

PENDING

H.R. - 14, 16, 88

AMENDMENT NO. _____

Calendar No. 14

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

H.R. 1

AMENDMENT NO. 3395

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To: H.R. 1 (Amendment 3394)

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of the motion to commit

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Page(s)

GPO: 2010 63-070 (mac)

AMENDMENT intended to be proposed by _____

Viz:

- 1 Strike all after the enacting clause, and insert in lieu
- 2 thereof:
- 3 That the following sums are hereby appropriated, out of
- 4 any money in the Treasury not otherwise appropriated,
- 5 for fiscal year 2013, and for other purposes, namely:
- 6 SUPPLEMENTAL APPROPRIATIONS FOR
- 7 DISASTER ASSISTANCE

1

TITLE I

2

DEPARTMENT OF AGRICULTURE

3

AGRICULTURAL PROGRAMS

4

FARM SERVICE AGENCY

5

EMERGENCY CONSERVATION PROGRAM

6

7 For necessary expenses for the "Emergency Con-
8 servation Program", \$25,090,000, to remain available
9 until expended, of which \$15,000,000 is for expenses re-
10 sulting from a major disaster declared pursuant to the
11 Robert T. Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

16

EMERGENCY FOREST RESTORATION PROGRAM

17

18 For necessary expenses for the "Emergency Forest
19 Restoration Program", \$58,855,000, to remain available
20 until expended, of which \$49,010,000 is for expenses re-
21 sulting from a major disaster declared pursuant to the
22 Robert T. Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such
24 amount is designated by the Congress as being for an
25 emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 CONSERVATION PROGRAMS

4 NATURAL RESOURCES CONSERVATION SERVICE

5 EMERGENCY WATERSHED PROTECTION PROGRAM

6 For necessary expenses for the “Emergency Water-
7 shed Protection Program”, \$125,055,000, to remain avail-
8 able until expended, of which \$77,085,000 is for expenses
9 resulting from a major disaster declared pursuant to the
10 Robert T. Stafford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5121 et. seq.): *Provided*, That unobli-
12 gated balances for the “Emergency Watershed Protection
13 Program” provided in Public Law 108–199, Public Law
14 109–234, and Public Law 110–28 shall be available for
15 the purposes of such program for disasters, and shall re-
16 main available until expended: *Provided further*, That such
17 amounts are designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 DOMESTIC FOOD PROGRAMS

22 FOOD AND NUTRITION SERVICE

23 COMMODITY ASSISTANCE PROGRAM

24 For an additional amount for the emergency food as-
25 sistance program as authorized by section 27(a) of the

1 Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and
2 section 204(a)(1) of the Emergency Food Assistance Act
3 of 1983 (7 U.S.C. 7508(a)(1)), \$15,000,000, to remain
4 available through September 30, 2014; *Provided*, That
5 notwithstanding any other provisions of the Emergency
6 Food Assistance Act of 1983 (the “Act”), the Secretary
7 may allocate additional foods and funds for administrative
8 expenses from resources specifically appropriated, trans-
9 ferred, or reprogrammed to restore to states resources
10 used to assist families and individuals displaced by Hurri-
11 cane Sandy among the states without regard to sections
12 204 and 214 of the Act: *Provided further*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985 (Public Law 99–177), as
17 amended.

18 TITLE II

19 DEPARTMENT OF COMMERCE

20 NATIONAL OCEANIC AND ATMOSPHERIC

21 ADMINISTRATION

22 OPERATIONS, RESEARCH, AND FACILITIES

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

1 (1) \$6,200,000 to repair and replace ocean ob-
2 serving and coastal monitoring assets damaged by
3 Hurricane Sandy;

4 (2) \$10,000,000 to repair and improve weather
5 forecasting capabilities and infrastructure;

6 (3) \$150,000,000 to evaluate, stabilize and re-
7 store coastal ecosystems affected by Hurricane
8 Sandy;

9 (4) \$56,800,000 for mapping, charting, damage
10 assessment, and marine debris coordination and re-
11 mediation; and

12 (5) \$150,000,000, for necessary expenses re-
13 lated to fishery disasters as declared by the Sec-
14 retary of Commerce in calendar year 2012:

15 *Provided*, That the National Oceanic and Atmospheric Ad-
16 ministration shall submit a spending plan to the Commit-
17 tees on Appropriations of the House of Representatives
18 and the Senate within 45 days after the date of enactment
19 of this Act: *Provided further*, That such amount is des-
20 ignated by the Congress as being for an emergency re-
21 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985.

1 PROCUREMENT, ACQUISITION AND CONSTRUCTION

2 For an additional amount for “Procurement, Acquisi-
3 tion and Construction”, \$109,000,000, to remain available
4 until September 30, 2015, as follows—

5 (1) \$47,000,000 for the Coastal and Estuarine
6 Land Conservation Program to support State and
7 local restoration in areas affected by Hurricane
8 Sandy;

9 (2) \$9,000,000 to repair National Oceanic and
10 Atmospheric Administration (NOAA) facilities dam-
11 aged by Hurricane Sandy;

12 (3) \$44,500,000 for repairs and upgrades to
13 NOAA hurricane reconnaissance aircraft; and

14 (4) \$8,500,000 for improvements to weather
15 forecasting equipment and supercomputer infra-
16 structure:

17 *Provided*, That NOAA shall submit a spending plan to the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate within 45 days after the date of
20 enactment of this Act: *Provided further*, That such amount
21 is designated by the Congress as being for an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

1 DEPARTMENT OF JUSTICE

2 GENERAL ADMINISTRATION

3 OFFICE OF INSPECTOR GENERAL

4 For an additional amount for “General Administra-
5 tion, Office of Inspector General” for necessary expenses
6 related to the consequences of Hurricane Sandy, \$20,000,
7 to remain available until September 30, 2013: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 FEDERAL BUREAU OF INVESTIGATION

13 SALARIES AND EXPENSES

14 For an additional amount for “Federal Bureau of In-
15 vestigation, Salaries and Expenses” for necessary ex-
16 penses related to the consequences of Hurricane Sandy,
17 \$4,000,000, to remain available until September 30, 2013:
18 *Provided*, That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

22 DRUG ENFORCEMENT ADMINISTRATION

23 SALARIES AND EXPENSES

24 For an additional amount for “Drug Enforcement
25 Administration, Salaries and Expenses” for necessary ex-

1 penses related to the consequences of Hurricane Sandy,
2 \$1,000,000, to remain available until September 30, 2013:
3 *Provided*, That such amount is designated by the Congress
4 as being for an emergency requirement pursuant to sec-
5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985.

