

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 219

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## AN ACT

To improve and streamline disaster assistance for Hurricane Sandy, and for other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Sandy Recovery Improvement Act of 2013”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Public assistance program alternative procedures.
- Sec. 3. Federal assistance to individuals and households.
- Sec. 4. Hazard mitigation.
- Sec. 5. Dispute resolution pilot program.
- Sec. 6. Unified Federal review.
- Sec. 7. Simplified procedures.
- Sec. 8. Essential assistance.
- Sec. 9. Individual assistance factors.
- Sec. 10. Tribal requests for a major disaster or emergency declaration under the Stafford Act.
- Sec. 11. Recommendations for reducing costs of future disasters.

6 **SEC. 2. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PRO-**  
7 **CEDURES.**

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

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

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

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

17 “(a) APPROVAL OF PROJECTS.—The President, act-  
18 ing through the Administrator of the Federal Emergency  
19 Management Agency, may approve projects under the al-  
20 ternative procedures adopted under this section for any

1 major disaster or emergency declared on or after the date  
2 of enactment of this section. The Administrator may also  
3 apply the alternate procedures adopted under this section  
4 to a major disaster or emergency declared before enact-  
5 ment of this Act for which construction has not begun as  
6 of the date of enactment of this Act.

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

12 “(c) GOALS OF PROCEDURES.—The alternative pro-  
13 cedures adopted under subsection (a) shall further the  
14 goals of—

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

17 “(2) increasing flexibility in the administration  
18 of such assistance;

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

22 “(4) providing financial incentives and disincen-  
23 tives for a State, tribal or local government, or  
24 owner or operator of a private nonprofit facility for

1 the timely and cost-effective completion of projects  
2 with such assistance.

3 “(d) PARTICIPATION.—Participation in the alter-  
4 native procedures adopted under this section shall be at  
5 the election of a State, tribal or local government, or  
6 owner or operator of a private nonprofit facility consistent  
7 with procedures determined by the Administrator.

8 “(e) MINIMUM PROCEDURES.—The alternative pro-  
9 cedures adopted under this section shall include the fol-  
10 lowing:

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

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

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

23 “(i) the cost of repair, restoration, re-  
24 construction, or replacement of a public fa-  
25 cility owned or controlled by the State,

1           tribal or local government or owner or op-  
2           erator of a private nonprofit facility; and

3                   “(ii) management expenses;

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

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

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

18                   “(ii) other activities to improve future  
19           Public Assistance operations or planning;

20                   “(E) in determining eligible costs under  
21           section 406, the Administrator shall make avail-  
22           able, at an applicant’s request and where the  
23           Administrator or the certified cost estimate pre-  
24           pared by the applicant’s professionally licensed  
25           engineers has estimated an eligible Federal

1 share for a project of at least \$5,000,000, an  
2 independent expert panel to validate the esti-  
3 mated eligible cost consistent with applicable  
4 regulations and policies implementing this sec-  
5 tion; and

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

14 “(2) For debris removal under sections  
15 403(a)(3)(A), 407, and 502(a)(5)—

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

23 “(B) using a sliding scale for determining  
24 the Federal share for removal of debris and

1 wreckage based on the time it takes to complete  
2 debris and wreckage removal;

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

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

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

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

22 “(i) debris management planning;

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

1                   “(iii) other activities to improve future  
2                   debris removal operations, as determined  
3                   by the Administrator.

4           “(f) WAIVER AUTHORITY.—Until such time as the  
5 Administrator promulgates regulations to implement this  
6 section, the Administrator may—

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

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

12           “(g) OVERTIME PAYMENTS.—The guidelines for re-  
13 imbursement for costs under subsection (e)(2)(D) shall  
14 ensure that no State or local government is denied reim-  
15 bursement for overtime payments that are required pursu-  
16 ant to the Fair Labor Standards Act of 1938 (29 U.S.C.  
17 201 et seq.).

