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FEMA REAUTHORIZATION ACT OF 2012

SEPTEMBER 14, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MICA, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2903]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2903) to reauthorize the programs and activities of the Federal Emergency Management Agency, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FEMA Reauthorization Act of 2012".

19–006

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.

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

Sec. 101. Reauthorization of Federal Emergency Management Agency.
Sec. 102. Integrated Public Alert and Warning System Modernization.

TITLE II—STAFFORD ACT AND OTHER PROGRAMS

Sec. 201. Reauthorization of urban search and rescue response system.
Sec. 202. Reauthorization of emergency management assistance compact grants.
Sec. 203. Disposal of excess property to assist other disaster survivors.
Sec. 204. Storage, sale, transfer, and disposal of housing units.
Sec. 205. Other methods of disposal.
Sec. 206. Establishment of criteria relating to administration of hazard mitigation assistance by States.
Sec. 207. Review of regulations and policies.
Sec. 208. Appeals process.
Sec. 209. Implementation of cost estimating.
Sec. 210. Tribal requests for a major disaster or emergency declaration under the Stafford Act.
Sec. 211. Individual assistance factors.
Sec. 212. Public assistance pilot program.
Sec. 213. Public assistance debris removal procedures.
Sec. 214. Use of funds.
Sec. 215. Reduction of authorization for emergency management performance grants.
Sec. 216. Technical correction.
Sec. 217. National Dam Safety Program Act reauthorization.

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

SEC. 101. REAUTHORIZATION OF FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

"SEC. 699. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

"(3) for fiscal year 2014, $1,031,378,000, including amounts transferred from grant programs.".

SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) SHORT TITLE.—This section may be cited as the "Integrated Public Alert and Warning System Modernization Act of 2012".

(b) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.—

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

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

(B) implement the public alert and warning system.

(2) IMPLEMENTATION REQUIREMENTS.—In carrying out paragraph (1), the Administrator shall, consistent with the recommendations in the final report of the Integrated Public Alert and Warning System Advisory Committee (established under subsection (c))—

(A) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

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

(C) include in the public alert and warning system the capability to alert and warn individuals with disabilities and individuals with limited English proficiency;

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

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

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

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

(A) incorporate multiple communications technologies;

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

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

(D) promote local and regional public and private partnerships to enhance community preparedness and response; and

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

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

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

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

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the "Advisory Committee").

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

(A) The Chairman of the Federal Communications Commission.

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

(C) The Assistant Secretary for Communications and Information of the Department of Commerce.

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

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

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

(i) communications service providers;

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

(iii) third-party service bureaus;

(iv) the broadcasting industry;

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

(vi) the cellular industry;

(vii) the cable industry;

(viii) the satellite industry; and

(ix) national organizations representing individuals with special needs, including individuals with disabilities and the elderly.

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

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

(4) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 60 days after the date of enactment of this Act.

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

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

(5) RULES.—

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

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

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

(6) RECOMMENDATIONS.—The Advisory Committee shall develop recommendations for an integrated public alert and warning system, including—

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

(B) recommendations to provide for a public alert and warning system that—

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

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

(iii) incorporates multiple communications technologies;

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

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

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

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

(7) INITIAL AND ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Advisory Committee shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing the recommendations of the Advisory Committee.

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

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

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

TITLE II—STAFFORD ACT AND OTHER PROGRAMS

SEC. 201. REAUTHORIZATION OF URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

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

"SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

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

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) AGENCY.—The term 'Agency' means the Federal Emergency Management Agency.

"(3) HAZARD.—The term 'hazard' has the meaning given that term by section 602.

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

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

"(6) SPONSORING AGENCY.—The term 'sponsoring agency' means a State or local government that is the sponsor of a task force designated by the Administrator to participate in the System.

"(7) SYSTEM.—The term 'System' means the National Urban Search and Rescue Response System to be administered under this section.

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

"(9) TASK FORCE.—The term 'task force' means an urban search and rescue team designated by the Administrator to participate in the System.

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

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

"(d) TASK FORCES.—

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

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

"(3) COMPOSITION.—

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

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

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

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

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

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

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

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

"(g) COMPENSATION.—

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

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

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

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

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

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

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

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

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

"(2) ELECTION OF BENEFITS.—

"(A) IN GENERAL.—If a System member (or, in the case of the death of the System member, the System member's dependent) is entitled—

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

"(ii) to receive benefits from a State or local government by reason of the same personal injury, illness, disability, or death,

the System member or dependent shall elect to receive either the benefits referred to in clause (i) or (ii).

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

"(C) EFFECT OF ELECTION.—An election of benefits made under this paragraph is irrevocable unless otherwise provided by law.

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

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

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

"(1) Service as a System member is deemed 'service in the uniformed services' for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and proce-

dures for assistance, enforcement, and investigation shall be as provided for in such chapter.

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

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

"(l) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Administrator shall establish and maintain an advisory committee to provide expert recommendations to the Administrator in order to assist the Administrator in administering the System.

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

"(A) the chief officer or senior executive from at least 3 sponsoring agencies;

"(B) the senior emergency manager from at least 2 States that include sponsoring agencies; and

"(C) at least 1 representative recommended by the leaders of the task forces.

"(3) INAPPLICABILITY OF TERMINATION REQUIREMENT.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee under this subsection.

"(m) PREPAREDNESS COOPERATIVE AGREEMENTS.—

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

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

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

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

"(2) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding section 1552(b) of title 31, United States Code, amounts made available for cooperative agreements under this subsection that are not expended shall be deposited in an Agency account and shall remain available for such agreements without fiscal year limitation.

"(n) RESPONSE COOPERATIVE AGREEMENTS.—The Administrator shall enter into a response cooperative agreement with each sponsoring agency, as appropriate, under which the Administrator agrees to reimburse the sponsoring agency for costs incurred by the sponsoring agency in responding to a major disaster or emergency.

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

"(p) AUTHORIZATION OF APPROPRIATIONS.—

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

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

(b) CONFORMING AMENDMENTS.—

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

(A) in subparagraph (D) by striking "and" at the end;

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

(C) in subparagraph (F)—

(i) by striking "United States Code,"; and

(ii) by adding "and" at the end; and

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

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

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

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

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

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

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

"SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

"(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may make grants to provide for implementation of the Emergency Management Assistance Compact consented to by Congress in the joint resolution entitled 'Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact' (Public Law 104–321; 110 Stat. 3877).

"(b) ELIGIBLE GRANT RECIPIENTS.—States and the Administrator of the Emergency Management Assistance Compact shall be eligible to receive grants under subsection (a).

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

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

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

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

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

"(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing the providers and the typing of emergency response resources.

"(d) COORDINATION.—The Administrator of the Federal Emergency Management Agency shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

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

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

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

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

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

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

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

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

"(A) there is an urgent need for the materials, supplies, or equipment; and

"(B) the State is unable to provide the materials, supplies, or equipment in a timely manner.

"(b) HAZARD DEFINED.—In this section, the term 'hazard' has the meaning given that term by section 602.".

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

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

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of FEMA.

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

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

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

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

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

(c) PLAN.—

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

(A) storing the number of temporary housing units that FEMA needs to maintain in stock, as determined by the Administrator under subsection (b); and

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

(2) REPORT.—

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

(B) REQUIRED INFORMATION.—In each report submitted under subparagraph (A), the Administrator shall document the number of temporary housing units remaining in the inventory of FEMA and the number of units sold, transferred, donated, and otherwise disposed of pursuant to this section.

(3) UPDATE.—The Administrator shall update the plan established under paragraph (1) as necessary to ensure that the Administrator maintains in the inventory of FEMA only those temporary housing units that are needed to respond appropriately to emergencies or major disasters.

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

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

(2) STATE REQUESTS.—

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

(B) ELIGIBILITY.—A State shall be eligible to receive excess temporary housing units under paragraph (1) if the State agrees—

(i) to use the units to provide temporary housing to survivors of incidents that are caused by hazards and that the Governor of the State determines require State assistance;

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

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

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

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

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

(3) DISTRIBUTION.—

(A) ESTABLISHMENT OF PROCESS.—The Administrator shall establish a process—

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

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

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

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

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

SEC. 205. OTHER METHODS OF DISPOSAL.

