

In the Senate of the United States,

December 28, 2012.

Resolved, That the bill from the House of Representatives (H.R. 1) entitled “An Act making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.”, do pass with the following

AMENDMENTS:

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

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

1 *SUPPLEMENTAL APPROPRIATIONS FOR*
2 *DISASTER ASSISTANCE*

3 *TITLE I*

4 *DEPARTMENT OF AGRICULTURE*

5 *AGRICULTURAL PROGRAMS*

6 *FARM SERVICE AGENCY*

7 *EMERGENCY CONSERVATION PROGRAM*

8 *For necessary expenses for the “Emergency Conserva-*
9 *tion Program”, \$25,090,000, to remain available until ex-*
10 *pended, of which \$15,000,000 is for expenses resulting from*
11 *a major disaster declared pursuant to the Robert T. Staf-*
12 *ford Disaster Relief and Emergency Assistance Act (42*
13 *U.S.C. 5121 et. seq.): Provided, That such amount is des-*
14 *ignated by the Congress as being for an emergency require-*
15 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
16 *Budget and Emergency Deficit Control Act of 1985.*

17 *EMERGENCY FOREST RESTORATION PROGRAM*

18 *For necessary expenses for the “Emergency Forest Res-*
19 *toration Program”, \$58,855,000, to remain available until*
20 *expended, of which \$49,010,000 is for expenses resulting*
21 *from a major disaster declared pursuant to the Robert T.*
22 *Stafford Disaster Relief and Emergency Assistance Act (42*
23 *U.S.C. 5121 et. seq.): Provided, That such amount is des-*
24 *ignated by the Congress as being for an emergency require-*

1 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
2 *Budget and Emergency 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 Watershed*
7 *Protection Program”, \$125,055,000, to remain available*
8 *until expended, of which \$77,085,000 is for expenses result-*
9 *ing from a major disaster declared pursuant to the Robert*
10 *T. Stafford Disaster Relief and Emergency Assistance Act*
11 *(42 U.S.C. 5121 et. seq.): Provided, That unobligated bal-*
12 *ances for the “Emergency Watershed Protection Program”*
13 *provided in Public Law 108–199, Public Law 109–234, and*
14 *Public Law 110–28 shall be available for the purposes of*
15 *such program for disasters, and shall remain available*
16 *until expended: Provided further, That such amounts are*
17 *designated by the Congress as being for an emergency re-*
18 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
19 *anced Budget and Emergency Deficit Control Act of 1985.*

20 **DOMESTIC FOOD PROGRAMS**

21 **FOOD AND NUTRITION SERVICE**

22 **COMMODITY ASSISTANCE PROGRAM**

23 *For an additional amount for the emergency food as-*
24 *sistance program as authorized by section 27(a) of the Food*
25 *and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section*

1 204(a)(1) of the *Emergency Food Assistance Act of 1983*
2 (7 U.S.C. 7508(a)(1)), \$15,000,000, to remain available
3 through September 30, 2014: Provided, That notwith-
4 standing any other provisions of the *Emergency Food As-*
5 *sistance Act of 1983 (the “Act”)*, the Secretary may allocate
6 additional foods and funds for administrative expenses
7 from resources specifically appropriated, transferred, or re-
8 programmed to restore to states resources used to assist fam-
9 ilies and individuals displaced by Hurricane Sandy among
10 the states without regard to sections 204 and 214 of the
11 Act: Provided further, That such amount is designated by
12 the Congress as being for an emergency requirement pursu-
13 ant to section 251(b)(2)(A)(i) of the *Balanced Budget and*
14 *Emergency Deficit Control Act of 1985 (Public Law 99-*
15 *177)*, as amended.