18           “(h) REPORT.—

19                   “(1) IN GENERAL.—Not earlier than 3 years,  
20                   and not later than 5 years, after the date of enact-  
21                   ment of this section, the Inspector General of the  
22                   Department of Homeland Security shall submit to  
23                   the Committee on Homeland Security and Govern-  
24                   mental Affairs of the Senate and the Committee on  
25                   Transportation and Infrastructure of the House of



1 Representatives a report on the alternative proce-  
2 dures for the repair, restoration, and replacement of  
3 damaged facilities under section 406 authorized  
4 under this section.

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

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

11 “(B) the accuracy of the estimates relied  
12 upon;

13 “(C) whether the financial incentives and  
14 disincentives were effective;

15 “(D) whether the alternative procedures  
16 were cost effective;

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

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

1 **SEC. 3. FEDERAL ASSISTANCE TO INDIVIDUALS AND**  
2 **HOUSEHOLDS.**

3 Section 408(c)(1)(B) of the Robert T. Stafford Dis-  
4 aster Relief and Emergency Assistance Act (42 U.S.C.  
5 5174(c)(1)(B)) is amended—

6 (1) by redesignating clauses (ii) and (iii) as  
7 clauses (iii) and (iv), respectively;

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

9 “(ii) LEASE AND REPAIR OF RENTAL  
10 UNITS FOR TEMPORARY HOUSING.—

11 “(I) IN GENERAL.—The Presi-  
12 dent, to the extent the President de-  
13 termines it would be a cost-effective  
14 alternative to other temporary housing  
15 options, may—

16 “(aa) enter into lease agree-  
17 ments with owners of multifamily  
18 rental property located in areas  
19 covered by a major disaster dec-  
20 laration to house individuals and  
21 households eligible for assistance  
22 under this section; and

23 “(bb) make repairs or im-  
24 provements to properties under  
25 such lease agreements, to the ex-

1 tent necessary to serve as safe  
2 and adequate temporary housing.

3 “(II) IMPROVEMENTS OR RE-  
4 PAIRS.—Under the terms of any lease  
5 agreement for property entered into  
6 under this subsection, the value of the  
7 improvements or repairs—

8 “(aa) shall be deducted from  
9 the value of the lease agreement;  
10 and

11 “(bb) may not exceed the  
12 value of the lease agreement.”;  
13 and

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

16 **SEC. 4. HAZARD MITIGATION.**

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

21 “(d) STREAMLINED PROCEDURES.—

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

1           “(A) adequate resources are devoted to en-  
2           sure that applicable environmental reviews  
3           under the National Environmental Policy Act of  
4           1969 and historic preservation reviews under  
5           the National Historic Preservation Act are com-  
6           pleted on an expeditious basis; and

7           “(B) the shortest existing applicable proc-  
8           ess under the National Environmental Policy  
9           Act of 1969 and the National Historic Preser-  
10          vation Act is utilized.

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

22          “(e) ADVANCE ASSISTANCE.—The President may  
23          provide not more than 25 percent of the amount of the  
24          estimated cost of hazard mitigation measures to a State

1 grantee eligible for a grant under this section before eligi-  
2 ble costs are incurred.”.

3 (b) ESTABLISHMENT OF CRITERIA RELATING TO AD-  
4 MINISTRATION OF HAZARD MITIGATION ASSISTANCE BY  
5 STATES.—Section 404(c)(2) of the Robert T. Stafford  
6 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
7 5170c(c)(2)) is amended by inserting after “applications  
8 submitted under paragraph (1).” the following: “Until  
9 such time as the Administrator promulgates regulations  
10 to implement this paragraph, the Administrator may  
11 waive notice and comment rulemaking, if the Adminis-  
12 trator determines doing so is necessary to expeditiously  
13 implement this section, and may carry out this section as  
14 a pilot program.”.

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

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

21 (2) a major disaster or emergency declared  
22 under that Act before the date of enactment of this  
23 Act for which the period for processing requests for  
24 assistance has not ended as of the date of enactment  
25 of this Act.