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

(1) in clause (i) by striking "or";

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

(3) by adding at the end the following:

"(iii) may be sold, transferred, or donated directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in disasters and incidents caused by a hazard (as such term is defined in section 602) that do not result in a declaration of a major disaster or emergency if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

"(I) to comply with the nondiscrimination provisions of section 308; and

"(II) to obtain and maintain hazard and flood insurance for the housing units.".

SEC. 206. ESTABLISHMENT OF CRITERIA RELATING TO ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE BY STATES.

Not later than 180 days after the date of enactment of this Act, the President shall establish the criteria required under section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(c)(2)).

SEC. 207. REVIEW OF REGULATIONS AND POLICIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President, acting through the Administrator of the Federal Emergency Management Agency, shall review regulations and policies relating to Federal disaster assistance to eliminate regulations the President determines are no longer relevant, to harmonize contradictory regulations, and to simplify and expedite disaster recovery and assistance.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing changes made to regulations as a result of the review required under subsection (a), together with any legislative recommendations relating thereto.

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

SEC. 208. APPEALS PROCESS.

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

"(b) PERIOD FOR DECISION.—

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

"(2) FAILURE TO SATISFY DEADLINE.—If the Federal official fails to satisfy the requirement under paragraph (1), the Federal official shall provide a written explanation of such failure to the applicant. The President, acting through the Administrator of the Federal Emergency Management Agency, shall transmit quarterly to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on such failures.".

SEC. 209. IMPLEMENTATION OF COST ESTIMATING.

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

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

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

(1) by striking "All requests for a declaration" and inserting "(a) IN GENERAL.—All requests for a declaration"; and

(2) by adding at the end the following:

"(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

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

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

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

"(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.—

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

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

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

"(2) CRITERIA FOR MAKING DETERMINATIONS.—The President shall establish criteria for making determinations under paragraph (1)(B).".

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

"(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

"(1) IN GENERAL.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

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

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

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

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

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

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

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

(4) by adding at the end the following:

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

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

"SEC. 103. REFERENCES.

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

(e) REGULATIONS.—

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

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

SEC. 211. INDIVIDUAL ASSISTANCE FACTORS.

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

SEC. 212. PUBLIC ASSISTANCE PILOT PROGRAM.

(a) PILOT PROGRAM.—

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

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

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

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

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

(3) ADMINISTRATION.—

(A) IN GENERAL.—For the purposes of the pilot program, the Administrator shall establish new procedures to administer assistance provided under section 406 of the Act.

(B) NEW PROCEDURES.—The new procedures established under subparagraph (A) shall include—

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

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

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

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

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

(b) REPORT.—

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

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

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

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

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

(D) any recommendations of the Administrator for additional authority to continue or make permanent the pilot program.

(c) DEADLINE FOR INITIATION OF IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall begin implementation of the pilot program under this section.

(d) PILOT PROGRAM DURATION.—The Administrator may not approve a project under the pilot program under this section after December 31, 2014.

SEC. 213. PUBLIC ASSISTANCE DEBRIS REMOVAL PROCEDURES.

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

(b) NEW PROCEDURES.—The new procedures established under subsection (a) may include—

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

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

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

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

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

(A) Debris management planning.

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

(C) Other activities to improve future debris removal operations, as determined by the Administrator.

SEC. 214. USE OF FUNDS.

Unless otherwise specified in this Act, the Administrator of the Federal Emergency Management Agency shall use amounts authorized pursuant to section 699 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 811) for reviews, reports, and studies included in this Act.

SEC. 215. REDUCTION OF AUTHORIZATION FOR EMERGENCY MANAGEMENT PERFORMANCE GRANTS.

Section 662(f)(5) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762) is amended by striking "$950,000,000" and inserting "$946,600,000".

SEC. 216. TECHNICAL CORRECTION.

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

SEC. 217. NATIONAL DAM SAFETY PROGRAM ACT REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the "Dam Safety Act of 2012".

(b) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of Federal and non-Federal communities in achieving national dam safety hazard reduction.

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

(1) ADMINISTRATOR.—

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

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

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

(3) NATIONAL DAM SAFETY PROGRAM.—

(A) OBJECTIVES.—Section 8(c)(4) of such Act (33 U.S.C. 467f(c)(4)) is amended to read as follows:

"(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in mitigating against, preparing for, responding to, and recovering from dam incidents;".

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

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) NATIONAL DAM SAFETY PROGRAM.—

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

(ii) MAXIMUM AMOUNT OF ALLOCATION.—

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

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

(B) NATIONAL DAM INVENTORY.—Section 13(b) of such Act (33 U.S.C. 467j(b)) is amended by striking "$650,000 for fiscal year 2007, $700,000 for fiscal year 2008, $750,000 for fiscal year 2009, $800,000 for fiscal year 2010,

and $850,000 for fiscal year 2011" and inserting "$383,000 for each of fiscal years 2012 through 2015".

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

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

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

PURPOSE OF LEGISLATION

The purpose of H.R. 2903 is to reauthorize activities and programs of the Federal Emergency Management Agency (FEMA) and reform and streamline certain activities and programs of FEMA.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2903 was introduced by Subcommittee on Economic Development, Public Buildings, and Emergency Management Chairman Jeff Denham on September 13, 2011 to reauthorize FEMA, the Urban Search and Rescue (USAR) system and the Emergency Management Assistance Compact Grants (EMAC) at current year levels. Amendments were adopted in committee that included the reauthorization of the National Dam Safety Program and various reforms intended to reduce costs and streamline FEMA assistance programs.

Federal Emergency Management Agency: History and reauthorization

FEMA was established in 1979 by Executive Order by President Carter following a number of massive disasters in the 1960s and 1970s which resulted in proposals by the National Governors Association and others to streamline and cut the number of agencies states were required to work with following a disaster. Prior to the creation of FEMA, the federal government's emergency response mechanisms were scattered among many agencies throughout government. The creation of FEMA helped to centralize these authorities and the coordination of the federal government's response to a disaster. The Disaster Relief Act of 1974 constituted the statutory authority for most federal disaster response activities especially of FEMA and this Act was later amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act in 1988. Following more than two decades as an independent agency, the Homeland Security Act of 2002 (P.L. 107–296), which created the Department of Homeland Security (DHS), placed FEMA within DHS, and FEMA's functions were dispersed among various offices and directorates of DHS.

In 2005, Hurricanes Katrina and Rita devastated the Gulf Coast. Following Hurricanes Katrina and Rita and the poor response that occurred, several investigations and congressional inquiries and hearings took place to examine the preparation for, response to,

and later recovery from these hurricanes. In particular, the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina was formed and culminated in the issuance of a report entitled, "*A Failure of Initiative: The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*" on February 15, 2006.

Following the issuance of this report, Congress enacted the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) (P.L. 109–295), which put FEMA back together again within DHS. PKEMRA, authorized, among other things, FEMA for the first time in legislation.

In addition to the overall reauthorization of FEMA's salaries and expenses, H.R. 2903 also reauthorizes other programs important to disaster preparedness and response, including the Urban Search and Rescue system, the Emergency Management Assistance Compact grants, and the National Dam Safety Program.

Urban Search and Rescue (USAR) System

Currently, there are 28 FEMA USAR Task Forces spread throughout the continental United States that are trained and equipped by FEMA. These teams are comprised of firefighters, engineers, medical professionals, canine/handler teams and emergency managers with special training in urban search-and-rescue, and serve as a national resource for disaster response. The task force is a partnership between state fire departments, law enforcement agencies, federal and local governmental agencies and private companies.

Typically, the teams are trained to conduct physical search and rescue missions in collapsed buildings, provide emergency medical care to trapped victims, assess and control gas, electric service and hazardous materials, and evaluate and stabilize damaged structures. If a disaster event warrants national USAR support, FEMA will deploy the three closest task forces within six hours of notification, and additional teams as necessary. The role of these task forces is to support state and local emergency responders' efforts to locate victims and manage recovery operations.