7 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
8 EXPLOSIVES

9 SALARIES AND EXPENSES

10 For an additional amount for “Bureau of Alcohol,
11 Tobacco, Firearms and Explosives, Salaries and Ex-
12 penses” for necessary expenses related to the con-
13 sequences of Hurricane Sandy, \$230,000, to remain avail-
14 able until September 30, 2013: *Provided*, That such
15 amount is designated by the Congress as being for an
16 emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 FEDERAL PRISON SYSTEM

20 BUILDINGS AND FACILITIES

21 For an additional amount for “Federal Prison Sys-
22 tem, Buildings and Facilities” for necessary expenses re-
23 lated to the consequences of Hurricane Sandy,
24 \$10,000,000, to remain available until expended: *Pro-*
25 *vided*, That such amount is designated by the Congress

1 amount made available under this heading shall be used
2 only to provide the mobile resources, technology, and dis-
3 aster coordinators necessary to provide storm-related serv-
4 ices to the Legal Services Corporation client population
5 and only in the areas significantly affected by Hurricane
6 Sandy: *Provided further*, That such amount is designated
7 by the Congress as being for an emergency requirement
8 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
9 et and Emergency Deficit Control Act of 1985: *Provided*
10 *further*, That none of the funds appropriated in this Act
11 to the Legal Services Corporation shall be expended for
12 any purpose prohibited or limited by, or contrary to any
13 of the provisions of, sections 501, 502, 503, 504, 505, and
14 506 of Public Law 105–119, and all funds appropriated
15 in this Act to the Legal Services Corporation shall be sub-
16 ject to the same terms and conditions set forth in such
17 sections, except that all references in sections 502 and 503
18 to 1997 and 1998 shall be deemed to refer instead to 2012
19 and 2013, respectively, and except that sections 501 and
20 503 of Public Law 104–134 (referenced by Public Law
21 105–119) shall not apply to the amount made available
22 under this heading.

1 TITLE III
2 DEPARTMENT OF DEFENSE
3 DEPARTMENT OF DEFENSE—MILITARY
4 OPERATION AND MAINTENANCE
5 OPERATION AND MAINTENANCE, ARMY

6 For an additional amount for “Operation and Main-
7 tenance, Army”, \$5,370,000, to remain available until
8 September 30, 2013, for necessary expenses related to the
9 consequences of Hurricane Sandy: *Provided*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 OPERATION AND MAINTENANCE, NAVY
15 For an additional amount for “Operation and Main-
16 tenance, Navy”, \$40,015,000, to remain available until
17 September 30, 2013, for necessary expenses related to the
18 consequences of Hurricane Sandy: *Provided*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 OPERATION AND MAINTENANCE, AIR FORCE
24 For an additional amount for “Operation and Main-
25 tenance, Air Force”, \$8,500,000, to remain available until

1 September 30, 2013, for necessary expenses related to the
2 consequences of Hurricane Sandy: *Provided*, That such
3 amount is designated by the Congress as being for an
4 emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 OPERATION AND MAINTENANCE, ARMY NATIONAL
8 GUARD

9 For an additional amount for “Operation and Main-
10 tenance, Army National Guard”, \$3,165,000, to remain
11 available until September 30, 2013, for necessary expenses
12 related to the consequences of Hurricane Sandy: *Provided*,
13 That such amount is designated by the Congress as being
14 for an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

18 For an additional amount for “Operation and Main-
19 tenance, Air National Guard”, \$5,775,000, to remain
20 available until September 30, 2013, for necessary expenses
21 related to the consequences of Hurricane Sandy: *Provided*,
22 That such amount is designated by the Congress as being
23 for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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TITLE IV
DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
INVESTIGATIONS

For an additional amount for "Investigations" to expedite studies of flood and storm damage reduction related natural disasters, \$50,000,000 at full Federal expense, to remain available until expended: *Provided*, That using ~~\$29,500,000~~ of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers: *Provided further*, That using up to \$20,000,000 of the funds provided herein, the Secretary shall support an interagency planning process in conjunction with State, local and Tribal officials to develop plans to address the flood risks of vulnerable coastal populations, including innovative approaches to promote the long-term sustainability of the coastal ecosystems and communities to reduce the economic costs and risks associated with large-scale flood and storm events: *Provided further*, That using \$500,000 of the funds provided herein, the Secretary shall conduct an evaluation of the performance of existing projects constructed by the U.S. Army

~~(\$34,500,000~~

\$15,000,000

(Hurricanes Sandy and Isaac in the North Atlantic and Mississippi Valley Divisions of the U.S. Army Corps of Engineers

1 Corps of Engineers and impacted by Hurricane Sandy for
2 the purposes of determining their effectiveness and mak-
3 ing recommendations for improvements thereto: *Provided*
4 *further*, That as a part of the study, the Secretary shall
5 identify institutional and other barriers to providing com-
6 prehensive protection to affected coastal areas and shall
7 provide this report to the Committees on Appropriations
8 of the House of Representatives and the Senate within
9 120 days of enactment of this Act: *Provided further*, That
10 the amounts in this paragraph are designated by the Con-
11 gress as being for an emergency requirement pursuant to
12 section 251(b)(2)(A)(i) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985: *Provided further*,
14 That the Assistant Secretary of the Army for Civil Works
15 shall provide a monthly report to the Committees on Ap-
16 propriations of the House of Representatives and the Sen-
17 ate detailing the allocation and obligation of these funds,
18 beginning not later than 60 days after enactment of this
19 Act.

20 CONSTRUCTION

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for "Construction" to re-
23 habilitate, repair and construct U.S. Army Corps of Engi-
24 neers projects related to the consequences of natural disas-
25 ters, \$3,461,000,000, to remain available until expended:

1 *Provided*, That \$2,902,000,000 of the funds provided
2 under this heading shall be used to reduce future flood
3 risk in ways that will support the long-term sustainability
4 of the coastal ecosystem and communities and reduce the
5 economic costs and risks associated with large-scale flood
6 and storm events ~~in areas along the Atlantic Coast~~ within
7 the boundaries of the North Atlantic ~~Division of the Corps~~
8 ~~that was affected by Hurricane Sandy~~. *Provided further*,
9 That efforts using these funds shall incorporate current
10 science and engineering standards in constructing pre-
11 viously authorized Corps projects designed to reduce flood
12 and storm damage risks and modifying existing Corps
13 projects that do not meet these standards, with such modi-
14 fications as the Secretary determines are necessary to in-
15 corporate these standards or to meet the goal of providing
16 sustainable reduction to flooding and storm damage risks:
17 *Provided further*, That any project that is under study by
18 the Corps for reducing flooding and storm damage risks
19 and that the Corps studies demonstrate will cost-effec-
20 tively reduce those risks is hereby authorized: *Provided*
21 *further*, That local interests shall provide all lands, ease-
22 ments, rights-of-way, relocations and disposal areas
23 (LERRDs) necessary for projects using these funds at no
24 cost to the Government: *Provided further*, That cost shar-
25 ing for implementation of any projects using these funds

(that occurred in
2012 along the
Gulf Coast and
Atlantic Coast

(and Mississippi
Valley Divisions of
the Corps that were
affected by
Hurricanes Sandy
and Isaac