16 TITLE II

17 DEPARTMENT OF COMMERCE

18 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

19 OPERATIONS, RESEARCH, AND FACILITIES

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

23 (1) \$6,200,000 to repair and replace ocean ob-
24 serving and coastal monitoring assets damaged by
25 Hurricane Sandy;

1 (2) \$10,000,000 to repair and improve weather
2 forecasting capabilities and infrastructure;

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

5 (4) \$56,800,000 for mapping, charting, damage
6 assessment, and marine debris coordination and re-
7 mediation; and

8 (5) \$150,000,000, for necessary expenses related
9 to fishery disasters as declared by the Secretary of
10 Commerce in calendar year 2012:

11 *Provided, That the National Oceanic and Atmospheric Ad-*
12 *ministration shall submit a spending plan to the Commit-*
13 *tees on Appropriations of the House of Representatives and*
14 *the Senate within 45 days after the date of enactment of*
15 *this Act: Provided further, That such amount is designated*
16 *by the Congress as being for an emergency requirement pur-*
17 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 PROCUREMENT, ACQUISITION AND CONSTRUCTION

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

23 (1) \$47,000,000 for the Coastal and Estuarine
24 Land Conservation Program to support State and

1 *local restoration in areas affected by Hurricane*
2 *Sandy;*

3 (2) *\$9,000,000 to repair National Oceanic and*
4 *Atmospheric Administration (NOAA) facilities dam-*
5 *aged by Hurricane Sandy;*

6 (3) *\$44,500,000 for repairs and upgrades to*
7 *NOAA hurricane reconnaissance aircraft; and*

8 (4) *\$8,500,000 for improvements to weather fore-*
9 *casting equipment and supercomputer infrastructure:*

10 *Provided, That NOAA shall submit a spending plan to the*
11 *Committees on Appropriations of the House of Representa-*
12 *tives and the Senate within 45 days after the date of enact-*
13 *ment of this Act: Provided further, That such amount is*
14 *designated by the Congress as being for an emergency re-*
15 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
16 *anced Budget and Emergency Deficit Control Act of 1985.*

17 **DEPARTMENT OF JUSTICE**

18 **GENERAL ADMINISTRATION**

19 **OFFICE OF INSPECTOR GENERAL**

20 *For an additional amount for “General Administra-*
21 *tion, Office of Inspector General” for necessary expenses re-*
22 *lated to the consequences of Hurricane Sandy, \$20,000, to*
23 *remain available until September 30, 2013: Provided, That*
24 *such amount is designated by the Congress as being for an*
25 *emergency requirement pursuant to section 251(b)(2)(A)(i)*

1 *of the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *FEDERAL BUREAU OF INVESTIGATION*

4 *SALARIES AND EXPENSES*

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

13 *DRUG ENFORCEMENT ADMINISTRATION*

14 *SALARIES AND EXPENSES*

15 *For an additional amount for “Drug Enforcement Ad-*
16 *ministration, Salaries and Expenses” for necessary ex-*
17 *penses related to the consequences of Hurricane Sandy,*
18 *\$1,000,000, to remain available until September 30, 2013:*
19 *Provided, That such amount is designated by the Congress*
20 *as being for an emergency requirement pursuant to section*
21 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
22 *Deficit Control Act of 1985.*

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SCIENCE

*NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
RESTORATION*

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

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Legal Services Corporation, Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: Provided, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal

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

19

TITLE III

20

DEPARTMENT OF DEFENSE

21

DEPARTMENT OF DEFENSE—MILITARY

22

OPERATION AND MAINTENANCE

23

OPERATION AND MAINTENANCE, ARMY

24

25 *For an additional amount for “Operation and Maintenance, Army”, \$5,370,000, to remain available until Sep-*

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

6 *OPERATION AND MAINTENANCE, NAVY*

7 *For an additional amount for “Operation and Mainte-*
8 *nance, Navy”, \$40,015,000, to remain available until Sep-*
9 *tember 30, 2013, for necessary expenses related to the con-*
10 *sequences of Hurricane Sandy: Provided, That such amount*
11 *is designated by the Congress as being for an emergency*
12 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
13 *anced Budget and Emergency Deficit Control Act of 1985.*

14 *OPERATION AND MAINTENANCE, AIR FORCE*

15 *For an additional amount for “Operation and Mainte-*
16 *nance, Air Force”, \$8,500,000, 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 emer-*
20 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
21 *the Balanced Budget and Emergency Deficit Control Act*
22 *of 1985.*

23 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

24 *For an additional amount for “Operation and Mainte-*
25 *nance, Army National Guard”, \$3,165,000, to remain*