1 **SEC. 5. DISPUTE RESOLUTION PILOT PROGRAM.**

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

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

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

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

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

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

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

23 (b) PROCEDURES.—

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

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

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

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

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

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

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

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

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

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

7 (D) require an independent review panel

8 to—

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

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

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

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



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

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

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

23          (d) REPORT.—

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

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

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

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

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

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

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

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

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

8   **SEC. 6. UNIFIED FEDERAL REVIEW.**

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

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

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

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

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

3 **SEC. 7. SIMPLIFIED PROCEDURES.**

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

7 (1) by striking “If the Federal estimate” and  
8 inserting “(a) IN GENERAL.—If the Federal esti-  
9 mate”;

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

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

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

18 “(b) THRESHOLD.—

19 “(1) REPORT.—Not later than 1 year after the  
20 date of enactment of this subsection, the President,  
21 acting through the Administrator of the Federal  
22 Emergency Management Agency (in this section re-  
23 ferred to as the ‘Administrator’), 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 Committee on Trans-  
6           portation and Infrastructure of the House of  
7           Representatives and the Committee on Home-  
8           land Security and Governmental Affairs of the  
9           Senate a report regarding the analysis con-  
10          ducted under subparagraph (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 **SEC. 8. ESSENTIAL ASSISTANCE.**

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

7           (1) in the paragraph heading by inserting  
8       “CHILD CARE,” after “DENTAL,”; and  
9           (2) by inserting “child care,” after “dental,”.

10       (b) SALARIES AND BENEFITS.—Section 403 of the  
11 Robert T. Stafford Disaster Relief and Emergency Assist-  
12 ance Act (42 U.S.C. 5170b) is amended by adding at the  
13 end the following:

14       “(d) SALARIES AND BENEFITS.—

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

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

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

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

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

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

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

20 **SEC. 9. INDIVIDUAL ASSISTANCE FACTORS.**

21                  In order to provide more objective criteria for evalu-  
22                  ating the need for assistance to individuals, to clarify the  
23                  threshold for eligibility and to speed a declaration of a  
24                  major disaster or emergency under the Robert T. Stafford  
25                  Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 5121 et seq.), not later than 1 year after the date of enact-  
2 ment of this Act, the Administrator of the Federal Emer-  
3 gency Management Agency, in cooperation with represent-  
4 atives of State, tribal, and local emergency management  
5 agencies, shall review, update, and revise through rule-  
6 making the factors considered under section 206.48 of  
7 title 44, Code of Federal Regulations (including section  
8 206.48(b)(2) of such title relating to trauma and the spe-  
9 cific conditions or losses that contribute to trauma), to  
10 measure the severity, magnitude, and impact of a disaster.

11 **SEC. 10. TRIBAL REQUESTS FOR A MAJOR DISASTER OR**  
12 **EMERGENCY DECLARATION UNDER THE**  
13 **STAFFORD ACT.**

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

17 (1) by striking “All requests for a declaration”  
18 and inserting “(a) IN GENERAL.—All requests for a  
19 declaration”; and

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

21 “(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

22 “(1) IN GENERAL.—The Chief Executive of an  
23 affected Indian tribal government may submit a re-  
24 quest for a declaration by the President that a



1 major disaster exists consistent with the require-  
2 ments of subsection (a).

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

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

20 “(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIB-  
21 AL GOVERNMENTS.—

22 “(1) IN GENERAL.—In providing assistance to  
23 an Indian tribal government under this title, the  
24 President may waive or adjust any payment of a

1 non-Federal contribution with respect to the assist-  
2 ance if—

3 “(A) the President has the authority to  
4 waive or adjust the payment under another pro-  
5 vision of this title; and

6 “(B) the President determines that the  
7 waiver or adjustment is necessary and appro-  
8 priate.