Emergency Management Assistance Compacts (EMAC)

EMAC is an interstate compact approved by Congress that provides an effective avenue by which states can provide one another mutual aid in the event of a disaster. Through EMAC, a state impacted by a disaster can request and receive assistance from other member states more quickly and efficiently, by addressing concerns with regards to liability and reimbursement.

National Dam Safety Program

The National Dam Safety Program (NDSP) was originally created as part of the Water Resources and Development Act of 1996. The program, led by FEMA, is a partnership with other federal agencies, states, and other stakeholders and provides assistance in training, dam assessments, and research. In addition NDSP funds an inventory, which is administered by the U.S. Army Corps of Engineers.

FEMA Reforms

H.R. 2903 as reported by the committee includes a number of reforms intended to eliminate waste, reduce costs, and streamline FEMA assistance.

Integrated Public Alert and Warning System (IPAWS)

In the 111th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management conducted an investigation of the development of IPAWS and the Government Accountability Office (GAO) issued a report[1] that highlighted concerns related to FEMA's development of IPAWS. The subcommittee's investigation and GAO's report supported the need for legislation to ensure consultation and coordination with key stakeholders, strategic planning, and the timely roll out of the new system. The result of these problems was a waste of taxpayer dollars. Without a clear vision and strategic plan, funds were spent on misguided projects. For example, the GAO found examples of pilot programs funded by FEMA that "have ended inconclusively, with few documented lessons learned."[2] In addition, the committee found that FEMA failed to consult with key stakeholders, such as states, locals, broadcasters and the wireless industry to ensure IPAWS is developed in such a way that would be compatible with existing technologies and be usable by the primary users of the system.

In September of 2011, H.R. 2904, the Integrated Public Alert and Warning System Modernization Act was introduced by Representative Jeff Denham. Similar legislation had been introduced in the 110th and 111th Congresses. H.R. 2903 as reported by the committee includes the provisions of that Act. The legislation is modeled after the Warning, Alert, and Response Network (WARN) Act enacted by Congress in 2006. The WARN Act, as signed into law as Title VI of P.L. 109–347, the Security and Accountability for Every Port Act of 2006 (The SAFE Port Act), required the establishment of a Commercial Mobile Service Alert Advisory Committee (CMSAAC) by the Federal Communications Commission (FCC). Committee members included state, local and tribal governments, members of the private sector, and representatives of people with disabilities. The committee was charged with providing the FCC with recommendations on technical requirements, standards, regulations, and other matters needed to support the transmittal of emergency alerts by commercial mobile service providers to their subscribers on a voluntary basis. During the course of the committee investigation, the framework established by the WARN Act ensured input by the relevant industries maximizing buy-in by the private sector and helping to facilitate decision-making by establishing timetables. The provisions in H.R. 2903 are intended to establish a similar framework to the development of IPAWS.

Emergency Alert System

Currently, the United States issues emergency warnings through the Emergency Alert System (EAS)—the successor to the Emergency Broadcast System (EBS)—which relays messages through

[1] Emergency Preparedness: Improved Planning and Coordination Necessary for Modernization and Integration of Public Alert and Warning System, GAO–09–834, September 9, 2009

[2] Id. at p. 18.

broadcast and other media. EAS allows the president and authorized officials to transmit emergency messages to the public via television (TV) and radio through a hierarchical distribution system dating back to the 1960s. FEMA is responsible for administering EAS at the national level and distributing presidential alerts to national primary stations, known as Primary Entry Point (PEP) stations. PEP stations are stations that have been hardened to protect them from disasters, including backup generators and fuel onsite. Broadcasts of the national level alerts are relayed by the PEP stations across the country to radio and TV stations that rebroadcast the message to other stations and cable systems. The retransmission of alerts from one EAS participant to another is commonly referred to as a "daisy chain" distribution system. The GAO raised serious questions about the reliability of this system.

Integrated Public Alert and Warning System

On June 26, 2006, former President Bush issued Executive Order 13407, stating the U.S. policy is "to have an effective, reliable, integrated, flexible and comprehensive system to alert and warn the American people." The former President issued a list of functional requirements for the Secretary of Homeland Security. The requirements were based on recommendations of experts in the field and included: evaluating and assessing existing resources at all levels of government; adopting common alerting protocols, standards terminology, and other procedures to enable interoperability; delivering alerts on criteria such as location and risk; accommodating disabilities and language needs; supporting necessary communication facilities; conducting training, testing, and exercises; ensuring public education about emergency warnings; coordinating and cooperating with the private sector and government at all levels; administering the existing EAS as a component of a broader system; and ensuring that the president can alert and warn the American people.

Executive Order 13407 directed FEMA to meet this challenge "to ensure an orderly and effective transition" from current capabilities to the system described in the executive order and to report on the implementation of the system within 90 days after the order, and on at least a yearly basis thereafter. FEMA's IPAWS program was initiated in 2004, and has become the programmatic mechanism to carry out this executive order.

IPAWS aims to be the nation's next generation public communications and warning capability. As previously mentioned, the current EAS is based on generally outdated technology that mostly relies on radio and TV to transmit audio-only alerts. Today, the public uses many different technologies to receive information and is increasingly less reliant on TV and radio. In addition, digital technology has significantly more capabilities than the old analog signal, providing for the opportunity to integrate into the system methods for alerting those with disabilities and limited English proficiency.

Streamlining and improving FEMA's processes

H.R. 2903 also incorporates a number of key reforms that the committee believes will reduce costs, cut through unnecessary red-tape and help communities recover faster following disasters. These

reforms include setting deadlines on FEMA's implementation of requirements to use cost-estimates in determining Public Assistance under section 406 of the Stafford Act and issuing criteria to implement provisions that allow states to administer hazard mitigation grants; streamlining the process for transfer of unneeded and costly-to-maintain temporary housing units to states for use by disaster victims. The legislation also makes permanent the debris removal pilot program ensuring expedited debris removal in a cost-effective way.

The legislation also will create a pilot program requiring FEMA to test innovative approaches for streamlining and expediting Public Assistance projects and to evaluate their impact on cost reduction and recovery.

HEARINGS

The committee, including the Subcommittee on Economic Development, Public Buildings, and Emergency Management, held 18 hearings on subjects related to matters contained in H.R. 2903 during the 111th and 112th congresses. In particular, the committee held the following hearings:

"Post-Katrina Disaster Response and Recovery: Evaluating FEMA's Continuing Efforts in the Gulf Coast and Response to Recent Disasters" held on February 25, 2009. The purpose of this hearing was to examine the status of recovery efforts following Hurricane Katrina in the Gulf Coast and FEMA's overall disaster recovery programs particularly as they related to housing and rebuilding of public infrastructure.

"Disaster Capacity in the National Capital Region: Experiences, Capabilities, and Weaknesses" held on April 3, 2009. The purpose of this hearing was to examine the disaster preparedness and response capacity in the National Capital Region.

"FEMA: Preparedness for the 2009 Hurricane Season" held on May 1, 2009. This field hearing held in Miami, Florida focused on disaster preparedness and response in anticipation of the 2009 hurricane season.

Full Committee hearing on *"An Independent FEMA: Restoring the Nation's Capabilities for Effective Emergency Management and Disaster Response"* held on May 14, 2009. The purpose of this hearing was to examine FEMA and how it has functioned since its placement within the Department of Homeland Security.

"Still Post-Katrina: How FEMA Decides When Housing Responsibilities End" held on May 22, 2009. This hearing focused on the status of housing assistance to individuals and families in the aftermath of Hurricane Katrina.

"Post-Katrina: What it Takes to Cut the Bureaucracy and Assure a More Rapid Response after a Catastrophic Disaster" held on July 27, 2009. The purpose of this hearing was to examine how to define a catastrophic disaster, the role of the federal government following a catastrophic disaster, and whether additional authority is needed to effectively respond to and recover from a catastrophic disaster.

"Final Breakthrough on the Billion Dollar Katrina Infrastructure Logjam: How is it Working?" held on September 29, 2009. This hearing focused on the statutes of the rebuilding of infrastructure overall disaster recovery programs being provided through the Public Assistance programs of FEMA.

