (3) by inserting after paragraph (5) the fol-  
10 lowing:

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

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

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

23 (d) REFERENCES.—Title I of the Robert T. Stafford  
24 Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 5121 et seq.) is amended by adding after section 102 the  
2 following:

3 **“SEC. 103. REFERENCES.**

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

11 (e) REGULATIONS.—

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

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

19 **SEC. 6. FEDERAL ASSISTANCE TO INDIVIDUALS AND**  
20 **HOUSEHOLDS.**

21 Section 408(c)(1)(B) of the Robert T. Stafford Dis-  
22 aster Relief and Emergency Assistance Act (42 U.S.C.  
23 5174(c)(1)(B)) is amended—

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

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

2 “(ii) LEASE AND REPAIR OF RENTAL  
3 UNITS FOR TEMPORARY HOUSING.—

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

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

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

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

1                   “(aa) shall be deducted from  
2                   the value of the lease agreement;  
3                   and

4                   “(bb) may not exceed the  
5                   value of the lease agreement.”;  
6                   and

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

9   **SEC. 7. SIMPLIFIED PROCEDURES.**

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

13           (1) by striking “If the Federal estimate” and  
14           inserting “(a) IN GENERAL.—If the Federal esti-  
15           mate”;

16           (2) by inserting “(or, if the Administrator has  
17           established a threshold under subsection (b), the  
18           amount established under subsection (b))” after  
19           “\$35,000” the first place it appears;

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

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

24           “(b) THRESHOLD.—

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

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

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

17           “(2) AMOUNT.—After the Administrator sub-  
18           mits the report required under paragraph (1), the  
19           President shall direct the Administrator to—

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

24                   “(B) adjust the threshold annually to re-  
25                  flect changes in the Consumer Price Index for

1 all Urban Consumers published by the Depart-  
2 ment of Labor.

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

9 **SEC. 8. UNIFIED FEDERAL REVIEW.**

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

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

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

23 “(b) CONTENTS.—The review process established  
24 under this section shall include mechanisms to expedi-  
25 tiously address delays that may occur during the recovery

1 from a major disaster and be updated, as appropriate,  
2 consistent with applicable law.”.

3 **SEC. 9. CHILD CARE.**

4 Section 408(e)(1) of the Robert T. Stafford Disaster  
5 Relief and Emergency Assistance Act (42 U.S.C.  
6 5174(e)(1)) is amended—

7 (1) in the paragraph heading by inserting

8 “CHILD CARE,” after “DENTAL,”; and

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

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

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

14 “(d) SALARIES AND BENEFITS.—

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

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

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

1                   “(ii) the type of work may otherwise  
2                   be carried out by contract or agreement  
3                   with private organizations, firms, or indi-  
4                   viduals.; or

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

10                  “(2) OVERTIME.—The guidelines for reimburse-  
11                  ment for costs under paragraph (1) shall ensure that  
12                  no State, tribal, or local government is denied reim-  
13                  bursement for overtime payments that are required  
14                  pursuant to the Fair Labor Standards Act of 1938  
15                  (29 U.S.C. 201 et seq.).

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

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

21                  The President, acting through the Administrator of  
22                  the Federal Emergency Management Agency, shall revise  
23                  regulations related to the submission of State Hazard  
24                  Mitigation Plans to extend the hazard mitigation planning

1 cycle to every 5 years, consistent with local planning cy-  
2 cles.

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

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

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

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

20 (b) **INTEGRATED PUBLIC ALERT AND WARNING SYS-**  
21 **TEM MODERNIZATION.**—

22 (1) **IN GENERAL.**—To provide timely and effec-  
23 tive warnings regarding disasters and other hazards  
24 to public safety, the President, acting through the  
25 Administrator of the Federal Emergency Manage-

1       ment Agency (in this section referred to as the “Ad-  
2       ministrator”), shall—

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

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

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

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

21              (B) include in the public alert and warning  
22              system the capability to adapt the distribution  
23              and content of communications on the basis of  
24              geographic location, risks, and multiple commu-

1            nication systems and technologies, as appro-  
2            priate;

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

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

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

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

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

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

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

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

22 (H) coordinate with, and consider the rec-  
23 ommendations of the subcommittee established  
24 under subsection (c); and

1 (I) to the extent that the development of  
2 the public alert and warning system is not con-  
3 sistent with the recommendations of the sub-  
4 committee, report such inconsistencies to the  
5 Committee on Homeland Security and Govern-  
6 mental Affairs of the Senate and the Committee  
7 on Transportation and Infrastructure and the  
8 Committee on Homeland Security of the House  
9 of Representatives.