1 *available until September 30, 2013, for necessary expenses*
2 *related to the consequences of Hurricane Sandy: Provided,*
3 *That such amount is designated by the Congress as being*
4 *for an 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, AIR NATIONAL GUARD*

8 *For an additional amount for “Operation and Mainte-*
9 *nance, Air National Guard”, \$5,775,000, to remain avail-*
10 *able until September 30, 2013, for necessary expenses re-*
11 *lated to the consequences of Hurricane Sandy: Provided,*
12 *That such amount is designated by the Congress as being*
13 *for an emergency requirement pursuant to section*
14 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
15 *Deficit Control Act of 1985.*

16 *PROCUREMENT*

17 *PROCUREMENT OF AMMUNITION, ARMY*

18 *For an additional amount for “Procurement of Am-*
19 *munition, Army”, \$1,310,000, to remain available until*
20 *September 30, 2015, for necessary expenses related to the*
21 *consequences of Hurricane Sandy: Provided, That such*
22 *amount is designated by the Congress as being for an emer-*
23 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
24 *the Balanced Budget and Emergency Deficit Control Act*
25 *of 1985.*

1 *REVOLVING AND MANAGEMENT FUNDS*2 *DEFENSE WORKING CAPITAL FUNDS*

3 *For an additional amount for “Defense Working Cap-*
4 *ital Funds”, \$24,200,000, to remain available until Sep-*
5 *tember 30, 2013, for necessary expenses related to the con-*
6 *sequences of Hurricane Sandy: Provided, That such amount*
7 *is designated by the Congress as being for an emergency*
8 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
9 *anced Budget and Emergency Deficit Control Act of 1985.*

10 *TITLE IV*11 *DEPARTMENT OF DEFENSE—CIVIL*12 *DEPARTMENT OF THE ARMY*13 *CORPS OF ENGINEERS—CIVIL*14 *INVESTIGATIONS*

15 *For an additional amount for “Investigations” to ex-*
16 *pedite studies of flood and storm damage reduction related*
17 *natural disasters, \$50,000,000 at full Federal expense, to*
18 *remain available until expended: Provided, That using*
19 *\$34,500,000 of the funds provided herein, the Secretary*
20 *shall expedite and complete ongoing flood and storm dam-*
21 *age reduction studies in areas that were impacted by Hur-*
22 *ricanes Sandy and Isaac in the North Atlantic and Mis-*
23 *sissippi Valley Divisions of the U.S. Army Corps of Engi-*
24 *neers: Provided further, That using up to \$15,000,000 of*
25 *the funds provided herein, the Secretary shall support an*

1 *interagency planning process in conjunction with State,*
2 *local and Tribal officials to develop plans to address the*
3 *flood risks of vulnerable coastal populations, including in-*
4 *novative approaches to promote the long-term sustainability*
5 *of the coastal ecosystems and communities to reduce the eco-*
6 *nomie costs and risks associated with large-scale flood and*
7 *storm events: Provided further, That using \$500,000 of the*
8 *funds provided herein, the Secretary shall conduct an eval-*
9 *uation of the performance of existing projects constructed*
10 *by the U.S. Army Corps of Engineers and impacted by*
11 *Hurricane Sandy for the purposes of determining their ef-*
12 *fectiveness and making recommendations for improvements*
13 *thereto: Provided further, That as a part of the study, the*
14 *Secretary shall identify institutional and other barriers to*
15 *providing comprehensive protection to affected coastal areas*
16 *and shall provide this report to the Committees on Appro-*
17 *priations of the House of Representatives and the Senate*
18 *within 120 days of enactment of this Act: Provided further,*
19 *That the amounts in this paragraph are designated by the*
20 *Congress as being for an emergency requirement pursuant*
21 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
22 *Emergency Deficit Control Act of 1985: Provided further,*
23 *That the Assistant Secretary of the Army for Civil Works*
24 *shall provide a monthly report to the Committees on Appro-*
25 *priations of the House of Representatives and the Senate*

1 *detailing the allocation and obligation of these funds, begin-*
2 *ning not later than 60 days after enactment of this Act.*