"This Is NOT a Test: Will the Nation's Emergency Alert System Deliver the President's Message to the Public?" held on September 30, 2009. The purpose of this hearing was to examine the status of efforts within the federal government, specifically, FEMA to modernize, expand and integrate existing emergency alert warning systems through the Integrated Public Alert and Warning Systems. The committee also received a report from the Government Accountability Office detailing its assessment of the nation's emergency alert system.

"Looking Out for the Very Young, the Elderly and Others with Special Needs: Lessons from Katrina and other Major Disasters" held on October 20, 2009. The purpose of this hearing was to examine plans and procedures in place that would provide aid to children, the disabled, and others with special needs in the event of disaster and to receive testimony on two congressionally mandated reports on children and people with disabilities.

"FEMA's Urban Search and Rescue Program in Haiti: How to Apply Lessons Learned at Home" held on February 3, 2010. The purpose of this hearing was to examine the National Urban Search and Rescue System of FEMA and the lessons learned from deployments to Haiti following the earthquake.

"U.S. Mayors Speak Out: Addressing Disasters in Cities" held on March 4, 2010. The purpose of this hearing was to review and receive testimony on a report released by the United States Conference of Mayors regarding proposals on changes to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as well as related programs, policies, and regulations.

"Snow Disasters for Local, State, and Federal Governments in the National Capital Region: Response and Recovery Partnerships with FEMA" held on March 23, 2010. The purpose of the hearing was to review the status of recovery efforts from that winter's storms in the National Capital Region and the lessons to be learned from those storms that would apply to future disasters regardless of cause.

"Priorities for Disasters and Economic Disruption: The Proposed Fiscal Year 2011 Budgets for the Federal Emergency Management Agency and the Economic Development Administration" held on May 6, 2010. The purpose of this hearing was to receive testimony regarding the FEMA Fiscal Year (FY) 2011 Budget, and the Economic Development Administration (EDA) FY 2011 Budget and to review how their budget priorities deal with natural disasters, man-made disasters, and economic disruption.

"Five Years after Katrina: Where We Are and What We Have Learned for Future Disasters" held on September 22, 2010. The purpose of the hearing was to receive testimony on the status of recovery efforts from Hurricanes Katrina and Rita. The hearing focused on the status of an arbitration program created for Public Assistance projects for Hurricanes Katrina and Rita as well as other programs created by legislation and administratively to facilitate the Public Assistance program for Hurricanes Katrina and Rita.

"Improving the Nation's Response to Catastrophic Disasters: How to Minimize Costs and Streamline our Emergency Management Programs" held on March 30, 2011. The purpose of the hearing was to examine preparedness and response as it related to catastrophic

disasters in the wake of the earthquake in Japan and how costs could be minimized and the process streamlined.

"FEMA Reauthorization and Cutting the Red Tape in Recovery" held on July 14, 2011. The purpose of the hearing was to examine the issues of communities recovering from a disaster in the context of FEMA reauthorization.

"Streamlining Emergency Management: Improving Preparedness, Response, and Cutting Costs" held on October 13, 2011. The purpose of the hearing was to examine how the emergency management system and programs can be streamlined to reduce costs and improve preparedness and response.

"The Effectiveness of our Nation's Public Alert System" held on December 13, 2011. The purpose of the hearing was to examine the development of FEMA's Integrated Public Alert and Warning System (IPAWS) and receive testimony regarding the recent test of the nation's Emergency Alert System (EAS).

LEGISLATIVE HISTORY AND CONSIDERATION

On September 13, 2011, Representative Jeff Denham introduced H.R. 2903, a bill to reauthorize the Federal Emergency Management Agency and other FEMA programs.

On March 1, 2012, the Subcommittee on Economic Development, Public Buildings and Emergency Management met in open session. The subcommittee adopted two amendments by voice vote—a substitute amendment offered by Rep. Denham and an amendment offered by Rep. Barletta—and ordered the bill forwarded to the full committee by voice vote.

On March 8, 2012, the Committee on Transportation and Infrastructure met in open session. The committee accepted by unanimous consent the consideration the committee print of H.R. 2903, which reflected the amendments adopted by the subcommittee, as original text for the purposes of amendment. Five amendments were offered to the committee print of H.R. 2903. The committee adopted four amendments by voice vote offered respectively by Rep. Hanna, Rep. Rahall, Rep. Carnahan, and Rep. Richardson. An amendment offered by Rep. Crawford was withdrawn. H.R. 2903 was ordered reported as amended to the House by voice vote with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each recorded vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. During consideration of H.R. 2903 no recorded votes were taken. All amendments were adopted by voice vote. The bill, as amended, was reported favorably to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Transportation and Infrastructure's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974, included below.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the committee has received the enclosed cost estimate for H.R. 2903 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 6, 2012.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2903, the FEMA Reauthorization Act of 2012.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

H.R. 2903—FEMA Reauthorization Act of 2012

Summary: H.R. 2903 would authorize appropriations totaling about $2.2 billion over the next two years for the Federal Emergency Management Agency (FEMA). The legislation would authorize about $2.1 billion for salaries and expenses of the agency, including $37 million to modernize the Integrated Public Alert and Warning System (IPAWS); $71 million for the Urban Search and Rescue (US&R) Response System; $32 million for dam safety activities; and $4 million for emergency management assistance compact grants. Based on historical expenditure patterns, CBO estimates that implementing the legislation would cost $2.1 billion over the 2013–2017 period, assuming appropriation of the specified amounts.

Enacting this legislation would affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effects would probably be zero or insignificant for each year. Enacting H.R. 2903 would not affect revenues.

H.R. 2903 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), by eliminating an existing right to seek compensation for damages and by requiring employers to allow members of the urban search and rescue response system to reclaim their jobs upon completing a deployment to a disaster. Based on information

from FEMA, CBO estimates that the cost to comply with the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates ($73 million and $146 million, respectively, in 2012, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2903 is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—					
	2013	2014	2015	2016	2017	2013–2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
FEMA Salaries and Expenses:						
Authorization Level	1,031	1,031	0	0	0	2,063
Estimated Outlays	666	924	354	98	0	2,042
Urban Search and Rescue Response System:						
Authorization Level	35	35	0	0	0	71
Estimated Outlays	25	35	10	0	0	70
EMAC Grants:						
Authorization Level	2	2	0	0	0	4
Estimated Outlays	2	2	0	0	0	4
National Dam Safety Program:						
Authorization Level	11	11	11	0	0	32
Estimated Outlays	7	10	10	4	1	32
Total Changes:						
Authorization Level	1,079	1,079	11	0	0	2,170
Estimated Outlays	700	971	374	102	1	2,148

Notes: FEMA = Federal Emergency Management Agency; EMAC = Emergency Management Assistance Compact. Components may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the end of 2012 and that amounts specified will be appropriated for each year.

Spending subject to appropriation

FEMA Salaries and Expenses. FEMA is the federal government's lead agency in preparing for, protecting against, responding to, and recovering from all hazards, including natural disasters, acts of terrorism, and other man-made disasters. For 2012, the Congress provided $946 million (including transfers, but excluding amounts for the Urban Search and Rescue Response System, authorized separately in this bill) for salaries and expenses of the agency (see Public Law 112–74).

Title I of H.R. 2903 would authorize the appropriation of $1,031 million for each of fiscal years 2013 and 2014 to administer FEMA programs about $85 million more than the amount provided for fiscal year 2012. Of those funds, up to $13 million per year would be used to modernize IPAWS. IPAWS utilizes multiple technologies (for example, satellite radios, computers, and cellular phones) in addition to traditional radio and television communications to provide information about an impending or ongoing emergency. A similar amount was provided for this activity in 2012.

Based on historical expenditure rates, CBO estimates that implementing this provision would cost about $2 billion over the next five years, assuming appropriation of the specified amounts for 2013 and 2014.

Urban Search and Rescue Response System. Section 201 would authorize the appropriation of $35 million in each of fiscal years 2013 and 2014 for US&R. This amount is $6 million below the level provided in 2012 (see Public Law 112–74). The US&R response system consists of multiple task forces that assist local responders in the location, extrication, and initial medical stabilization of victims trapped in confined spaces. Funding provided by the bill would be used to staff and train the task forces and maintain equipment used in training and responding to a disaster. The bill also would direct FEMA to establish a national network of standardized resources and to enter into cooperative agreements with sponsoring agencies to reimburse costs incurred in US&R operations.