1 shall be 90 percent Federal and 10 percent non-Federal
2 exclusive of LERRDs: *Provided further*, That the non-
3 Federal cash contribution for projects using these funds
4 shall be financed in accordance with the provisions of sec-
5 tion 103(k) of Public Law 99-662 over a period of 30
6 years from the date of completion of the project or sepa-
7 rable element: *Provided further*, That for these projects,
8 the provisions of section 902 of the Water Resources De-
9 velopment Act of 1986 shall not apply to these funds: *Pro-*
10 *vided further*, That the Secretary may transfer up to
11 \$499,000,000 of the funds provided under this heading
12 to other U.S. Army Corps of Engineers Accounts to ad-
13 dress damages from previous natural disasters following
14 normal policies and cost sharing: *Provided further*, That
15 the Committees on Appropriations of the House of Rep-
16 resentatives and the Senate shall be notified at least 15
17 days in advance of any such transfer: *Provided further*,
18 That up to \$51,000,000 of the funds provided under this
19 heading shall be used to expedite continuing authorities
20 projects along the coastal areas in States impacted by
21 Hurricane Sandy within the boundaries of the North At-
22 lantic Division: *Provided further*, That \$9,000,000 of the
23 funds provided under this heading shall be used for repairs
24 to projects that were under construction and damaged by
25 the impacts of Hurricane Sandy: *Provided further*, That

1 any projects using funds appropriated under this heading
2 shall be initiated only after non-Federal interests have en-
3 tered into binding agreements with the Secretary requiring
4 the non-Federal interests to pay 100 percent of the oper-
5 ation, maintenance, repair, replacement, and rehabilita-
6 tion costs of the project and to hold and save the United
7 States free from damages due to the construction or oper-
8 ation and maintenance of the project, except for damages
9 due to the fault or negligence of the United States or its
10 contractors: *Provided further*, That the amounts in this
11 paragraph are designated by the Congress as being for
12 an emergency requirement pursuant section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985: *Provided further*, That the
15 Assistant Secretary of the Army for Civil Works shall sub-
16 mit to the Committees on Appropriations of the House
17 of Representatives and the Senate a monthly report detail-
18 ing the allocation and obligation of these funds, beginning
19 not later than 60 days after the date of the enactment
20 of this Act.

21 OPERATION AND MAINTENANCE

22 For an additional amount for “Operation and Main-
23 tenance”, \$821,000,000, to remain available until ex-
24 pended to dredge Federal navigation channels and repair
25 damage to Corps projects nationwide related to natural

1 disasters: *Provided*, That such amount is designated by
2 the Congress as being for an emergency requirement pur-
3 suant section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985: *Provided further*,
5 That the Assistant Secretary of the Army for Civil Works
6 shall provide a monthly report to the Committees on Ap-
7 propriations of the House of Representatives and the Sen-
8 ate detailing the allocation and obligation of these funds,
9 beginning not later than 60 days after enactment of this
10 Act.

11 FLOOD CONTROL AND COASTAL EMERGENCIES

12 For an additional amount for “Flood Control and
13 Coastal Emergencies”, \$1,008,000,000, to remain avail-
14 able until expended to prepare for flood, hurricane, and
15 other natural disasters and support emergency operations,
16 repairs and other activities in response to flood, hurricanes
17 or other natural disasters as authorized by law: *Provided*,
18 That \$430,000,000 of the funds provided herein shall be
19 utilized by the Corps to restore projects impacted by Hur-
20 ricane Sandy in the North Atlantic Division of the U.S.
21 Army Corps of Engineers to design profiles of the author-
22 ized projects: *Provided further*, That the provisions of sec-
23 tion 902 of the Water Resources Development Act of 1986
24 shall not apply to funds provided under this heading: *Pro-*
25 *vided further*, That the amounts in this paragraph are des-

1 ignated by the Congress as being for an emergency re-
2 quirement pursuant section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985:
4 *Provided further*, That the Assistant Secretary of the
5 Army for Civil Works shall provide a monthly report to
6 the Committees on Appropriations of the House of Rep-
7 resentatives and the Senate detailing the allocation and
8 obligation of these funds, beginning not later than 60 days
9 after enactment of this Act.

10

EXPENSES

11 For an additional amount for "Expenses" for in-
12 creased efforts to oversee emergency response and recov-
13 ery activities related to natural disasters, \$10,000,000, to
14 remain available until expended: *Provided*, That such
15 amount is designated by the Congress as being for an
16 emergency requirement pursuant section 251(b)(2)(A)(i)
17 of the Balanced Budget and Emergency Deficit Control
18 Act of 1985: *Provided further*, That the Assistant Sec-
19 retary of the Army for Civil Works shall provide a monthly
20 report to the Committees on Appropriations of the House
21 of Representatives and the Senate detailing the allocation
22 and obligation of these funds, beginning not later than 60
23 days after enactment of this Act.

1

TITLE V

2

INDEPENDENT AGENCIES

3

GENERAL SERVICES ADMINISTRATION

4

REAL PROPERTY ACTIVITIES

5

FEDERAL BUILDINGS FUND

6 For an additional amount to be deposited in the
7 “Federal Buildings Fund”, \$7,000,000, to remain avail-
8 able until expended, notwithstanding 40 U.S.C. 3307, for
9 necessary expenses related to the consequences of Hurri-
10 cane Sandy, including repair and alteration of buildings
11 under the custody and control of the Administrator of
12 General Services, and real property management and re-
13 lated activities not otherwise provided for: *Provided*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18

SMALL BUSINESS ADMINISTRATION

19

SALARIES AND EXPENSES

20 For an additional amount for “Salaries and Ex-
21 penses”, \$40,000,000, to remain available until September
22 30, 2014, of which \$20,000,000 is for grants to or cooper-
23 ative agreements with organizations to provide technical
24 assistance related to disaster recovery, response, and long-
25 term resiliency to small businesses that are recovering

1 from Hurricane Sandy; and of which \$20,000,000 is for
2 grants or cooperative agreements for public-private part-
3 nerships to provide long-term economic development as-
4 sistance to industries and/or regions affected by Hurricane
5 Sandy through economic development initiatives, including
6 innovation clusters, industry accelerators, supply-chain
7 support, commercialization, and workforce development:
8 *Provided*, That the Small Business Administration (SBA)
9 shall expedite the delivery of assistance in disaster-af-
10 fected areas by awarding grants or cooperative agreements
11 for technical assistance only to current recipients of SBA
12 grants or cooperative agreements using a streamlined ap-
13 plication process that relies, to the maximum extent prac-
14 ticable, upon previously submitted documentation: *Pro-*
15 *vided further*, That the Administrator of the Small Busi-
16 ness Administration shall waive the matching require-
17 ments under section 21(a)(4)(A) and 29(e) of the Small
18 Business Act for any grant made using funds made avail-
19 able under this heading: *Provided further*, That in design-
20 ing appropriate economic development initiatives and iden-
21 tifying those regions and industries most affected by Hur-
22 ricane Sandy, the SBA shall work with other Federal
23 agencies, State and local economic development entities,
24 institutions of higher learning, and private sector part-
25 ners: *Provided further*, That grants or cooperative agree-