3 *CONSTRUCTION*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For an additional amount for “Construction” to reha-*
6 *bilitate, repair and construct U.S. Army Corps of Engi-*
7 *neers projects related to the consequences of natural disas-*
8 *ters, \$3,461,000,000, to remain available until expended:*
9 *Provided, That \$2,902,000,000 of the funds provided under*
10 *this heading shall be used to reduce future flood risk in ways*
11 *that will support the long-term sustainability of the coastal*
12 *ecosystem and communities and reduce the economic costs*
13 *and risks associated with large-scale flood and storm events*
14 *that occurred in 2012 along the Gulf Coast and Atlantic*
15 *Coast within the boundaries of the North Atlantic and Mis-*
16 *sissippi Valley Divisions of the Corps that were affected by*
17 *Hurricanes Sandy and Isaac: Provided further, That efforts*
18 *using these funds shall incorporate current science and en-*
19 *gineering standards in constructing previously authorized*
20 *Corps projects designed to reduce flood and storm damage*
21 *risks and modifying existing Corps projects that do not*
22 *meet these standards, with such modifications as the Sec-*
23 *retary determines are necessary to incorporate these stand-*
24 *ards or to meet the goal of providing sustainable reduction*
25 *to flooding and storm damage risks: Provided further, That*

1 *these funds may be used to construct any project that is*
2 *currently under study by the Corps for reducing flooding*
3 *and storm damage risks in areas along the Atlantic coast*
4 *within the North Atlantic or the Gulf Coast within the Mis-*
5 *sissippi Valley Divisions of the U.S. Army Corps of Engi-*
6 *neers that suffered direct surge inundation impacts and sig-*
7 *nificant monetary damages from Hurricanes Isaac or*
8 *Sandy if the study demonstrates that the project will cost-*
9 *effectively reduce those risks and is environmentally accept-*
10 *able and technically feasible: Provided further, That local*
11 *interests shall provide all lands, easements, rights-of-way,*
12 *relocations and disposal areas (LERRDs) necessary for*
13 *projects using these funds at no cost to the Government:*
14 *Provided further, That cost sharing for implementation of*
15 *any projects using these funds shall be 90 percent Federal*
16 *and 10 percent non-Federal exclusive of LERRDs: Provided*
17 *further, That the non-Federal cash contribution for projects*
18 *using these funds shall be financed in accordance with the*
19 *provisions of section 103(k) of Public Law 99–662 over a*
20 *period of 30 years from the date of completion of the project*
21 *or separable element: Provided further, That for these*
22 *projects, the provisions of section 902 of the Water Resources*
23 *Development Act of 1986 shall not apply to these funds:*
24 *Provided further, That the Secretary may transfer up to*
25 *\$499,000,000 of the funds provided under this heading to*

1 *other U.S. Army Corps of Engineers Accounts to address*
2 *damages from previous natural disasters following normal*
3 *policies and cost sharing: Provided further, That the Com-*
4 *mittees on Appropriations of the House of Representatives*
5 *and the Senate shall be notified at least 15 days in advance*
6 *of any such transfer: Provided further, That up to*
7 *\$51,000,000 of the funds provided under this heading shall*
8 *be used to expedite continuing authorities projects along the*
9 *coastal areas in States impacted by Hurricane Sandy with-*
10 *in the boundaries of the North Atlantic Division: Provided*
11 *further, That \$9,000,000 of the funds provided under this*
12 *heading shall be used for repairs to projects that were under*
13 *construction and damaged by the impacts of Hurricane*
14 *Sandy: Provided further, That any projects using funds ap-*
15 *propriated under this heading shall be initiated only after*
16 *non-Federal interests have entered into binding agreements*
17 *with the Secretary requiring the non-Federal interests to*
18 *pay 100 percent of the operation, maintenance, repair, re-*
19 *placement, and rehabilitation costs of the project and to*
20 *hold and save the United States free from damages due to*
21 *the construction or operation and maintenance of the*
22 *project, except for damages due to the fault or negligence*
23 *of the United States or its contractors: Provided further,*
24 *That the Assistant Secretary of the Army for Civil Works*
25 *shall submit to the Committees on Appropriations of the*