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

12 (A) incorporate multiple communications  
13 technologies;

14 (B) be designed to adapt to, and incor-  
15 porate, future technologies for communicating  
16 directly with the public;

17 (C) to the extent technically feasible, be  
18 designed—

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

1 (ii) to improve the ability of remote  
2 areas to receive alerts;

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

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

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

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

1 (5) USE OF SYSTEM.—

2 (A) LIMITATION.—Except to the extent  
3 necessary for testing the public alert and warn-  
4 ing system, the public alert and warning system  
5 shall not be used to transmit a message that  
6 does not relate to a disaster or other hazard to  
7 public safety.

8 (B) CONSUMER OPT-OUT.—Nothing in this  
9 section shall be construed to supersede section  
10 602 of the SAFE Port Act (47 U.S.C. 1201).

11 (6) PERFORMANCE REPORTS.—

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

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

22 (ii) describe the performance of the  
23 public alert and warning system, includ-  
24 ing—

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

4 (II) the measures taken to alert,  
5 warn, and provide equivalent informa-  
6 tion to individuals with disabilities  
7 and individuals with limited-English  
8 proficiency; and

9 (III) the training, tests, and ex-  
10 ercises performed and the outcomes  
11 obtained by the Federal Emergency  
12 Management Agency;

13 (iii) identify significant challenges to  
14 the effective operation of the public alert  
15 and warning system and any plans to ad-  
16 dress these challenges;

17 (iv) identify other necessary improve-  
18 ments to the system; and

19 (v) provide an analysis comparing the  
20 performance of the public alert and warn-  
21 ing system with the performance goals es-  
22 tablished under clause (i).

23 (B) CONGRESS.—The Administrator shall  
24 submit to the Committee on Homeland Security  
25 and Governmental Affairs of the Senate and the

1           Committee on Transportation and Infrastruc-  
2           ture and the Committee on Homeland Security  
3           of the House of Representatives each report re-  
4           quired under subparagraph (A).

5           (c) INTEGRATED PUBLIC ALERT AND WARNING SYS-  
6           TEM SUBCOMMITTEE.—

7           (1) ESTABLISHMENT.—Not later than 90 days  
8           after the date of enactment of this Act, the Adminis-  
9           trator shall establish a Subcommittee to the Na-  
10          tional Advisory Council established under section  
11          508 of the Homeland Security Act of 2002 (6  
12          U.S.C. 318) to be known as the Integrated Public  
13          Alert and Warning System Subcommittee (in this  
14          subsection referred to as the “Subcommittee”).

15          (2) MEMBERSHIP.—Notwithstanding section  
16          508(c) of the Homeland Security Act of 2002 (6  
17          U.S.C. 318(e)), the Subcommittee shall be composed  
18          of the following members (or their designees) to be  
19          appointed by the Administrator as soon as prac-  
20          ticable after the date of enactment of this Act:

21                 (A) The Chairman of the Federal Commu-  
22                 nications Commission.

23                 (B) The Administrator of the National  
24                 Oceanic and Atmospheric Administration of the  
25                 Department of Commerce.

1           (C) The Assistant Secretary for Commu-  
2           nications and Information of the Department of  
3           Commerce.

4           (D) The Under Secretary for Science and  
5           Technology of the Department of Homeland Se-  
6           curity.

7           (E) The Under Secretary for the National  
8           Protection and Programs Directorate.

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

12          (G) The National Council on Disability.

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

17               (i) Representatives of State and local  
18               governments, representatives of emergency  
19               management agencies, and representatives  
20               of emergency response providers, with the  
21               Administrator considering individuals nom-  
22               inated by national organizations rep-  
23               resenting governments and personnel.