1 ments for public-private partnerships may be awarded to
2 public or private nonprofit organizations, or any combina-
3 tion thereof: *Provided further*, That no later than 30 days
4 after the date of enactment of this Act, or no less than
5 7 days prior to obligation of funds, whichever occurs ear-
6 lier, the SBA shall submit to the Committees on Appro-
7 priations of the House of Representatives and the Senate
8 a detailed expenditure plan for funds provided under this
9 heading: *Provided further*, That such amounts are des-
10 ignated by the Congress as being for an emergency re-
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 OFFICE OF INSPECTOR GENERAL

14 For an additional amount for “Office of Inspector
15 General” for necessary expenses related to the con-
16 sequences of Hurricane Sandy and other disasters,
17 \$5,000,000, to remain available until expended: *Provided*,
18 That such amount is designated by the Congress as being
19 for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 DISASTER LOANS PROGRAM ACCOUNT

23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for “Disaster Loans Pro-
25 gram Account” for the cost of direct loans authorized by

1 section 7(b) of the Small Business Act, for necessary ex-
2 penses related to Hurricane Sandy and other disasters,
3 \$500,000,000, to remain available until expended: *Pro-*
4 *vided*, That such costs, including the cost of modifying
5 such loans, shall be as defined in section 502 of the Con-
6 gressional Budget Act of 1974: *Provided further*, That in
7 addition, for administrative expenses to carry out the di-
8 rect loan program authorized by section 7(b) of the Small
9 Business Act in response to Hurricane Sandy and other
10 disasters, \$260,000,000, to remain available until ex-
11 pended, of which \$250,000,000 is for direct administrative
12 expenses of loan making and servicing to carry out the
13 direct loan program, which may be transferred to and
14 merged with the appropriations for Salaries and Expenses;
15 and of which \$10,000,000 is for indirect administrative
16 expenses for the direct loan program, which may be trans-
17 ferred to and merged with the appropriations for Salaries
18 and Expenses: *Provided further*, That such amounts are
19 designated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

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

1 SEC. 502. Section 7(d)(6) of the Small Business Act
2 (15 U.S.C. 636(d)(6)) is amended by inserting after
3 “which are made under paragraph (1) of subsection (b)”
4 the following: “: *Provided further*, That the Administrator,
5 in obtaining the best available collateral for a loan of not
6 more than \$200,000 under paragraph (1) or (2) of sub-
7 section (b) relating to damage to or destruction of the
8 property of, or economic injury to, a small business con-
9 cern, shall not require the owner of the small business con-
10 cern to use the primary residence of the owner as collat-
11 eral if the Administrator determines that the owner has
12 other assets with a value equal to or greater than the
13 amount of the loan that could be used as collateral for
14 the loan: *Provided further*, That nothing in the preceding
15 proviso may be construed to reduce the amount of collat-
16 eral required by the Administrator in connection with a
17 loan described in the preceding proviso or to modify the
18 standards used to evaluate the quality (rather than the
19 type) of such collateral”.

20

TITLE VI

21

DEPARTMENT OF HOMELAND SECURITY

22

U.S. CUSTOMS AND BORDER PROTECTION

23

SALARIES AND EXPENSES

24

25 For an additional amount for “Salaries and Ex-
penses” for necessary expenses related to the con-

1 sequences of Hurricane Sandy, \$1,667,000: *Provided*,
2 That such amount is designated by the Congress as being
3 for an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985: *Provided further*, That a de-
6 scription of all property to be replaced, with associated
7 costs, shall be submitted to the Committees on Appropria-
8 tions of the Senate and the House of Representatives no
9 later than 90 days after the date of enactment of this Act.

10 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

11 SALARIES AND EXPENSES

12 For an additional amount for “Salaries and Ex-
13 penses” for necessary expenses related to the con-
14 sequences of Hurricane Sandy, \$855,000: *Provided*, That
15 such amount is designated by the Congress as being for
16 an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985: *Provided further*, That a de-
19 scription of all property to be replaced, with associated
20 costs, shall be submitted to the Committees on Appropria-
21 tions of the Senate and the House of Representatives no
22 later than 90 days after the date of enactment of this Act.

1 COAST GUARD
2 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS
3 (INCLUDING TRANSFER OF FUNDS)
4 For an additional amount for “Acquisition, Construc-
5 tion, and Improvements” for necessary expenses related
6 to the consequences of Hurricane Sandy, \$274,233,000,
7 to remain available until September 30, 2017: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985: *Provided further*, That not-
12 withstanding the transfer limitation contained in section
13 503 of division D of Public Law 112–74, such funding
14 may be transferred to other Coast Guard appropriations
15 after notification as required in accordance with such sec-
16 tion: *Provided further*, That a description all facilities and
17 property to be reconstructed and restored, with associated
18 costs and time lines, shall be submitted to the Committees
19 on Appropriations of the Senate and the House of Rep-
20 resentatives no later than 90 days after the date of enact-
21 ment of this Act.

22 UNITED STATES SECRET SERVICE

23 SALARIES AND EXPENSES

24 For an additional amount for “Salaries and Ex-
25 penses” for necessary expenses related to the con-

1 sequences of Hurricane Sandy, \$300,000: *Provided*, That
2 such amount is designated by the Congress as being for
3 an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985: *Provided further*, That a de-
6 scription of all property to be replaced, with associated
7 costs, shall be submitted to the Committees on Appropria-
8 tions of the Senate and the House of Representatives no
9 later than 90 days after the date of enactment of this Act.

10 FEDERAL EMERGENCY MANAGEMENT AGENCY

11 DISASTER RELIEF FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For an additional amount for the “Disaster Relief
14 Fund” in carrying out the Robert T. Stafford Disaster
15 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
16 seq.), \$11,487,735,000, to remain available until ex-
17 pended: *Provided*, That of the total amount provided,
18 \$5,379,000,000 shall be for major disasters declared pur-
19 suant to the Robert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*
21 *further*, That the amount in the previous proviso is des-
22 ignated by the Congress as being for disaster relief pursu-
23 ant to section 251(b)(2)(D) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985: *Provided further*,
25 That of the total amount provided, \$6,108,735,000 is des-

1 ignated by the Congress as being for an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985
4 which shall be for major disasters declared pursuant to
5 the Robert T. Stafford Disaster Relief and Emergency As-
6 sistance Act (42 U.S.C. 5121 et seq.): *Provided further,*
7 That of the total amount provided, \$3,000,000 shall be
8 transferred to the Department of Homeland Security “Of-
9 fice of Inspector General” for audits and investigations re-
10 lated to disasters.