1 *House of Representatives and the Senate a monthly report*
2 *detailing the allocation and obligation of these funds, begin-*
3 *ning not later than 60 days after the date of the enactment*
4 *of this Act.*

5 *OPERATION AND MAINTENANCE*

6 *For an additional amount for “Operation and Mainte-*
7 *nance”, \$821,000,000, to remain available until expended*
8 *to dredge Federal navigation channels and repair damage*
9 *to Corps projects nationwide related to natural disasters:*
10 *Provided, That such amount is designated by the Congress*
11 *as being for an emergency requirement pursuant section*
12 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
13 *Deficit Control Act of 1985: Provided further, That the As-*
14 *sistant Secretary of the Army for Civil Works shall provide*
15 *a monthly report to the Committees on Appropriations of*
16 *the House of Representatives and the Senate detailing the*
17 *allocation and obligation of these funds, beginning not later*
18 *than 60 days after enactment of this Act.*

19 *FLOOD CONTROL AND COASTAL EMERGENCIES*

20 *For an additional amount for “Flood Control and*
21 *Coastal Emergencies”, \$1,008,000,000, to remain available*
22 *until expended to prepare for flood, hurricane, and other*
23 *natural disasters and support emergency operations, re-*
24 *pairs and other activities in response to flood, hurricanes*
25 *or other natural disasters as authorized by law: Provided,*

1 *That \$430,000,000 of the funds provided herein shall be uti-*
2 *lized by the Corps to restore projects impacted by Hurricane*
3 *Sandy in the North Atlantic Division of the U.S. Army*
4 *Corps of Engineers to design profiles of the authorized*
5 *projects: Provided further, That the provisions of section*
6 *902 of the Water Resources Development Act of 1986 shall*
7 *not apply to funds provided under this heading: Provided*
8 *further, That the amounts in this paragraph are designated*
9 *by the Congress as being for an emergency requirement pur-*
10 *suant section 251(b)(2)(A)(i) of the Balanced Budget and*
11 *Emergency Deficit Control Act of 1985: Provided further,*
12 *That the Assistant Secretary of the Army for Civil Works*
13 *shall provide a monthly report to the Committees on Appro-*
14 *priations of the House of Representatives and the Senate*
15 *detailing the allocation and obligation of these funds, begin-*
16 *ning not later than 60 days after enactment of this Act.*

17 *EXPENSES*

18 *For an additional amount for “Expenses” for in-*
19 *creased efforts to oversee emergency response and recovery*
20 *activities related to natural disasters, \$10,000,000, to re-*
21 *main available until expended: Provided, That such amount*
22 *is designated by the Congress as being for an emergency*
23 *requirement pursuant section 251(b)(2)(A)(i) of the Bal-*
24 *anced Budget and Emergency Deficit Control Act of 1985:*
25 *Provided further, That the Assistant Secretary of the Army*

1 *for Civil Works shall provide a monthly report to the Com-*
2 *mittees on Appropriations of the House of Representatives*
3 *and the Senate detailing the allocation and obligation of*
4 *these funds, beginning not later than 60 days after enact-*
5 *ment of this Act.*

6 *TITLE V*

7 *INDEPENDENT AGENCIES*

8 *GENERAL SERVICES ADMINISTRATION*

9 *REAL PROPERTY ACTIVITIES*

10 *FEDERAL BUILDINGS FUND*

11 *For an additional amount to be deposited in the “Fed-*
12 *eral Buildings Fund”, \$7,000,000, to remain available*
13 *until expended, notwithstanding 40 U.S.C. 3307, for nec-*
14 *essary expenses related to the consequences of Hurricane*
15 *Sandy, including repair and alteration of buildings under*
16 *the custody and control of the Administrator of General*
17 *Services, and real property management and related activi-*
18 *ties not otherwise provided for: Provided, That such amount*
19 *is designated by the Congress as being for an emergency*
20 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
21 *anced Budget and Emergency Deficit Control Act of 1985.*

22 *SMALL BUSINESS ADMINISTRATION*

23 *SALARIES AND EXPENSES*

24 *For an additional amount for “Salaries and Ex-*
25 *penses”, \$40,000,000, to remain available until September*