1 (ii) Representatives from federally rec-  
2 ognized Indian tribes and national Indian  
3 organizations.

4 (iii) Individuals who have the requisite  
5 technical knowledge and expertise to serve  
6 on the Subcommittee, including representa-  
7 tives of—

8 (I) communications service pro-  
9 viders;

10 (II) vendors, developers, and  
11 manufacturers of systems, facilities,  
12 equipment, and capabilities for the  
13 provision of communications services;

14 (III) third-party service bureaus;

15 (IV) the broadcasting industry;

16 (V) the cellular industry;

17 (VI) the cable industry;

18 (VII) the satellite industry;

19 (VIII) national organizations rep-  
20 resenting individuals with disabilities,  
21 the blind, deaf, and hearing-loss com-  
22 munities, individuals with access and  
23 functional needs, and the elderly;

24 (IX) consumer or privacy advo-  
25 cates; and

1 (X) organizations representing  
2 individuals with limited-English pro-  
3 ficiency.

4 (iv) Qualified representatives of such  
5 other stakeholders and interested and af-  
6 fected parties as the Administrator con-  
7 siders appropriate.

8 (3) CHAIRPERSON.—The Administrator shall  
9 serve as the Chairperson of the Subcommittee.

10 (4) MEETINGS.—

11 (A) INITIAL MEETING.—The initial meet-  
12 ing of the Subcommittee shall take place not  
13 later than 120 days after the date of enactment  
14 of this Act.

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

18 (5) CONSULTATION WITH NONMEMBERS.—The  
19 Subcommittee and the program offices for the inte-  
20 grated public alert and warning system for the  
21 United States shall consult with groups that are not  
22 represented on the Subcommittee to consider new  
23 and developing technologies that may be beneficial to  
24 the public alert and warning system. Such groups  
25 may include—

1 (A) the Defense Advanced Research  
2 Projects Agency;

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

5 (C) academic institutions engaged in rel-  
6 evant work and research.

7 (6) RECOMMENDATIONS.—The Subcommittee  
8 shall develop recommendations for an integrated  
9 public alert and warning system, including—

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

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

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

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

24 (iii) incorporates multiple communica-  
25 tions technologies;

1 (iv) is designed to adapt to, and incor-  
2 porate, future technologies for commu-  
3 nicating directly with the public;

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

9 (vi) promotes local and regional public  
10 and private partnerships to enhance com-  
11 munity preparedness and response; and

12 (vii) provides redundant alert mecha-  
13 nisms if practicable in order to reach the  
14 greatest number of people regardless of  
15 whether they have access to, or utilize, any  
16 specific medium of communication or any  
17 particular device.

18 (7) REPORT.—Not later than 1 year after the  
19 date of enactment of this Act, the Subcommittee  
20 shall submit to the Administrator, the Committee on  
21 Transportation and Infrastructure and the Com-  
22 mittee on Homeland Security of the House of Rep-  
23 resentatives, and the Committee on Homeland Secu-  
24 rity and Governmental Affairs of the Senate a report

1 containing the recommendations of the Sub-  
2 committee.

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

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

8 (1) to provide the Secretary of Homeland Secu-  
9 rity authority to require any action by the Federal  
10 Communications Commission, the Department of  
11 Commerce, or any nongovernment entity; or

12 (2) to affect any existing obligations of the Fed-  
13 eral Communications Commission, the Department  
14 of Commerce, or any nongovernment entity.

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

16 Not later than 90 days after the date of enactment  
17 of this Act, the Chair of the Hurricane Sandy Rebuilding  
18 Task Force established by the President, in consultation  
19 with the Administrator of the Federal Emergency Man-  
20 agement Agency, the Secretary of the Treasury, and oth-  
21 ers whom the Chair determines to be appropriate, shall  
22 submit to the Committee on Appropriations and the Com-  
23 mittee on Homeland Security and Governmental Affairs  
24 of the Senate and the Committee on Appropriations and  
25 the Committee on Transportation and Infrastructure of