11 DISASTER ASSISTANCE DIRECT LOAN PROGRAM

12 ACCOUNT

13 For an additional amount for the cost of direct loans,
14 \$300,000,000, to remain available until expended, as au-
15 thorized by section 417 of the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act (42 U.S.C. 5184),
17 of which up to \$4,000,000 is for administrative expenses
18 to carry out the direct loan program: *Provided,* That such
19 costs, including the cost of modifying such loans, shall be
20 as defined in section 502 of the Congressional Budget Act
21 of 1974: *Provided further,* That these funds are available
22 to subsidize gross obligations for the principal amount of
23 direct loans not to exceed \$400,000,000: *Provided further,*
24 That these amounts are designated by the Congress as
25 an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 SCIENCE AND TECHNOLOGY

4 RESEARCH, DEVELOPMENT, ACQUISITION, AND

5 OPERATIONS

6 For an additional amount for “Research, Develop-
7 ment, Acquisition, and Operations” for necessary expenses
8 related to the consequences of Hurricane Sandy,
9 \$3,249,000, to remain available until September 30, 2017:
10 *Provided*, That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 DOMESTIC NUCLEAR DETECTION OFFICE

15 SYSTEMS ACQUISITION

16 For an additional amount for “Systems Acquisition”
17 for necessary expenses related to the consequences of Hur-
18 ricane Sandy for replacing or repairing U.S. Customs and
19 Border Protection equipment, \$3,869,000, to remain
20 available until September 30, 2015: *Provided*, That such
21 amount is designated by the Congress as being for an
22 emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 GENERAL PROVISIONS—THIS TITLE

2 SEC. 601. (a) Section 1309(a) of the National Flood
3 Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended
4 by striking “\$20,725,000,000” and inserting
5 “\$30,425,000,000”.

6 (b) The amount provided by this section is designated
7 by the Congress as an emergency requirement pursuant
8 to section 251(b)(2)(A)(i) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985 and as an emer-
10 gency requirement pursuant to section 4(g) of the Statu-
11 tory Pay-As-You-Go Act of 2010.

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

15 SEC. 602. The Administrator of the Federal Emer-
16 gency Management Agency, in cooperation with represent-
17 atives of State, tribal, and local governments may give
18 greater weight to the factors considered under section
19 206.48(b)(3) of title 44, Code of Federal Regulations, to
20 accurately measure the acute needs of a population fol-
21 lowing a disaster in order to expedite a declaration of Indi-
22 vidual Assistance under the Robert T. Stafford Disaster
23 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
24 seq.).

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

10 SEC. 604. Notwithstanding any other provision of
11 law, the Administrator of the Federal Emergency Manage-
12 ment may recommend to the President an increase in the
13 Federal cost share of the eligible cost of permanent work
14 under section 406 and of emergency work under section
15 403 and section 407 of the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act (42 U.S.C. 5172)
17 for damages resulting from Hurricane Sandy without
18 delay.

19 SEC. 605. In administering the funds made available
20 to address any major disaster declared during the period
21 beginning on August 27, 2011 and ending on December
22 5, 2012, the Administrator of the Federal Emergency
23 Management Agency shall establish a pilot program for
24 the relocation of State facilities under section 406 of the
25 Robert T. Stafford Disaster Relief and Emergency Assist-

1 ance Act (42 U.S.C. 5172), under which the Adminis-
2 trator may waive, or specify alternative requirements for,
3 any regulation the Administrator administers to provide
4 assistance, consistent with the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the per-
6 manent relocation of State facilities, including administra-
7 tive office buildings, medical facilities, laboratories, and
8 related operating infrastructure (including heat, sewage,
9 mechanical, electrical, and plumbing), that were signifi-
10 cantly damaged as a result of the major disaster, are sub-
11 ject to flood risk, and are otherwise eligible for repair, res-
12 toration, reconstruction, or replacement under section 406
13 of that Act, if the Administrator determines that such re-
14 location is practicable, and will be cost effective or more
15 appropriate than repairing, restoring, reconstructing, or
16 replacing the facility in its pre-disaster location, and if
17 such relocation will effectively mitigate the flood risk to
18 the facility.

19

LEVEES

20

SEC. 606. (a) DEFINITIONS.—In this section—

21

(1) the term “Administrator” means the Ad-

22

ministrator of the Federal Emergency Management

23

Agency; and

24

(2) the term “covered hazard mitigation land”

25

means land—

1 (A) acquired and deed restricted under sec-
2 tion 404(b) of the Robert T. Stafford Disaster
3 Relief and Emergency Assistance Act (42
4 U.S.C. 5170c(b)) before, on, or after the date
5 of enactment of this Act; and

6 (B) that is located—

7 (i) in a West North Central State;

8 and

9 (ii) in a community that—

10 (I) is participating in the Na-
11 tional Flood Insurance Program on
12 the date on which a State, local, or
13 tribal government submits an applica-
14 tion requesting to construct a perma-
15 nent flood risk reduction levee under
16 subsection (b); and

17 (II) certifies to the Administrator
18 and the Chief of Engineers that the
19 community will continue to participate
20 in the National Flood Insurance Pro-
21 gram.

22 (b) AUTHORITY.—Notwithstanding clause (i) or (ii)
23 of section 404(b)(2)(B) of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C.
25 5170c(b)(2)(B)), the Administrator shall approve the con-

1 struction of a permanent flood risk reduction levee by a
2 State, local, or tribal government on covered hazard miti-
3 gation land if the Administrator and the Chief of Engi-
4 neers determine, through a process established by the Ad-
5 ministrator and Chief of Engineers and funded entirely
6 by the State, local, or tribal government seeking to con-
7 struct the proposed levee, that—

8 (1) construction of the proposed permanent
9 flood risk reduction levee would more effectively
10 mitigate against flooding risk than an open flood-
11 plain or other flood risk reduction measures;

12 (2) the proposed permanent flood risk reduction
13 levee complies with Federal, State, and local require-
14 ments, including mitigation of adverse impacts and
15 implementation of floodplain management require-
16 ments, which shall include an evaluation of whether
17 the construction, operation, and maintenance of the
18 proposed levee would continue to meet best available
19 industry standards and practices and would be the
20 most cost-effective measure to protect against the
21 assessed flood risk and minimizes future costs to the
22 Federal Government;

23 (3) the State, local, or tribal government seek-
24 ing to construct the proposed levee has provided an
25 adequate maintenance plan that documents the pro-

1 cedures the State, local, or tribal government will
2 use to ensure that the stability, height, and overall
3 integrity of the proposed levee and the structure and
4 systems of the proposed levee are maintained, in-
5 cluding—

6 (A) specifying the maintenance activities to
7 be performed;

8 (B) specifying the frequency with which
9 maintenance activities will be performed;

10 (C) specifying the person responsible for
11 performing each maintenance activity (by name
12 or title);

13 (D) detailing the plan for financing the
14 maintenance of the levee; and

15 (E) documenting the ability of the State,
16 local, or tribal government to finance the main-
17 tenance of the levee.