1 30, 2014, of which \$20,000,000 is for grants to or coopera-
2 tive agreements with organizations to provide technical as-
3 sistance related to disaster recovery, response, and long-
4 term resiliency to small businesses that are recovering from
5 Hurricane Sandy; and of which \$20,000,000 is for grants
6 or cooperative agreements for public-private partnerships to
7 provide long-term economic development assistance to in-
8 dustries and/or regions affected by Hurricane Sandy
9 through economic development initiatives, including inno-
10 vation clusters, industry accelerators, supply-chain support,
11 commercialization, and workforce development: Provided,
12 That the Small Business Administration (SBA) shall expe-
13 dite the delivery of assistance in disaster-affected areas by
14 awarding grants or cooperative agreements for technical as-
15 sistance only to current recipients of SBA grants or cooper-
16 ative agreements using a streamlined application process
17 that relies, to the maximum extent practicable, upon pre-
18 viously submitted documentation: Provided further, That
19 the Administrator of the Small Business Administration
20 shall waive the matching requirements under section
21 21(a)(4)(A) and 29(c) of the Small Business Act for any
22 grant made using funds made available under this heading:
23 Provided further, That in designing appropriate economic
24 development initiatives and identifying those regions and
25 industries most affected by Hurricane Sandy, the SBA shall

1 *work with other Federal agencies, State and local economic*
2 *development entities, institutions of higher learning, and*
3 *private sector partners: Provided further, That grants or*
4 *cooperative agreements for public-private partnerships may*
5 *be awarded to public or private nonprofit organizations,*
6 *or any combination thereof: Provided further, That no later*
7 *than 30 days after the date of enactment of this Act, or*
8 *no less than 7 days prior to obligation of funds, whichever*
9 *occurs earlier, the SBA shall submit to the Committees on*
10 *Appropriations of the House of Representatives and the*
11 *Senate a detailed expenditure plan for funds provided*
12 *under this heading: Provided further, That such amounts*
13 *are designated by the Congress as being for an emergency*
14 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
15 *anced Budget and Emergency Deficit Control Act of 1985.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *For an additional amount for “Office of Inspector*
18 *General” for necessary expenses related to the consequences*
19 *of Hurricane Sandy and other disasters, \$5,000,000, to re-*
20 *main available until expended: Provided, 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 Bal-*
23 *anced Budget and Emergency Deficit Control Act of 1985.*

1 *DISASTER LOANS PROGRAM ACCOUNT*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For an additional amount for “Disaster Loans Pro-*
4 *gram Account” for the cost of direct loans authorized by*
5 *section 7(b) of the Small Business Act, for necessary ex-*
6 *penses related to Hurricane Sandy and other disasters,*
7 *\$500,000,000, to remain available until expended: Pro-*
8 *vided, That such costs, including the cost of modifying such*
9 *loans, shall be as defined in section 502 of the Congressional*
10 *Budget Act of 1974: Provided further, That in addition, for*
11 *administrative expenses to carry out the direct loan pro-*
12 *gram authorized by section 7(b) of the Small Business Act*
13 *in response to Hurricane Sandy and other disasters,*
14 *\$260,000,000, to remain available until expended, of which*
15 *\$250,000,000 is for direct administrative expenses of loan*
16 *making and servicing to carry out the direct loan program,*
17 *which may be transferred to and merged with the appro-*
18 *priations for Salaries and Expenses; and of which*
19 *\$10,000,000 is for indirect administrative expenses for the*
20 *direct loan program, which may be transferred to and*
21 *merged with the appropriations for Salaries and Expenses:*
22 *Provided further, That such amounts are designated by the*
23 *Congress as being for an emergency requirement pursuant*
24 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
25 *Emergency Deficit Control Act of 1985.*

1 of Hurricane Sandy, \$1,667,000: Provided, That such
2 amount is designated by the Congress as being for an emer-
3 gency requirement pursuant to section 251(b)(2)(A)(i) of
4 the Balanced Budget and Emergency Deficit Control Act
5 of 1985: Provided further, That a description of all property
6 to be replaced, with associated costs, shall be submitted to
7 the Committees on Appropriations of the Senate and the
8 House of Representatives no later than 90 days after the
9 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 consequences
14 of Hurricane Sandy, \$855,000: Provided, That such
15 amount is designated by the Congress as being for an emer-
16 gency requirement pursuant to section 251(b)(2)(A)(i) of
17 the Balanced Budget and Emergency Deficit Control Act
18 of 1985: Provided further, That a description of all property
19 to be replaced, with associated costs, shall be submitted to
20 the Committees on Appropriations of the Senate and the
21 House of Representatives no later than 90 days after the
22 date of enactment of this Act.