1 the House of Representatives a report that includes a dis-  
2 cussion of—

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

9 (2) the availability of loans from private sources  
10 to address such impacts, including information on  
11 interest rates, repayment terms, securitization re-  
12 quirements, and the ability of affected local govern-  
13 ments to qualify for such loans;

14 (3) the availability of Federal resources to ad-  
15 dress the budgetary impacts of Hurricane Sandy  
16 upon local governments;

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

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

1 (B) the regulations, policies, and proce-  
2 dures governing program mobilization to com-  
3 munities in need and expeditious processing of  
4 loan applications;

5 (C) information on interest rates, repay-  
6 ment terms, securitization requirements, and  
7 ability of affected local governments to qualify  
8 for such loans;

9 (D) criteria governing the cancellation of  
10 such loans, including appropriate classification  
11 of available revenues and eligible expenses, and  
12 the consistency of program rules with cus-  
13 tomary local government budgetary practices  
14 and State or local laws that affect the specific  
15 budgetary practices of local governments af-  
16 fected by Hurricane Sandy and other disasters;

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

19 (F) options for Congressional consideration  
20 related to legislative modifications of this pro-  
21 gram, and any other applicable provisions of  
22 Federal law, in order to address the budgetary  
23 impacts of Hurricane Sandy and other disasters  
24 upon local governments; and

1 (G) recommendations on steps the Federal  
2 Emergency Management Agency may take in  
3 order to improve program administration, effec-  
4 tiveness, communications, and speed; and

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

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

9 (a) IN GENERAL.—Title III of the Robert T. Stafford  
10 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
11 5141 et seq.) is amended by adding at the end the fol-  
12 lowing:

13 **“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RE-  
14 SPONSE SYSTEM.**

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

17 “(1) ADMINISTRATOR.—The term ‘Adminis-  
18 trator’ means the Administrator of the Federal  
19 Emergency Management Agency.

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

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

24 “(4) NON-EMPLOYEE SYSTEM MEMBER.—The  
25 term ‘non-employee System member’ means a Sys-

1       tem member not employed by a sponsoring agency  
2       or participating agency.

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

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

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

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

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

23               “(b) GENERAL AUTHORITY.—Subject to the require-  
24       ments of this section, the Administrator shall continue to

1 administer the emergency response system known as the  
2 National Urban Search and Rescue Response System.

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

7 “(d) TASK FORCES.—

8 “(1) DESIGNATION.—The Administrator shall  
9 designate task forces to participate in the System.  
10 The Administrator shall determine the criteria for  
11 such participation.

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

17 “(3) COMPOSITION.—

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

1           “(B) OTHER INDIVIDUALS.—A task force  
2           may also include, at the discretion of the spon-  
3           soring agency, other individuals not otherwise  
4           associated with the sponsoring agency or a par-  
5           ticipating agency of the task force. The spon-  
6           soring agency of a task force may enter into a  
7           separate agreement with each such individual  
8           with respect to the participation of the indi-  
9           vidual on the task force.

10          “(e) MANAGEMENT AND TECHNICAL TEAMS.—The  
11          Administrator shall maintain such management teams and  
12          other technical teams as the Administrator determines are  
13          necessary to administer the System.

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

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

23                 “(2) NONAPPLICABILITY OF CERTAIN CIVIL  
24                 SERVICE LAWS.—The Administrator may make ap-  
25                 pointments under paragraph (1) without regard to

1 the provisions of title 5, United States Code, gov-  
2 erning appointments in the competitive service.

3 “(3) RELATIONSHIP TO OTHER AUTHORI-  
4 TIES.—The authority of the Administrator to make  
5 appointments under this subsection shall not affect  
6 any other authority of the Administrator under this  
7 Act.

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

13 “(g) COMPENSATION.—

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

18 “(A) to reimburse each employer of a Sys-  
19 tem member on the task force for compensation  
20 paid by the employer to the System member for  
21 any period during which the System member is  
22 appointed into Federal service under subsection  
23 (f)(1); and

24 “(B) to make payments directly to a non-  
25 employee System member on the task force for

1 any period during which the non-employee Sys-  
2 tem member is appointed into Federal service  
3 under subsection (f)(1).