Based on historical expenditure patterns, CBO estimates that implementing this provision would cost $70 million over the next five years, assuming appropriation of the specified amounts.

Emergency Management Assistance Compact (EMAC) Grants. Section 202 would authorize the appropriation of $4 million over the 2013–2014 period for grants to administer and coordinate activities under EMAC. EMAC was ratified by the Congress in 1996 (see Public Law 104–321) as an interstate mutual-aid agreement that enables member states to share resources during a declared disaster. EMAC is currently administered by the National Emergency Management Association (NEMA), a private association representing state emergency management directors. CBO estimates that providing grants to NEMA and EMAC participants would cost $4 million over the 2013–2017 period, assuming appropriation of the specified amounts.

National Dam Safety Program. Section 217 would authorize the appropriation of about $11 million a year over the 2013–2015 period for activities of FEMA related to dam safety. Funds authorized by the bill would be used for: operating an Interagency Committee on Dam Safety and a Dam Safety Review Board, assisting state safety programs, maintaining a dam inventory, conducting research, and providing training for state safety staff and inspectors. Based on historical spending patterns, CBO estimates that implementing this section would cost $32 million over the next five years.

Other Changes. The legislation would make a number of other changes, which CBO estimates would not have a significant net impact on discretionary spending.

Transfer of Excess Materials, Supplies, and Equipment. Section 203 would authorize FEMA to transfer excess materials, supplies, and equipment directly to states, local governments, and disaster relief organizations for the purpose of assisting victims of disasters. Under current law, most excess property must first be offered for transfer to other federal agencies prior to being available for donation. In some cases, the General Services Administration (GSA) might require receiving entities to reimburse the holding agency (in this case, FEMA) for transferred property. If reimbursements to FEMA decline or if other federal agencies purchase property similar to that donated under this provision, discretionary spending may increase. However, based on the historical disposition of FEMA property, CBO estimates that any discretionary costs would be insignificant over the next five years.

Disposal of Temporary Housing Units. Section 204 would direct FEMA to develop a plan to dispose of temporary housing units (for example, mobile homes and travel trailers) that are determined to be in excess of the amount needed to maintain an appropriate disaster response. Excess units could be donated to states for disaster relief purposes, instead of first being offered for sale to current occupants under current law. In most recent cases, proceeds from sales have been deposited into the Disaster Relief Fund or retained by GSA to cover the costs of sales. (GSA disposes of excess property for many federal agencies, including FEMA.) If implementing this provision would cause proceeds from sales to decrease, FEMA or GSA may request appropriations in the future to cover the difference, resulting in additional discretionary spending. However, based on information from FEMA, CBO estimates that implementing this provision would result in no significant cost over the 2013–2017 period.

Tribal Requests for Presidential Declaration. Section 210 would allow the chief executive of a tribal government to request a declaration by the President that a major disaster or emergency exists. Under current law, only the governor of a state may make such a request. Implementing this provision may increase discretionary spending in areas where a declaration would not otherwise have been made. CBO expects that such requests would occur infrequently and estimates that implementing this provision would have an insignificant effect on discretionary spending over the next five years.

Direct Spending

Sections 203 and 204 would allow FEMA to transfer or donate certain excess property that may have otherwise been sold to states, local governments, and disaster relief organizations. In some cases, receipts collected from property sales (after reimbursing GSA for the costs of sales) are deposited into the Treasury as miscellaneous receipts (an offset to direct spending). Any decrease in receipts to the Treasury as a result of this provision would therefore be considered an increase in direct spending. However, based on information from FEMA, CBO estimates that any loss in receipts over the next 10 years would be minor.

Pay-As-You-Go considerations: Pay-as-you-go procedures apply because the bill would have an insignificant impact on direct spending.

Intergovernmental and private-sector impact: H.R. 2903 would impose intergovernmental and private-sector mandates, as defined in UMRA. CBO estimates that the cost to comply with the mandates to state, local, and tribal governments and the private sector would fall below the annual thresholds established in UMRA for such mandates ($73 million and $146 million, respectively, in 2012, adjusted annually for inflation).

Under current law, members of search and rescue task forces have protection from tort liability when participating in federal preparedness activities. The bill would expand that protection to include training exercises. Such protection would impose a mandate because it would eliminate an existing right to seek compensation for damages. According to FEMA, no claims for damage have been filed regarding a training exercise, nor does the agency expect

that any such claims likely would be filed under current law. Therefore, CBO estimates that the costs, if any, of this mandate would be minimal.

The bill also would require employers to allow task force members who are deployed to a disaster to reclaim their jobs upon completion of their service. According to FEMA, there are currently about 4,000 workers in the system; the duration of deployment is usually less than one month; in general, most employers currently allow workers to reclaim their positions. Thus, CBO estimates that the cost for governmental and private-sector employers to comply with the mandate would fall below the annual thresholds.

The bill also would benefit state, local, and tribal governments by authorizing appropriations for hazard mitigation activities; authorizing the sale or transfer of excess materials, supplies, and equipment to those governments for use in emergencies; and authorizing the reimbursement of compensation for certain public employees who are activated as part of an urban search and rescue team. Any costs to those governments would be incurred voluntarily.

Estimate prepared by: Federal costs: Daniel Hoople; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to reauthorize the Federal Emergency Management Agency, the Urban Search and Rescue System, the Emergency Management Assistance Compact, and the National Dam Safety program in addition to providing for reforms and reduction of costs in FEMA assistance programs.

ADVISORY OF EARMARKS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2903 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

FEDERAL MANDATE STATEMENT

The committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the "Unfunded Mandates Reform Act" (P.L. 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The committee states that H.R. 2903 does not preempt any state, local, or tribal law.

ADVISORY STATEMENT

H.R. 2903 establishes an advisory committee for the Urban Search and Rescue System within the meaning of section 5(b) of the Federal Advisory Committee Act and provides that any costs associated with such committee be provided for from the amounts authorized in the legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (P.L. 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

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

Section 101. Reauthorization of the Federal Emergency Management Agency (FEMA)

This section reauthorizes FEMA through fiscal year 2014 at $1.031 billion each year for Salaries and Expenses (S&E) consistent with current funding levels.

Section 102. Integrated Public Alert and Warning System modernization

This section authorizes the Integrated Public Alert and Warning System (IPAWS) at $13.3 million out of the S&E account consistent with existing funding levels. This section also would establish a clear framework for the development of IPAWS and ensure stakeholder input through an advisory committee.

The intention of this section is to codify the framework FEMA should be using to develop IPAWS consistent with Executive Order 13407 issued by President Bush. Given the problems highlighted by the GAO and the committee, providing clear direction on the development of IPAWS is critical to eliminating waste and ensuring taxpayer dollars are appropriately used in developing an effective alert and warning system.

While the section provides for a report of the IPAWS Advisory Committee, the Advisory Committee is intended to ensure that the various federal agencies that have a part in the governance of the IPAWS are conducting an ongoing dialogue with message disseminators. At present, there is no mechanism for the system's managers, users, and relay participants to meet on a regular basis to address problems and seek improvements to the system. Given that, the committee strongly urges the Advisory Committee to meet no less than annually.

The requirements of the system outlined in this section are intended to guide FEMA in its use and development of the capabilities in digital and other technologies. The requirements should not be interpreted as an authorization for FEMA to itself develop the communications network necessary to implement IPAWS. In addition, the language in section 102(b)(3)(C) requires the public alert and warning system to provide alerts to the largest portion of the affected population as is feasible. Currently, some local broad-

casters translate the alerts into languages other than English based on their communities' needs, and are encouraged to continue doing so. Nothing in this section shall give FEMA the authority to require a television or radio broadcaster, or other communications company, to translate disaster warnings and emergency messages into multiple languages. This language provision is intended to allow the pass through (where appropriate) of non-English language emergency messages as they are received by broadcaster from the public alert and warning system.