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COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

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

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

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

1 amount is designated by the Congress as being for an emer-
2 gency requirement pursuant to section 251(b)(2)(A)(i) of
3 the Balanced Budget and Emergency Deficit Control Act
4 of 1985: Provided further, That a description of all property
5 to be replaced, with associated costs, shall be submitted to
6 the Committees on Appropriations of the Senate and the
7 House of Representatives no later than 90 days after the
8 date of enactment of this Act.

9 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

10 *DISASTER RELIEF FUND*

11 *(INCLUDING TRANSFER OF FUNDS)*

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

1 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
2 *Deficit Control Act of 1985 which shall be for major disas-*
3 *ters declared pursuant to the Robert T. Stafford Disaster*
4 *Relief and Emergency Assistance Act (42 U.S.C. 5121 et*
5 *seq.): Provided further, That of the total amount provided,*
6 *\$3,000,000 shall be transferred to the Department of Home-*
7 *land Security “Office of Inspector General” for audits and*
8 *investigations related to disasters.*

9 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

10 *For an additional amount for the cost of direct loans,*
11 *\$300,000,000, to remain available until expended, as au-*
12 *thorized by section 417 of the Robert T. Stafford Disaster*
13 *Relief and Emergency Assistance Act (42 U.S.C. 5184), of*
14 *which up to \$4,000,000 is for administrative expenses to*
15 *carry out the direct loan program: Provided, That such*
16 *costs, including the cost of modifying such loans, shall be*
17 *as defined in section 502 of the Congressional Budget Act*
18 *of 1974: Provided further, That these funds are available*
19 *to subsidize gross obligations for the principal amount of*
20 *direct loans not to exceed \$400,000,000: Provided further,*
21 *That these amounts are designated by the Congress as an*
22 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
23 *of the Balanced Budget and Emergency Deficit Control Act*
24 *of 1985.*

1

SCIENCE AND TECHNOLOGY

2

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

3

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

11

DOMESTIC NUCLEAR DETECTION OFFICE

12

SYSTEMS ACQUISITION

13

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

21

GENERAL PROVISIONS—THIS TITLE

22

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

25

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

7 **(c)** *EFFECTIVE DATE.—The amendment made by sub-*
8 *section (a) shall be considered to have taken effect on Decem-*
9 *ber 12, 2012.*

10 **SEC. 602.** *The Administrator of the Federal Emer-*
11 *gency Management Agency, in cooperation with representa-*
12 *tives of State, tribal, and local governments may give great-*
13 *er weight to the factors considered under section*
14 *206.48(b)(3) of title 44, Code of Federal Regulations, to ac-*
15 *curately measure the acute needs of a population following*
16 *a disaster in order to expedite a declaration of Individual*
17 *Assistance under the Robert T. Stafford Disaster Relief and*
18 *Emergency Assistance Act (42 U.S.C. 5121 et seq.).*

19 **SEC. 603.** *For determinations regarding compliance*
20 *with codes and standards under the Federal Emergency*
21 *Management Agency Public Assistance program (42 U.S.C.*
22 *5172), the Administrator of the Federal Emergency Man-*
23 *agement Agency, for major disasters declared on or after*
24 *August 27, 2011, shall consider eligible the costs required*
25 *to comply with a State’s Stream Alteration General Permit*

1 *process, including any design standards required to be met*
2 *as a condition of permit issuance.*