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

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

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

24 “(3) METHOD OF PAYMENT.—A System mem-  
25 ber shall not be entitled to pay directly from the

1 Agency for a period during which the System mem-  
2 ber is appointed into Federal service under sub-  
3 section (f)(1).

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

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

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

24 “(2) Preclusion of giving notice of service by  
25 necessity of appointment under this section is

1       deemed preclusion by ‘military necessity’ for pur-  
2       poses of section 4312(b) of title 38, United States  
3       Code, pertaining to giving notice of absence from a  
4       position of employment. A determination of such ne-  
5       cessity shall be made by the Administrator and shall  
6       not be subject to judicial review.

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

16      “(k) ADVISORY COMMITTEE.—

17              “(1) IN GENERAL.—The Administrator shall es-  
18      tablish and maintain an advisory committee to pro-  
19      vide expert recommendations to the Administrator in  
20      order to assist the Administrator in administering  
21      the System.

22              “(2) COMPOSITION.—The advisory committee  
23      shall be composed of members from geographically  
24      diverse areas, and shall include—

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

3           “(B) the senior emergency manager from  
4           at least two States that include sponsoring  
5           agencies; and

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

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

12          “(1) PREPAREDNESS COOPERATIVE AGREEMENTS.—

13           “(1) IN GENERAL.—Subject to the availability  
14          of appropriations for such purpose, the Adminis-  
15          trator shall enter into an annual preparedness coop-  
16          erative agreement with each sponsoring agency.  
17          Amounts made available to a sponsoring agency  
18          under such a preparedness cooperative agreement  
19          shall be for the following purposes:

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

23           “(B) Acquisition and maintenance of  
24          equipment, including interoperable communica-  
25          tions and personal protective equipment.

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

5           “(2) AVAILABILITY OF APPROPRIATIONS.—Not-  
6           withstanding section 1552(b) of title 31, United  
7           States Code, amounts made available for cooperative  
8           agreements under this subsection that are not ex-  
9           pended shall be deposited in an Agency account and  
10          shall remain available for such agreements without  
11          fiscal year limitation.

12          “(m) RESPONSE COOPERATIVE AGREEMENTS.—The  
13          Administrator shall enter into a response cooperative  
14          agreement with each sponsoring agency, as appropriate,  
15          under which the Administrator agrees to reimburse the  
16          sponsoring agency for costs incurred by the sponsoring  
17          agency in responding to a major disaster or emergency.

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

21          (b) CONFORMING AMENDMENTS.—

22                  (1) APPLICABILITY OF TITLE 5, UNITED  
23                  STATES CODE.—Section 8101(1) of title 5, United  
24                  States Code, is amended—

1 (A) in subparagraph (D) by striking “and”  
2 at the end;

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

5 (C) in subparagraph (F)—

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

7 and

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

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

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

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

20 (A) in paragraph (13) by inserting “, a pe-  
21 riod for which a System member of the Na-  
22 tional Urban Search and Rescue Response Sys-  
23 tem is absent from a position of employment  
24 due to an appointment into Federal service  
25 under section 327 of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act”  
2 before “, and a period”; and

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

10 **SEC. 16. RECOVERY COMMISSIONS.**

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

14 **“SEC. 328. RECOVERY COMMISSIONS.**

15 “(a) DEFINITIONS.—In this section—

16 “(1) the term ‘Administrator’ means the Ad-  
17 ministrator of the Federal Emergency Management  
18 Agency;

19 “(2) the term ‘Chairperson’ means the Chair-  
20 person of a Commission selected under subsection  
21 (b)(2); and

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

24 “(b) COMMISSION ESTABLISHMENT.—

1           “(1) IN GENERAL.—If the President determines  
2 it is appropriate after a large and complex major  
3 disaster, the President may establish a commission  
4 to facilitate and support States and local govern-  
5 ments in achieving an efficient, effective, and expedi-  
6 tious recovery from the major disaster.

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

16           “(3) MEMBERS OF COMMISSIONS.—Each Com-  
17 mission shall include as a member the Adminis-  
18 trator, the head of appropriate coordinating and pri-  
19 mary Federal agencies under the National Disaster  
20 Recovery Framework, and the head of any other  
21 Federal agency that the President determines nec-  
22 essary.