The committee expects that FEMA will work closely with relevant stakeholders on ensuring alerts can be sent to and received by those with disabilities. The committee recognizes FEMA has improved its outreach to relevant groups but expects FEMA to specifically work closely with the National Council on Disability (NCD), the federal agency specifically charged with working on disability policy. The committee notes the work the NCD has done to study the issue of people with disabilities in disasters, including the development of recommendations related to alerting systems in its report entitled "Effective Emergency Management: Making Improvements for Communities and People with Disabilities" issued August 12, 2009.

TITLE II—STAFFORD ACT AND OTHER PROGRAMS

Section 201. Reauthorization of Urban Search and Rescue response system

This section reauthorizes the Urban Search and Rescue system (USAR) at $35.25m for fiscal years 2012 through 2014 consistent with previous funding levels. This section also codifies the system in statute and clarifies liabilities and compensation issues related to participants in the system.

This section is intended to codify existing workers' compensation and tort liability protections for USAR system members that are currently provided administratively by FEMA. It also provides protections under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and establishes licensing a professional liability protection.

The committee expects that eligible expenditures of federal funds to a sponsoring agency should include training and exercises with other federal, state, and local government authorities. Moreover, such expenditures may include activation of a task force for the purpose of a National Special Security Event (NSSE) as determined by the administrator.

This section highlights the eligible expenses under the USAR program and the committee intends that storage and the cost for transportation assets be deemed as eligible expenditures for the acquisition and maintenance of equipment necessary to support a task force.

The committee has ensured the authorization levels in the legislation are consistent with actual funding of the program. However, the committee recognizes that existing funding may not be sufficient to cover all needed costs. The committee is aware that annual appropriations for the USAR program have not fully compensated sponsoring agencies for the costs to equip, maintain and train task force members. With estimates as high as $1.7 million annually to

sustain each task force, annual appropriations should approach $56 million for the 28 existing teams. The committee believes these costs should be thoroughly evaluated in accessing the appropriate funding levels. Prospective sponsoring agencies have also expressed interest in joining the Urban Search and Rescue system. Although the program does not specify the number of task forces, the history of appropriations and the adequacy of existing capabilities must be considered when determining whether to expand the number of task forces.

Section 202. Reauthorization of Emergency Management Assistance Compact grants

This section reauthorizes the Emergency Management Assistance Compact (EMAC) grants at two million dollars each year through fiscal year 2014. Authorization levels are consistent with existing funding.

Section 203. Disposal of excess property to assist other disaster survivors

This section streamlines the process for FEMA to transfer excess materials, supplies, or equipment to state and local governments, or relief or disaster assistance organization to assist disaster survivors in incidents other than declared major disasters or emergencies.

Section 204. Storage, sale, transfer, and disposal of housing units

This section requires FEMA to review the existing inventory of temporary housing units (THUs), determine the number of excess THUs and streamlines the process for transferring excess THUs to states or disposing of such units.

In the past, FEMA incurred costs of $100 million to $120 million to store and maintain unneeded trailers and temporary housing units. In recent years, FEMA has sold the unused THUs, saving taxpayers storage and maintenance costs. In addition to the costs, following certain localized disasters it became apparent that FEMA lacks a streamlined process to make THUs it no longer needs available to states and local communities devastated by disasters that may not result in a declaration.

This provision along with section 205 would streamline the process of such transfers—allowing those who find themselves homeless from a disaster to have shelter and at the same time reducing FEMA's costs to store and maintain units that are no longer needed by FEMA.

Section 205. Other methods of disposal

This section provides for a streamlined process for FEMA to sell, transfer or donate THUs to assist disaster victims in disasters and incidents caused by a hazard that do not result in a declaration.

Section 206. Establishment of criteria relating to administration of hazard mitigation assistance by states

This section requires FEMA to promulgate criteria, as required under statute, within 180 days of enactment, to implement provisions in the Stafford Act that would allow states to administer the Hazard Mitigation Grant Program.

Section 207. Review of regulations and policies

This section requires FEMA, within 180 days of enactment, to review its regulations and policies related to disaster assistance to eliminate regulations that are no longer relevant, to harmonize conflicting regulations and to simplify and expedite disaster recovery and assistance.

The section also requires FEMA to revise its regulations related to State Hazard Mitigation plans to make its planning cycle 5 years, consistent with local planning cycles. The committee understands that the lack of consistency between FEMA and state planning cycles has resulted in unnecessary confusion and burden on the states.

Section 208. Appeals process

This section shortens FEMA's appeals process from 90 to 60 days.

Section 209. Implementation of cost estimating

This section requires FEMA to, within 180 days of enactment of the Act, promulgate regulations to implement cost estimating provisions in the Stafford Act. These provisions were enacted in the Disaster Mitigation Act of 2000 and have not been implemented. Testimony received during the Subcommittee on Economic Development, Public Buildings, and Emergency Management hearing on October 13, 2011 indicated that this one provision, if implemented, could save significant administrative costs by reducing the bureaucracy associated with disaster assistance and closing disasters more quickly.

Section 210. Tribal requests for a major disaster or emergency declaration under Stafford Act

This section provides for federally-recognized tribes to request a disaster declaration when the state in which they reside fails to do so.

Section 211. Individual assistance factors

This section requires FEMA, within 1 year of enactment, to review, update and revise the factors considered in regulation related to Individual Assistance.

Section 212. Public assistance pilot program

This section establishes a public assistance pilot program directing FEMA to develop a pilot program that would reduce costs and expedite assistance through the use of cost estimates and consolidating projects. This section limits the pilot by terminating it in 2014 and requires FEMA to report to Congress on its assessment of the pilot program in 2015.

The intention behind this pilot program is to test approaches that would reduce administrative costs and expedite the recovery process following a major disaster. Currently, costs increase the longer it takes a community to rebuild due both to the cost of reconstruction as well as the administrative costs associated with staffing a disaster and managing the detailed and confusing "project worksheet" process. The pilot program would direct FEMA to use cost-estimating, consolidation of projects, and incentives to

streamline the Public Assistance process and speed up recovery. The committee expects FEMA to fully use the authorities provided and to report on costs and savings, including savings associated with any administrative costs. The committee expects FEMA to pilot multiple approaches including insurance payment and settlement models that should greatly reduce or eliminate the current project worksheet process. The committee reminds FEMA there is no statutory requirement for the current project worksheet grant reimbursement approach or a requirement for it to be operated as a reimbursement grant program at all.

Section 213. Public assistance debris removal procedures

This section streamlines and makes permanent FEMA's Debris Removal pilot program to provide for assistance based on estimates.

Very often the first step following a disaster is removing debris. Debris removal must occur before communities can rebuild. The traditional method by which FEMA removed debris was fraught with red-tape, slowed the process and was susceptible to fraud and high costs. In 2006, as part of Public Law 109–295, Congress enacted legislation to direct FEMA to conduct a pilot program for public assistance and debris removal. Since that time, FEMA implemented a pilot program that reduced unit costs through predisaster contracts, demonstrated more flexibility and incorporated incentives to expedite debris removal. As a result, the committee believes making permanent this pilot program is critical to reducing costs and streamlining the debris removal process following a disaster. The committee also believes FEMA should develop and pilot cost estimating approaches for debris removal to determine if the program can be improved further.

Section 214. Use of funds

This section makes clear any costs associated with reports, reviews, or studies required in the Act are authorized out of FEMA's S&E authorization. This provision clarifies FEMA must use existing funding to pay for any costs associated with reports, reviews or studies.

Section 215. Reduction of authorization for Emergency Management Performance Grants

This section reduces the authorization for the Emergency Management Performance Grants (EMPG) by $3.4 million in fiscal year 2012 to offset a corresponding increase in the authorization for the National Dam Safety Program reauthorized in section 217.

Section 216. Technical correction

This section corrects a technical error in the Stafford Act.

Section 217. National Dam Safety Program Act reauthorization

This section reauthorizes the National Dam Safety Program through Fiscal Year 2015 at levels consistent with existing spending except that an increase has been provided for which is offset by the reduction pursuant to section 215.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006

TITLE VI—NATIONAL EMERGENCY MANAGEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Post-Katrina Emergency Management Reform Act of 2006".