18 (c) MAINTENANCE CERTIFICATION.—

19 (1) IN GENERAL.—A State, local, or tribal gov-
20 ernment that constructs a permanent flood risk re-
21 duction levee under subsection (b) shall submit to
22 the Administrator and the Chief of Engineers an an-
23 nual certification indicating whether the State, local,
24 or tribal government is in compliance with the main-
25 tenance plan provided under subsection (b)(3).

1 (2) REVIEW.—The Chief of Engineers shall re-
2 view a certification submitted under paragraph (1)
3 and determine whether the State, local, or tribal
4 government has complied with the maintenance plan.

5 SEC. 607. The Administrator of the Federal Emer-
6 gency Management Agency shall cancel the liquidated bal-
7 ances of all remaining uncanceled or partially canceled
8 loans disbursed under the Community Disaster Loan Act
9 of 2005 (Public Law 109–88) and the Emergency Supple-
10 mental Appropriations Act for Defense, the Global War
11 on Terror, and Hurricane Recovery, 2006 (Public Law
12 109–234), as amended by section 4502 of the U.S. Troop
13 Readiness, Veterans’ Care, Katrina Recovery, and Iraq
14 Accountability Appropriations Act, 2007 (Public Law
15 110–28) to the extent that revenues of the local govern-
16 ment during the period following the major disaster are
17 insufficient to meet the budget of the local government,
18 including additional disaster-related expenses of a munic-
19 ipal character. In calculating a community’s revenues
20 while determining cancellation, the Administrator shall ex-
21 clude revenues for special districts and any other revenues
22 that are required by law to be disbursed to other units
23 of local government or used for specific purposes more lim-
24 ited than the scope allowed by the General Fund. In calcu-
25 lating a community’s expenses, the Administrator shall in-

1 clude disaster-related capital expenses for which the com-
2 munity has not been reimbursed by Federal or insurance
3 proceeds, debt service expenses, and accrued but unpaid
4 uncompensated absences (vacation and sick pay). In calcu-
5 lating the operating deficit of the local government, the
6 Administrator shall also consider all interfund transfers.
7 When considering the period following the disaster, the
8 Administrator may consider a period of 3, 5, or 7 full fis-
9 cal years after the disaster, beginning on the date of the
10 declaration, in determining eligibility for cancellation. The
11 criteria for cancellation do not apply to those loans already
12 cancelled in full. Applicants shall submit supplemental
13 documentation in support of their applications for can-
14 cellation on or before April 30, 2014, and the Adminis-
15 trator shall issue determinations and resolve any appeals
16 on or before April 30, 2015. Loans not cancelled in full
17 shall be repaid not later than September 30, 2035. The
18 Administrator may use funds provided under Public Law
19 109–88 to reimburse those communities that have repaid
20 all or a portion of loans, including interest, provided as
21 Special Community Disaster Loans under Public Law
22 109–88 or Public Law 109–234, as amended by section
23 4502 of Public Law 110–28. Further, the Administrator
24 may use funds provided under Public Law 109–88 for nec-
25 essary expenses to carry out this provision: *Provided, That*

1 the entire amount is designated by the Congress as an
2 emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 SEC. 608. The Inspector General shall review the ap-
6 plications for public assistance provided through the Dis-
7 aster Relief Fund with a project cost that exceeds
8 \$10,000,000 and the resulting decisions issued by the
9 Federal Emergency Management Agency for category A
10 debris removal for DR-1786 upon receipt of a request
11 from an applicant made no earlier than 90 days after fil-
12 ing an appeal with the Federal Emergency Management
13 Agency without regard to whether the Administrator of
14 the Federal Emergency Management Agency has issued
15 a final agency determination on the application for assist-
16 ance: *Provided*, That not later than 180 days after the
17 date of such request, the Inspector General shall deter-
18 mine whether the Federal Emergency Management Agen-
19 cy correctly applied its rules and regulations to determine
20 eligibility of the applicant's claim: *Provided further*, That
21 if the Inspector General finds that the Federal Emergency
22 Management Agency determinations related to eligibility
23 and cost involved a misapplication of its rules and regula-
24 tions, the applicant may submit the dispute to the arbitra-
25 tion process established under the authority granted under

1 section 601 of Public Law 111–5 not later than 15 days
2 after the date of issuance of the Inspector General’s find-
3 ing in the previous proviso: *Provided further*, That if the
4 Inspector General finds that the Federal Emergency Man-
5 agement Agency provided unauthorized funding, that the
6 Federal Emergency Management Agency shall take cor-
7 rective action.

8

DISASTER RECOVERY

9 SEC. 609. (a) SHORT TITLE.—This section may be
10 cited as the “Disaster Recovery Act of 2012”.

11 (b) HAZARD MITIGATION.—

12 (1) IN GENERAL.—Section 404 of the Robert T.
13 Stafford Disaster Relief and Emergency Assistance
14 Act (42 U.S.C. 5170c) is amended by adding at the
15 end the following:

16 “(d) EXPEDITED PROCEDURES.—

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

20 “(A) adequate resources are devoted to en-
21 suring that applicable environmental reviews
22 under the National Environmental Policy Act
23 and historic preservation reviews under the Na-
24 tional Historic Preservation Act are completed
25 on an expeditious basis; and

1 “(B) the shortest existing applicable proc-
2 ess under the National Environmental Policy
3 Act and the National Historic Preservation Act
4 shall be utilized.

5 “(2) AUTHORITY FOR OTHER EXPEDITED PRO-
6 CEDURES.—The President may utilize expedited pro-
7 cedures in addition to those required under para-
8 graph (1) for the purpose of providing assistance
9 under this section, such as those under the Proto-
10 type Programmatic Agreement of the Federal Emer-
11 gency Management Agency, for the consideration of
12 multiple structures as a group and for an analysis
13 of the cost-effectiveness and fulfillment of cost-share
14 requirements for proposed hazard mitigation meas-
15 ures.

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

21 (2) ESTABLISHMENT OF CRITERIA RELATING
22 TO ADMINISTRATION OF HAZARD MITIGATION AS-
23 SISTANCE BY STATES.—Section 404(c)(2) of the
24 Robert T. Stafford Disaster Relief and Emergency
25 Assistance Act (42 U.S.C. 5170c(e)(2)) is amended

1 by inserting “Until such time as the Administrator
2 promulgates regulations to implement this para-
3 graph, the Administrator may waive notice and com-
4 ment rulemaking if the Administrator determines
5 doing so is necessary to expeditiously implement this
6 section and may carry out the alternative procedures
7 under this section as a pilot program” after “appli-
8 cations submitted under paragraph (1).”.