23           “(4) STAFFING.—Appropriate senior officials  
24 and employees may be detailed to a Commission to  
25 serve full-time or part-time, as appropriate, on the

1 Commission to ensure efficient coordination of the  
2 assistance provided by the Federal Government.

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

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

11 “(2) coordinate the activities of Federal agen-  
12 cies represented by the members of the Commission  
13 and other Federal agencies that the President deter-  
14 mines necessary, resolve disagreements relating to  
15 recovery from the major disaster between or among  
16 Federal agencies, and support implementation of the  
17 National Disaster Recovery Framework;

18 “(3) compile data relating to the recovery from  
19 the major disaster, including on the Federal assist-  
20 ance provided and the status of meeting recovery  
21 goals;

22 “(4) identify Federal regulations, policies, and  
23 procedures that need to be streamlined and coordi-  
24 nated to enable an efficient, expeditious, and effec-  
25 tive recovery from the major disaster;

1           “(5) identify and facilitate the provision of Fed-  
2           eral funds to address gaps in the recovery from the  
3           major disaster;

4           “(6) coordinate with State and local govern-  
5           ments and nongovernmental partners and stake-  
6           holders in the affected area to support recovery from  
7           the major disaster; and

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

10          “(d) STRATEGIC RECOVERY SUPPORT PLAN.—

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

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

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

4           “(B) may include, as appropriate—

5           “(i) an assessment of challenges and  
6 needs faced in the recovery from the major  
7 disaster;

8           “(ii) specific outcomes, goals and ac-  
9 tions, with a plan for monitoring progress  
10 towards such outcomes and goals;

11           “(iii) a description of how each Fed-  
12 eral agency will support State and local  
13 governments in the recovery efforts, includ-  
14 ing technical, financial, and planning as-  
15 sistance, and the roles and responsibilities  
16 of each Federal agency in fulfilling the  
17 strategic recovery support plan;

18           “(iv) a description of how each Fed-  
19 eral agency on the Commission will admin-  
20 ister and provide staffing to support recov-  
21 ery from the major disaster;

22           “(v) a description of any procedures  
23 of a Federal agency that will be stream-  
24 lined to help ensure an efficient and effec-  
25 tive recovery from the major disaster; and

1                   “(vi) a description of any legislative  
2                   authority needed to help ensure an effi-  
3                   cient, expeditious, and effective recovery  
4                   from the major disaster.

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

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

20                         “(B) major challenges and unmet needs re-  
21                         maining in the recovery from the major dis-  
22                         aster.

23                  “(e) TERMINATION.—

24                         “(1) IN GENERAL.—The President shall termi-  
25                         nate a Commission established in relation to a major

1 disaster when the President determines that all  
2 issues relating to the Federal coordination of the re-  
3 covery have been substantially resolved.

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

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

13 **SEC. 17. ENHANCING RESPONSE AND RECOVERY OPER-**  
14 **ATIONS AND PROGRAMS.**

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

18 **“SEC. 526. ADMINISTRATION OF RESPONSE AND RECOVERY**  
19 **OPERATIONS AND PROGRAMS.**

20 “(a) DEFINITIONS.—In this section—

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

23 “(2) the terms ‘deployed’ and ‘deployment’  
24 mean the performance of services under the response  
25 and recovery operations and programs of the Agen-

1 cy, including exercises and training for such oper-  
2 ations and programs;

3 “(3) the term ‘disaster reserve workforce’  
4 means the disaster reserve workforce established  
5 under subsection (b);

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

8 “(5) the term ‘employee designated for short  
9 term deployments’ means an employee hired under  
10 section 306(b)(1) of the Robert T. Stafford Disaster  
11 Relief and Emergency Assistance Act (42 U.S.C.  
12 5149(b)(1)) designated only for short-term deploy-  
13 ments;

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

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

19 “(8) the term ‘permanent seasonal employee’  
20 means an employee, including an employee hired  
21 under section 306(b)(1) of the Robert T. Stafford  
22 Disaster Relief and Emergency Assistance Act (42  
23 U.S.C. 5149(b)(1)), working under seasonal employ-  
24 ment as defined under section 340.401 of title 5 of