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Subtitle C—Comprehensive Preparedness System

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CHAPTER 2—ADDITIONAL PREPAREDNESS

[SEC. 661. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

[(a) IN GENERAL.—The Administrator may make grants to administer the Emergency Management Assistance Compact consented to by the Joint Resolution entitled "Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact" (Public Law 104–321; 110 Stat. 3877).

[(b) USES.—A grant under this section shall be used—

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

[(2) to administer compact operations on behalf of all member States and territories;

[(3) to continue coordination with the Agency and appropriate Federal agencies;

[(4) to continue coordination with State, local, and tribal government entities and their respective national organizations; and

[(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing emergency response providers and the typing of emergency response resources.

[(c) COORDINATION.—The Administrator shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

[(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $4,000,000 for fiscal year 2008. Such sums shall remain available until expended.]

SEC. 662. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

(a) * * *

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program—

(1) * * *

* * * * * * *

(5) for fiscal year 2012, [$950,000,000] *$946,600,000*.

* * * * * * *

Subtitle G—Authorization of Appropriations

[SEC. 699. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this title and the amendments made by this title for the administration and operations of the Agency—

[(1) for fiscal year 2008, an amount equal to the amount appropriated for fiscal year 2007 for administration and operations of the Agency, multiplied by 1.1;

[(2) for fiscal year 2009, an amount equal to the amount described in paragraph (1), multiplied by 1.1; and

[(3) for fiscal year 2010, an amount equal to the amount described in paragraph (2), multiplied by 1.1.]

SEC. 699. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

(3) for fiscal year 2014, $1,031,378,000, including amounts transferred from grant programs.

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ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

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TITLE I—FINDINGS, DECLARATIONS, AND DEFINITIONS

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DEFINITIONS

SEC. 102. As used in this Act—

(1) * * *

* * * * * * *

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

[(6)**]** *(7)* INDIVIDUAL WITH A DISABILITY.—The term "individual with a disability" means an individual with a disability as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

[(7)**]** *(8)* LOCAL GOVERNMENT.—The term "local government" means—

(A) * * *

(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization**[**; and**]***, that is not an Indian tribal government as defined in paragraph (6); and*

* * * * * * *

[(8)**]** *(9)* "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, including the United States Postal Service, but shall not include the American National Red Cross.

[(9)**]** *(10)* PUBLIC FACILITY.—"Public facility" means the following facilities owned by a State or local government:

(A) * * *

* * * * * * *

[(10)**]** *(11)* PRIVATE NONPROFIT FACILITY.—

(A) * * *

* * * * * * *

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

SEC. 103. REFERENCES.

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

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

* * * * * * *

DISASTER WARNINGS

SEC. 202. (a) * * *

* * * * * * *

(c) The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to [section 611(c)] *section 611(d)* of this Act or any other Federal communications system for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters.

* * * * * * *

TITLE III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION

* * * * * * *

SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

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

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

(2) AGENCY.—The term "Agency" means the Federal Emergency Management Agency.

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

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

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

(6) SPONSORING AGENCY.—The term "sponsoring agency" means a State or local government that is the sponsor of a task force designated by the Administrator to participate in the System.

(7) SYSTEM.—The term "System" means the National Urban Search and Rescue Response System to be administered under this section.

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

(9) TASK FORCE.—The term "task force" means an urban search and rescue team designated by the Administrator to participate in the System.

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

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

(d) TASK FORCES.—

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

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

(3) COMPOSITION.—

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

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

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

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

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

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

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

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

(g) COMPENSATION.—

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

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

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

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

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

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

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

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

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

(2) ELECTION OF BENEFITS.—

(A) IN GENERAL.—If a System member (or, in the case of the death of the System member, the System member's dependent) is entitled—

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

(ii) to receive benefits from a State or local government by reason of the same personal injury, illness, disability, or death,

the System member or dependent shall elect to receive either the benefits referred to in clause (i) or (ii).

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

(C) EFFECT OF ELECTION.—An election of benefits made under this paragraph is irrevocable unless otherwise provided by law.

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

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

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

(1) Service as a System member is deemed "service in the uniformed services" for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in such chapter.

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

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

(l) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish and maintain an advisory committee to provide expert recommendations to the Administrator in order to assist the Administrator in administering the System.

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

(A) the chief officer or senior executive from at least 3 sponsoring agencies;

(B) the senior emergency manager from at least 2 States that include sponsoring agencies; and

(C) at least 1 representative recommended by the leaders of the task forces.

(3) INAPPLICABILITY OF TERMINATION REQUIREMENT.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee under this subsection.

(m) PREPAREDNESS COOPERATIVE AGREEMENTS.—

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

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

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

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

(2) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding section 1552(b) of title 31, United States Code, amounts made available for cooperative agreements under this subsection that are not expended shall be deposited in an Agency account and shall remain available for such agreements without fiscal year limitation.

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

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

(p) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

(A) there is an urgent need for the materials, supplies, or equipment; and

(B) the State is unable to provide the materials, supplies, or equipment in a timely manner.

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

TITLE IV—MAJOR DISASTER ASSISTANCE PROGRAMS

SEC. 401. PROCEDURE FOR DECLARATION.

[All requests for a declaration] *(a) IN GENERAL.—All requests for a declaration* by the President that a major disaster exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As part of such request, and as a prerequisite to major disaster assistance under this Act, the Governor shall take appropriate response action under State law and direct execution of the State's emergency plan. The Governor shall furnish information on the nature and amount of State and local resources which have been or will be committed to alleviating the results of the disaster, and shall certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will comply with all applicable cost-sharing requirements of this Act. Based on the request of a Governor under this section, the President may declare under this Act that a major disaster or emergency exists.

(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

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

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

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

(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.—

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

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

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

(2) CRITERIA FOR MAKING DETERMINATIONS.—The President shall establish criteria for making determinations under paragraph (1)(B).

* * * * * * *

SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) * * *

* * * * * * *

(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

(1) * * *

(2) DISPOSAL OF UNITS.—

(A) * * *

(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

(i) may be sold to any person; **[**or**]**

(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

(I) * * *

(II) to obtain and maintain hazard and flood insurance on the housing unit**[**.**]***; or*

(iii) may be sold, transferred, or donated directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in disasters and incidents caused by a hazard (as such term is defined in section 602) that do not result in a declaration of a major disaster or emergency if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

(I) to comply with the nondiscrimination provisions of section 308; and

(II) to obtain and maintain hazard and flood insurance for the housing units.

* * * * * * *

SEC. 423. APPEALS OF ASSISTANCE DECISIONS.

(a) * * *

[(b) PERIOD FOR DECISION.—A decision regarding an appeal under subsection (a) shall be rendered within 90 days after the date on which the Federal official designated to administer such appeals receives notice of such appeal.**]**

(b) PERIOD FOR DECISION.—

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

(2) FAILURE TO SATISFY DEADLINE.—If the Federal official fails to satisfy the requirement under paragraph (1), the Federal official shall provide a written explanation of such failure to the applicant. The President, acting through the Administrator of the Federal Emergency Management Agency, shall transmit quarterly to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on such failures.

* * * * * * *

TITLE V—EMERGENCY ASSISTANCE PROGRAMS

SEC. 501. PROCEDURE FOR DECLARATION.

(a) * * *

* * * * * * *

(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

(1) IN GENERAL.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

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

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

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TITLE VI—EMERGENCY PREPAREDNESS

* * * * * * *

Subtitle A—Powers and Duties

* * * * * * *

SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may make grants to provide for implementa-

tion of the Emergency Management Assistance Compact consented to by Congress in the joint resolution entitled "Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact" (Public Law 104–321; 110 Stat. 3877).

(b) ELIGIBLE GRANT RECIPIENTS.—States and the Administrator of the Emergency Management Assistance Compact shall be eligible to receive grants under subsection (a).

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

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

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

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

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

(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing the providers and the typing of emergency response resources.