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

12 (A) any major disaster or emergency de-
13 clared under the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (42
15 U.S.C. 5121 et seq.) on or after the date of en-
16 actment of this Act; and

17 (B) a major disaster or emergency de-
18 clared before the date of enactment of this Act
19 for which the period for processing requests for
20 assistance has not ended on the date of enact-
21 ment of this Act.

22 (c) PUBLIC ASSISTANCE PROGRAM ALTERNATIVE
23 PROCEDURES.—Title IV of the Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42 U.S.C.
25 5170 et seq.) is amended—

1 (1) by redesignating section 425 (42 U.S.C.
2 5189e) relating to essential service providers, as
3 added by section 607 of the SAFE Port Act (Public
4 Law 109-347; 120 Stat. 1941) as section 427; and

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

6 **“SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE**
7 **PROCEDURES.**

8 “(a) IN GENERAL.—The Administrator of the Fed-
9 eral Emergency Management Agency may approve
10 projects under the alternative procedures adopted under
11 this section for—

12 “(1) any major disaster or emergency declared
13 on or after the date of enactment of this section;
14 and

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

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

24 “(c) GOALS.—Any procedures adopted under sub-
25 section (b) shall further the goals of—

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

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

5 “(3) expediting the provision of such assistance
6 to States, tribal, and local governments and to own-
7 ers or operators of private nonprofit facilities; and

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

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

18 “(e) REQUIREMENTS FOR PROCEDURES.—The alter-
19 native procedures adopted under subsection (b) shall in-
20 clude—

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

23 “(A) making grants on the basis of fixed
24 estimates, if the State, tribal, or local govern-
25 ment, or owner or operator of the private non-

1 profit facility agrees to be responsible for any
2 actual costs that exceed the estimate;

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

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

13 “(ii) management expenses;

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

20 “(D) if the actual costs of a project com-
21 pleted under the procedures are less than the
22 estimated costs thereof, the Administrator may
23 permit a grantee or subgrantee to use all or
24 part of the excess funds for purposes of—

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

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

6 “(E) in determining eligible cost under sec-
7 tion 406, the Administrator shall make avail-
8 able, at an applicant’s request and where the
9 Federal Emergency Management Agency or the
10 certified cost estimate prepared by the appli-
11 cant’s professionally licensed engineers has esti-
12 mated an eligible Federal share for a project of
13 not less than \$5,000,000, an independent ex-
14 pert panel to validate the estimated eligible cost
15 consistent with applicable regulations and poli-
16 cies implementing this section;

17 “(F) in determining eligible cost under sec-
18 tion 406, the Administrator shall, at the appli-
19 cant’s request, consider properly conducted and
20 certified cost estimates prepared by profes-
21 sionally licensed engineers (mutually agreed
22 upon by the Administrator and the applicant),
23 to the extent that such estimates comply with
24 applicable regulation, policy, and guidance; and

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

3 “(A) making grants on the basis of fixed
4 estimates to provide financial incentives and
5 disincentives for the timely or cost effective
6 completion if the State, tribal, or local govern-
7 ment, or owner or operator of the private non-
8 profit facility agrees to be responsible to pay for
9 any actual costs that exceed the estimate;

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

14 “(C) allowing use of program income from
15 recycled debris without offset to the grant
16 amount;

17 “(D) reimbursing base and overtime wages
18 for employees and extra hires of a State, tribal,
19 or local government, or owner or operator of a
20 private nonprofit facility performing or admin-
21 istering debris and wreckage removal;

22 “(E) providing incentives to State, tribal,
23 and local governments to have a debris manage-
24 ment plan approved by the Federal Emergency
25 Management Agency and have pre-qualified one

1 or more debris and wreckage removal contrac-
2 tors before the date of declaration of the major
3 disaster; and

4 “(F) if the actual costs of projects under
5 subparagraph (A) are less than the estimated
6 costs of the project, the Administrator may per-
7 mit a grantee or subgrantee to use all or part
8 of the excess funds for—

9 “(i) debris management planning;

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

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

15 “(f) WAIVER AUTHORITY.—Until such time as the
16 Administrator promulgates regulations to implement this
17 section, the Administrator may waive notice and comment
18 rulemaking, if the Administrator determines the waiver is
19 necessary to expeditiously implement this section, and may
20 carry out the alternative procedures under this section as
21 a pilot program.

22 “(g) REIMBURSEMENT.—The guidelines for reim-
23 bursement for costs under subsection (e)(2)(D) shall as-
24 sure that no State, tribal, or local government is denied
25 reimbursement for overtime payments that are required

1 pursuant to the Fair Labor Standards Act of 1938 (29
2 U.S.C. 201 et seq.).”

3 (d) SIMPLIFIED PROCEDURES.—Section 422 of the
4 Robert T. Stafford Disaster Relief and Emergency Assist-
5 ance Act (42 U.S.C. 5189) is amended—

6 (1) by striking “If the Federal estimate” and
7 inserting the following:

8 “(a) IN GENERAL.—If the Federal estimate”;

9 (2) by inserting “or, if the Administrator has
10 established a threshold under subsection (b), the
11 amount established under subsection (b)” after
12 “\$35,000” the first place it appears;

13 (3) by inserting “or, if applicable, the amount
14 established under subsection (b),” after “\$35,000
15 amount”; and

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

17 “(b) THRESHOLD.—

18 “(1) REPORT.—Not later than 1 year after the
19 date of enactment of the Disaster Recovery Act of
20 2012, the President, acting through the Adminis-
21 trator of the Federal Emergency Management Agen-
22 cy (in this section referred to as the ‘Adminis-
23 trator’), shall—

24 “(A) complete an analysis to determine
25 whether an increase in the threshold for eligi-

1 bility under subsection (a) is appropriate, which
2 shall include consideration of cost-effectiveness,
3 speed of recovery, capacity of grantees, past
4 performance, and accountability measures; and

5 “(B) submit to the appropriate committees
6 of the Congress (as defined in section 602 of
7 the Post-Katrina Emergency Management Re-
8 form Act of 2006 (6 U.S.C. 701)) a report re-
9 garding the analysis conducted under subpara-
10 graph (A).

11 “(2) AMOUNT.—After the Administrator sub-
12 mits the report required under paragraph (1), the
13 President shall direct the Administrator to—

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

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

22 “(3) REVIEW.—Not later than 3 years after the
23 date on which the Administrator establishes a
24 threshold under paragraph (2), and every 3 years
25 thereafter, the President, acting through the Admin-

1 istrator, shall review the threshold for eligibility
2 under this section.”.