1 the Code of Federal Regulations or any successor  
2 regulation;

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

5 “(10) the term ‘response and recovery oper-  
6 ations and programs’ means response operations and  
7 programs and recovery operations and programs;

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

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

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

21 “(b) DISASTER RESERVE WORKFORCE.—In order to  
22 provide efficiency, continuity, quality, and accuracy in  
23 services performed under response and recovery operations  
24 and programs there is within the Agency a disaster reserve  
25 workforce, which shall be used to supplement the work of

1 permanent full-time employees of the Agency on response  
2 and recovery operations and programs.

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

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

12 “(2) MANAGEMENT AND IMPLEMENTATION.—

13 “(A) IN GENERAL.—Sufficient numbers of  
14 qualified permanent full-time employees of the  
15 Agency shall lead and manage the disaster re-  
16 serve workforce and implement response and re-  
17 covery operations and programs, including lead-  
18 ing individual major projects under sections  
19 404, 406, and 407 of the Robert T. Stafford  
20 Disaster Relief and Emergency Assistance Act  
21 (42 U.S.C. 5170c, 5172, and 5173).

22 “(B) DISASTER RESERVE WORKFORCE.—  
23 The Disaster Reserve Workforce shall include—

24 “(i) term employees;

25 “(ii) permanent seasonal employees;

1 “(iii) employees designated for short-  
2 term deployments;

3 “(iv) employees of the Department  
4 who are not employees of the Agency; and

5 “(v) employees of other Federal agen-  
6 cies.

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

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

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

22 “(3) POLICIES AND PROCEDURES.—In order to  
23 ensure that efficient, continuous, and accurate serv-  
24 ices are provided under response and recovery oper-  
25 ations and programs, not later than 180 days after

1 the date of enactment of this section, the Adminis-  
2 trator shall develop—

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

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

11 “(C) policies and procedures relating to  
12 sections 403, 404, 406, 407, and 502 of the  
13 Robert T. Stafford Disaster Relief and Emer-  
14 gency Assistance Act (42 U.S.C. 5170b, 5170c,  
15 5172, 5173, and 5192).

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

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

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

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

6           “(iii) providing for a reasonably long  
7           time period for deployment to ensure con-  
8           tinuity in operations; and

9           “(iv) establishing performance re-  
10          quirements, including for the timely and  
11          accurate resolution of issues and projects.

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

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

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

21                       “(I) for term employees, before  
22                       being appointed to a term in the dis-  
23                       aster reserve workforce; and

24                       “(II) annually for all other re-  
25                       servists.

1           “(C) EVALUATION SYSTEM.—In consulta-  
2           tion with the Director of the Office of Per-  
3           sonnel Management, the Administrator shall de-  
4           velop and implement a system to continuously  
5           evaluate reservists to ensure that all minimum  
6           standards and guidelines under this paragraph  
7           are satisfied annually by all reservists. Chapter  
8           43 of title 5, United States Code, shall not  
9           apply to reservists covered under the system de-  
10          veloped and implemented under this subpara-  
11          graph.

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

24          “(6) REEMPLOYED ANNUITANTS.—

1           “(A) IN GENERAL.—In appointing reserv-  
2           ists to the disaster reserve workforce, the appli-  
3           cation of sections 8344 and 8468 of title 5,  
4           United States Code (relating to annuities and  
5           pay on reemployment) or any other similar pro-  
6           vision of law under a Government retirement  
7           system may be waived by the Administrator for  
8           annuitants reemployed on deployments involv-  
9           ing a direct threat to life or property or other  
10          unusual circumstances for the entirety of the  
11          deployment.

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

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

19                 “(ii) may be exercised only—

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

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

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

6           “(7) PERMANENT EMPLOYMENT POSITIONS.—

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

1 including from the aggregate the fractional part  
2 of a month, if any.