(d) COORDINATION.—The Administrator of the Federal Emergency Management Agency shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

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

* * * * * * *

TITLE 5, UNITED STATES CODE

* * * * * * *

PART III—EMPLOYEES

* * * * * * *

SUBPART G—INSURANCE AND ANNUITIES

* * * * * * *

CHAPTER 81—COMPENSATION FOR WORK INJURIES

* * * * * * *

SUBCHAPTER I—GENERALLY

* * * * * * *

§ 8101. Definitions

For the purpose of this subchapter—

(1) "employee" means—

(A)* * *

* * * * * * *

(D) an individual employed by the government of the District of Columbia; [and]

(E) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

(F) an individual selected pursuant to chapter 121 of title 28, [United States Code,] and serving as a petit or grand juror; *and*

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

but does not include—

(i) * * *

* * * * * * *

TITLE 38, UNITED STATES CODE

* * * * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * * * *

CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SUBCHAPTER I—GENERAL

* * * * * * *

§ 4303. Definitions

For the purposes of this chapter—

(1) * * *

* * * * * * *

(13) The term "service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty*, a period for which a System member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act*, and a period for which a person is absent from employ-

ment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

* * * * * * *

(16) The term "uniformed services" means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, *System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act,* and any other category of persons designated by the President in time of war or national emergency.

* * * * * * *

NATIONAL DAM SAFETY PROGRAM ACT

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Dam Safety Program Act".

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) * * *

(2) DAM.—The term "dam"—

(A) * * *

(B) does not include—

(i) * * *

(ii) a barrier described in subparagraph (A) that—

(I) * * *

* * * * * * *

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the [Director] *Administrator*).

(3) [DIRECTOR] *ADMINISTRATOR*.—The term "[Director] *Administrator*" means the [Director] *Administrator* of FEMA.

* * * * * * *

SEC. 3. INSPECTION OF DAMS.

(a) * * *

(b) STATE PARTICIPATION.—On request of a State dam safety agency, with respect to any dam the failure of which would affect the State, the head of a Federal agency shall—

(1) provide information to the State dam safety agency on the construction, operation, [or maintenance] *maintenance, condition, or provision for emergency operations* of the dam; or

* * * * * * *

SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.

(a) ESTABLISHMENT.—There is established an Interagency Committee on Dam Safety—

(1) * * *

(2) chaired by the [Director] *Administrator*.

* * * * * * *

SEC. 8. NATIONAL DAM SAFETY PROGRAM.

(a) IN GENERAL.—The [Director] *Administrator*, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

(1) * * *

* * * * * * *

(b) DUTIES.—The [Director] *Administrator* shall prepare a strategic plan—

(1) * * *

* * * * * * *

(c) OBJECTIVES.—The objectives of the Program are to—

(1) * * *

* * * * * * *

[(4) develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs;]

(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in mitigating against, preparing for, responding to, and recovering from dam incidents;

* * * * * * *

(e) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect human life and property, and to improve State dam safety programs, the [Director] *Administrator* shall provide assistance with amounts made available under section 13 to assist States in establishing, maintaining, and improving dam safety programs in accordance with the criteria specified in paragraph (2).

* * * * * * *

(3) WORK PLANS.—The [Director] *Administrator* shall enter into a agreement with each State receiving assistance under paragraph (2) to develop a work plan necessary for the State dam safety program to reach a level of program performance specified in the agreement.

(4) MAINTENANCE OF EFFORT.—Assistance may not be provided to a State under this subsection for a fiscal year unless the State enters into such agreement with the [Director] *Administrator* as the [Director] *Administrator* requires to ensure that the State will maintain the aggregate expenditures of the State from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of such expenditures for the 2 fiscal years preceding the fiscal year.

(5) APPROVAL OF PROGRAMS.—

(A) SUBMISSION.—For a State to be eligible for assistance under this subsection, a plan for a State dam safety

program shall be submitted to the [Director] *Administrator* for approval.

(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the [Director] *Administrator* unless the [Director] *Administrator* determines within the 120-day period that the State dam safety program fails to meet the requirements of paragraphs (1) through (3).

(C) NOTIFICATION OF DISAPPROVAL.—If the [Director] *Administrator* determines that a State dam safety program does not meet the requirements for approval, the [Director] *Administrator* shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the [Director] *Administrator* shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property and the [Director] *Administrator* concurs, the [Director] *Administrator* shall revoke approval of the State dam safety program, and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

(f) BOARD.—

(1) ESTABLISHMENT.—The [Director] *Administrator* shall establish an advisory board to be known as the "National Dam Safety Review Board" to monitor the safety of dams in the United States, to monitor State implementation of this section, and to advise the [Director] *Administrator* on national dam safety policy.

* * * * * * *

(3) VOTING MEMBERSHIP.—The Board shall consist of 11 voting members selected by the [Director] *Administrator* for expertise in dam safety, of whom—

(A) * * *

* * * * * * *

(F) 5 members shall be selected by the [Director] *Administrator* from among State dam safety officials; and

(G) 1 member shall be selected by the [Director] *Administrator* to represent the private sector.

(4) NONVOTING MEMBERSHIP.—The [Director] *Administrator*, in consultation with the Board, may invite a representative of the National Laboratories of the Department of Energy and may invite representatives from Federal or State agencies*, representatives from nongovernmental organizations,* or dam safety experts, as needed, to participate in meetings of the Board.

* * * * * * *

(6) WORK GROUPS.—The [Director] *Administrator* may establish work groups under the Board to assist the Board in accomplishing its goals. The work groups shall consist of members of the Board and other individuals selected by the [Director] *Administrator*.

* * * * * * *

SEC. 9. RESEARCH.

(a) IN GENERAL.—The [Director] *Administrator*, in cooperation with the Board, shall carry out a program of technical and archival research to develop and support—

(1) * * *

* * * * * * *

(b) CONSULTATION.—The [Director] *Administrator* shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

SEC. 10. DAM SAFETY TRAINING.

At the request of any State that has or intends to develop a State dam safety program, the [Director] *Administrator* shall provide training for State dam safety staff and inspectors.

SEC. 11. REPORTS.

Not later than 90 days after the end of each odd-numbered fiscal year, the [Director] *Administrator* shall submit a report to Congress that—

(1) * * *

* * * * * * *

(4) includes any recommendations for legislative and other action that the [Director] *Administrator* considers necessary.

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SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL DAM SAFETY PROGRAM.—

(1) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 11 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under subsections (b) through (e)), [$6,500,000 for fiscal year 2007, $7,100,000 for fiscal year 2008, $7,600,000 for fiscal year 2009, $8,300,000 for fiscal year 2010, and $9,200,000 for fiscal year 2011] *$8,024,000 for each of fiscal years 2012 through 2015*, to remain available until expended.

(2) ALLOCATION.—

(A) * * *

(B) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this paragraph may not exceed [50 percent of the reasonable cost of implementing the State dam safety program] *the amount of funds committed by the State to implement dam safety program activities*.

(C) DETERMINATION.—The [Director] *Administrator* and the Board shall determine the amount allocated to States.

(b) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 [$650,000 for fiscal year 2007, $700,000 for fiscal year 2008, $750,000 for fiscal year 2009, $800,000 for fiscal year 2010, and $850,000 for fiscal year 2011] *$383,000 for each of fiscal years 2012 through 2015*.

(c) RESEARCH.—There is authorized to be appropriated to carry out section 9 [$1,600,000 for fiscal year 2007, $1,700,000 for fiscal year 2008, $1,800,000 for fiscal year 2009, $1,900,000 for fiscal

year 2010, and $2,000,000 for fiscal year 2011] *$1,000,000 for each of fiscal years 2012 through 2015*, to remain until expended.

(d) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 10 [$550,000 for fiscal year 2007, $600,000 for fiscal year 2008, $650,000 for fiscal year 2009, $700,000 for fiscal year 2010, and $750,000 for fiscal year 2011] *$750,000 for each of fiscal years 2012 through 2015*.

(e) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 8 through 10 [$700,000 for fiscal year 2007, $800,000 for fiscal year 2008, $900,000 for fiscal year 2009, $1,000,000 for fiscal year 2010, and $1,100,000 for fiscal year 2011] *$436,000 for each of fiscal years 2012 through 2015*.

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