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

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

16 “(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

17 “(1) IN GENERAL.—The Chief Executive of an  
18 affected Indian tribal government may submit a re-  
19 quest for a declaration by the President that an  
20 emergency exists consistent with the requirements of  
21 subsection (a).

22 “(2) REFERENCES.—In implementing assist-  
23 ance authorized by the President under this title in  
24 response to a request of the Chief Executive of an  
25 affected Indian tribal government for an emergency

1 declaration, any reference in this title or title III  
2 (except sections 310 and 326) to a State or the Gov-  
3 ernor of a State is deemed to refer to an affected  
4 Indian tribal government or the Chief Executive of  
5 an affected Indian tribal government, as appro-  
6 priate.

7 “(3) SAVINGS PROVISION.—Nothing in this sub-  
8 section shall prohibit an Indian tribal government  
9 from receiving assistance under this title through a  
10 declaration made by the President at the request of  
11 a State under subsection (a) if the President does  
12 not make a declaration under this subsection for the  
13 same incident.”.

14 (c) DEFINITIONS.—Section 102 of the Robert T.  
15 Stafford Disaster Relief and Emergency Assistance Act  
16 (42 U.S.C. 5122) is amended—

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

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

22 (3) by inserting after paragraph (5) the fol-  
23 lowing:

24 “(6) INDIAN TRIBAL GOVERNMENT.—The term  
25 ‘Indian tribal government’ means the governing body

1 of any Indian or Alaska Native tribe, band, nation,  
2 pueblo, village, or community that the Secretary of  
3 the Interior acknowledges to exist as an Indian tribe  
4 under the Federally Recognized Indian Tribe List  
5 Act of 1994 (25 U.S.C. 479a et seq.); and

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

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

11 (d) REFERENCES.—Title I of the Robert T. Stafford  
12 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
13 5121 et seq.) is amended by adding after section 102 the  
14 following:

15 **“SEC. 103. REFERENCES.**

16 “Except as otherwise specifically provided, any ref-  
17 erence in this Act to ‘State and local’, ‘State or local’,  
18 ‘State, and local’, ‘State, or local’, or ‘State, local’ (includ-  
19 ing plurals) with respect to governments or officials and  
20 any reference to a ‘local government’ in sections 406(d)(3)  
21 and 417 is deemed to refer also to Indian tribal govern-  
22 ments and officials, as appropriate.”.

23 (e) REGULATIONS.—

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

4           (2) FACTORS.—In issuing the regulations, the  
5           President shall consider the unique conditions that  
6           affect the general welfare of Indian tribal govern-  
7           ments.

8   **SEC. 11. RECOMMENDATIONS FOR REDUCING COSTS OF**  
9                                   **FUTURE DISASTERS.**

10          (a) REPORT TO CONGRESS.—Not later than 180 days  
11          after the date of enactment of this Act, the Administrator  
12          of the Federal Emergency Management Agency shall sub-  
13          mit to Congress recommendations for the development of  
14          a national strategy for reducing future costs, loss of life,  
15          and injuries associated with extreme disaster events in vul-  
16          nerable areas of the United States.

17          (b) NATIONAL STRATEGY.—The national strategy  
18          should—

19                (1) respect the constitutional role and respon-  
20                sibilities of Federal, State, and local governments  
21                and the private sector;

22                (2) consider the vulnerability of the United  
23                States to damage from flooding, severe weather  
24                events, and other hazards;

1           (3) analyze gaps and duplication of emergency  
2 preparedness, response, recovery, and mitigation  
3 measures provided by Federal, State, and local enti-  
4 ties; and

5           (4) include recommendations on how to improve  
6 the resiliency of local communities and States for  
7 the purpose of lowering future costs of disaster re-  
8 sponse and recovery.

Passed the House of Representatives January 14,  
2013.

Attest:

*Clerk.*



113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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**H. R. 219**

**AN ACT**

To improve and streamline disaster assistance for  
Hurricane Sandy, and for other purposes.