3 (e) ESSENTIAL ASSISTANCE.—Section 403 of the
4 Robert T. Stafford Disaster Relief and Emergency Assist-
5 ance Act (42 U.S.C. 5170b) is amended by adding at the
6 end the following:

7 “(d) SALARIES AND BENEFITS.—

8 “(1) IN GENERAL.—The President may reim-
9 burse a State, tribal, or local government for costs
10 relating to pay and benefits (including overtime and
11 hazardous duty pay) for permanent employees of the
12 State, tribal, or local government conducting emer-
13 gency protective measures under this section, pro-
14 vided such work is not typically performed by such
15 employees and the type of work may otherwise be
16 carried out by contract or agreement with private or-
17 ganizations, firms, or individuals.

18 “(2) OVERTIME.—The guidelines for reimburse-
19 ment for costs under paragraph (1) shall assure that
20 no State, tribal, or local government is denied reim-
21 bursement for overtime payments that are required
22 pursuant to the Fair Labor Standards Act of 1938
23 (29 U.S.C. 201 et seq.).”.

24 (f) UNIFIED FEDERAL REVIEW.—Title IV of the
25 Robert T. Stafford Disaster Relief and Emergency Assist-

1 ance Act, as amended by subsection (c), is amended by
2 adding at the end the following:

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

4 “(a) **IN GENERAL.**—Not later than 18 months after
5 the date of enactment of the Disaster Recovery Act of
6 2012, and in consultation with the Council on Environ-
7 mental Quality and the Advisory Council on Historic Pres-
8 ervation, the President shall establish an expedited and
9 unified interagency review process to ensure compliance
10 with environmental and historic requirements under Fed-
11 eral law relating to disaster recovery projects, in order to
12 expedite the recovery process, consistent with applicable
13 law.

14 “(b) **CONTENTS.**—The review process established
15 under this section shall include mechanisms to expedi-
16 tiously address delays that may occur during the recovery
17 from a major disaster, and shall be updated as appro-
18 priate, consistent with applicable law.”.

19 (g) **DISPUTE RESOLUTION PILOT PROGRAM.**—

20 (1) **DEFINITIONS.**—In this subsection—

21 (A) the term “Administrator” means the
22 Administrator of the Federal Emergency Man-
23 agement Agency; and

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

1 (i) under section 403, 406, or 407 of
2 the Robert T. Stafford Disaster Relief and
3 Emergency Assistance Act (42 U.S.C.
4 5170b, 5172, 5173);

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

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

13 (2) PROCEDURES.—

14 (A) IN GENERAL.—Not later than 180
15 days after the date of enactment of this Act,
16 and in order to facilitate an efficient recovery
17 from major disasters, the Administrator shall
18 establish procedures under which an applicant
19 may request the use of alternative dispute reso-
20 lution, including arbitration by an independent
21 review panel, to resolve disputes relating to eli-
22 gible assistance.

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

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

3 (i) allow a party of a dispute relating
4 to eligible assistance to request an inde-
5 pendent review panel for the review;

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

11 (iii) require that the sponsor of an
12 independent review panel for any alter-
13 native dispute resolution under this sub-
14 section shall be—

15 (I) an individual or entity unaf-
16 filiated with the dispute (which may
17 include a Federal agency, an adminis-
18 trative law judge, or a reemployed an-
19 nuitant who was an employee of the
20 Federal Government) selected by the
21 Administrator; and

22 (II) responsible for identifying
23 and maintaining an adequate number
24 of independent experts qualified to re-

1 view and resolve disputes under this
2 subsection;

3 (iv) require an independent review
4 panel to—

5 (I) resolve any remaining dis-
6 puted issue in accordance with all ap-
7 plicable laws, regulations, and Federal
8 Emergency Management Agency in-
9 terpretations of those laws through its
10 published policies and guidance;

11 (II) consider only evidence con-
12 tained in the administrative record, as
13 it existed at the time at which the
14 Federal Emergency Management
15 Agency made its initial decision;

16 (III) only set aside a decision of
17 the Federal Emergency Management
18 Agency found to be arbitrary, capri-
19 cious, an abuse of discretion, or other-
20 wise not in accordance with law; and

21 (IV) in the case of a finding of
22 material fact adverse to the claimant
23 made on first appeal, only set aside or
24 reverse such finding if the finding is
25 clearly erroneous;

1 (v) require an independent review
2 panel to expeditiously issue a written deci-
3 sion for any alternative dispute resolution
4 under this subsection; and

5 (vi) direct that if an independent re-
6 view panel for any alternative dispute reso-
7 lution under this subsection determines
8 that the basis upon which a party submits
9 a request for alternative dispute resolution
10 is frivolous, the independent review panel
11 shall direct the party to pay the reasonable
12 costs of the Federal Emergency Manage-
13 ment Agency relating to the review by the
14 independent review panel.

15 (D) FUNDS RECEIVED.—Any funds re-
16 ceived by the Federal Emergency Management
17 Agency under the authority under this sub-
18 section shall be deposited to the credit of the
19 appropriation or appropriations available for
20 the eligible assistance in dispute on the date on
21 which the funds are received.

22 (3) SUNSET.—A request for review by an inde-
23 pendent review panel under this subsection may not
24 be made after December 31, 2015.

25 (4) REPORT.—

1 (A) IN GENERAL.—Not later than 270
2 days after the termination of authority under
3 this subsection pursuant to paragraph (3), the
4 Comptroller General of the United States shall
5 submit to the Committee on Homeland Security
6 and Governmental Affairs of the Senate and the
7 Committee on Transportation and Infrastruc-
8 ture of the House of Representatives a report
9 analyzing the effectiveness of the program
10 under this subsection.

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

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

15 (ii) an assessment of the effectiveness
16 of the program under this subsection, in-
17 cluding an assessment of whether the pro-
18 gram expedited or delayed the disaster re-
19 covery process;

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

1 (iv) an assessment of the procedures
2 and safeguards that the independent re-
3 view panels established to ensure objec-
4 tivity and accuracy, and the extent to
5 which they followed those procedures and
6 safeguards;

7 (v) a recommendation as to whether
8 any aspect of the program under this sub-
9 section should be made a permanent au-
10 thority; and

11 (vi) recommendations for any modi-
12 fications to the authority or the adminis-
13 tration of the authority under this sub-
14 section in order to improve the disaster re-
15 covery process.

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

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

6 (i) CHILD CARE.—Section 408(e)(1) of the Robert T.
7 Stafford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5174(e)(1)) is amended—

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

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

12 (j) TEMPORARY HOUSING.—Section 408(e)(1)(B) of
13 the Robert T. Stafford Disaster Relief and Emergency As-
14 sistance Act (42 U.S.C. 5174(e)(1)(B)) is amended—

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

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

18 “(ii) LEASE AND REPAIR OF RENTAL
19 UNITS FOR TEMPORARY HOUSING.—

20 “(I) IN GENERAL.—The Presi-
21 dent, to the extent it would be a cost
22 effective alternative to other tem-
23 porary housing options, may—

24 “(aa) enter into lease agree-
25 ments with owners of multifamily