3 “(B) CONSIDERATION.—In evaluating a  
4 reservist hired under section 306(b)(1) of the  
5 Robert T. Stafford Disaster Relief and Emer-  
6 gency Assistance Act (42 U.S.C. 5149(b)(1))  
7 for a potential permanent employment position,  
8 the Administrator shall consider the qualifica-  
9 tions of, and performance as a reservist by, the  
10 reservist, including the ability of the reservist to  
11 timely, accurately, and creatively resolve issues  
12 and projects when deployed.

13 “(C) EFFECTIVE DATE AND APPLICA-  
14 TION.—This paragraph shall—

15 “(i) take effect on the date on which  
16 the Administrator implements the evalua-  
17 tion system under paragraph (4)(C); and

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

20 “(8) NO IMPACT ON AGENCY PERSONNEL CEIL-  
21 ING.—Reservists shall not be counted against any  
22 personnel ceiling limitation applicable to the Agen-  
23 cy.”.

24 (b) CLERICAL AMENDMENT.—The table of contents  
25 in section 1(b) of the Homeland Security Act of 2002 (6

1 U.S.C. 101 et seq.) is amended by inserting after the item  
2 relating to section 525 the following:

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

3 (c) PERMANENT SEASONAL EMPLOYEES.—Section  
4 306(b) of the Robert T. Stafford Disaster Relief and  
5 Emergency Assistance Act (42 U.S.C. 5149(b)) is amend-  
6 ed—

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

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

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

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

20 “(a) AGENCY RESPONSIBILITY.—

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

1           “(A) has designated a lead senior official  
2           to—

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

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

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

11                   “(i) the personnel to make and com-  
12                   municate decisions;

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

16                   “(iii) sufficient physical resources; and

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

20          “(C) complies with the National Incident  
21          Management System, including credentialing of  
22          personnel and typing of resources likely needed  
23          to respond to a natural disaster, act of ter-  
24          rorism, or other man-made disaster in accord-

1           ance with section 510 of the Homeland Security  
2           Act of 2002 (6 U.S.C. 320);

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

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

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

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

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

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

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

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

9 (A) under section 403, 406, or 407 of the  
10 Robert T. Stafford Disaster Relief and Emer-  
11 gency Assistance Act (42 U.S.C. 5170b, 5172,  
12 5173);

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

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

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

23 (b) PROCEDURES.—

24 (1) IN GENERAL.—Not later than 180 days  
25 after the date of enactment of this section, and in  
26 order to facilitate an efficient recovery from major

1 disasters, the Administrator shall establish proce-  
2 dures under which an applicant may request the use  
3 of alternative dispute resolution, including arbitra-  
4 tion by an independent review panel, to resolve dis-  
5 putes relating to eligible assistance.

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

9 (3) CONSIDERATIONS.—The procedures estab-  
10 lished under this section shall—

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

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

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

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

1 an employee of the Federal Government)  
2 selected by the Administrator; and

3 (ii) responsible for identifying and  
4 maintaining an adequate number of inde-  
5 pendent experts qualified to review and re-  
6 solve disputes under this section;

7 (D) require an independent review panel  
8 to—

9 (i) resolve any remaining disputed  
10 issue in accordance with all applicable  
11 laws, regulations, and Agency interpreta-  
12 tions of those laws through its published  
13 policies and guidance;

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

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

22 (iv) in the case of a finding of mate-  
23 rial fact adverse to the claimant made on  
24 first appeal, only set aside or reverse such  
25 finding if the finding is clearly erroneous.

1           (E) require an independent review panel to  
2           expeditiously issue a written decision for any al-  
3           ternative dispute resolution under this section;  
4           and

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

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

23          (d) REPORT.—

24                (1) IN GENERAL.—Not later than 270 days  
25          after the termination of authority under this section

1 under subsection (c), the Comptroller General of the  
2 United States shall submit to the Committee on  
3 Homeland Security and Governmental Affairs of the  
4 Senate and the Committee on Transportation and  
5 Infrastructure of the House of Representatives a re-  
6 port analyzing the effectiveness of the program  
7 under this section.

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

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

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

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

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

1                   (E) a recommendation as to whether any  
2                   aspect of the program under this section should  
3                   be made a permanent authority; and

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