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

11 *SEC. 605. In administering the funds made available*
12 *to address any major disaster declared during the period*
13 *beginning on August 27, 2011 and ending on December 5,*
14 *2012, the Administrator of the Federal Emergency Manage-*
15 *ment Agency shall establish a pilot program for the reloca-*
16 *tion of State facilities under section 406 of the Robert T.*
17 *Stafford Disaster Relief and Emergency Assistance Act (42*
18 *U.S.C. 5172), under which the Administrator may waive,*
19 *or specify alternative requirements for, any regulation the*
20 *Administrator administers to provide assistance, consistent*
21 *with the National Environmental Policy Act of 1969 (42*
22 *U.S.C. 4321 et seq.), for the permanent relocation of State*
23 *facilities, including administrative office buildings, medical*
24 *facilities, laboratories, and related operating infrastructure*
25 *(including heat, sewage, mechanical, electrical, and plumb-*

1 *ing), that were significantly damaged as a result of the*
 2 *major disaster, are subject to flood risk, and are otherwise*
 3 *eligible for repair, restoration, reconstruction, or replace-*
 4 *ment under section 406 of that Act, if the Administrator*
 5 *determines that such relocation is practicable, and will be*
 6 *cost effective or more appropriate than repairing, restoring,*
 7 *reconstructing, or replacing the facility in its pre-disaster*
 8 *location, and if such relocation will effectively mitigate the*
 9 *flood risk to the facility.*

10 *LEVEES*

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

12 *(1) the term “Administrator” means the Admin-*
 13 *istrator of the Federal Emergency Management Agen-*
 14 *cy; and*

15 *(2) the term “covered hazard mitigation land”*
 16 *means land—*

17 *(A) acquired and deed restricted under sec-*
 18 *tion 404(b) of the Robert T. Stafford Disaster*
 19 *Relief and Emergency Assistance Act (42 U.S.C.*
 20 *5170c(b)) before, on, or after the date of enact-*
 21 *ment of this Act; and*

22 *(B) that is located—*

23 *(i) in a West North Central State; and*

24 *(ii) in a community that—*

1 (I) is participating in the Na-
2 tional Flood Insurance Program on the
3 date on which a State, local, or tribal
4 government submits an application re-
5 questing to construct a permanent
6 flood risk reduction levee under sub-
7 section (b); and

8 (II) certifies to the Administrator
9 and the Chief of Engineers that the
10 community will continue to partici-
11 pate in the National Flood Insurance
12 Program.

13 (b) *AUTHORITY.*—Notwithstanding clause (i) or (ii) of
14 section 404(b)(2)(B) of the Robert T. Stafford Disaster Re-
15 lief and Emergency Assistance Act (42 U.S.C.
16 5170c(b)(2)(B)), the Administrator shall approve the con-
17 struction of a permanent flood risk reduction levee by a
18 State, local, or tribal government on covered hazard mitiga-
19 tion land if the Administrator and the Chief of Engineers
20 determine, through a process established by the Adminis-
21 trator and Chief of Engineers and funded entirely by the
22 State, local, or tribal government seeking to construct the
23 proposed levee, that—

24 (1) construction of the proposed permanent flood
25 risk reduction levee would more effectively mitigate

1 *against flooding risk than an open floodplain or other*
2 *flood risk reduction measures;*

3 (2) *the proposed permanent flood risk reduction*
4 *levee complies with Federal, State, and local require-*
5 *ments, including mitigation of adverse impacts and*
6 *implementation of floodplain management require-*
7 *ments, which shall include an evaluation of whether*
8 *the construction, operation, and maintenance of the*
9 *proposed levee would continue to meet best available*
10 *industry standards and practices and would be the*
11 *most cost-effective measure to protect against the as-*
12 *essed flood risk and minimizes future costs to the*
13 *Federal Government;*

14 (3) *the State, local, or tribal government seeking*
15 *to construct the proposed levee has provided an ade-*
16 *quate maintenance plan that documents the proce-*
17 *dures the State, local, or tribal government will use*
18 *to ensure that the stability, height, and overall integ-*
19 *egrity of the proposed levee and the structure and sys-*
20 *tems of the proposed levee are maintained, includ-*
21 *ing—*

22 (A) *specifying the maintenance activities to*
23 *be performed;*

24 (B) *specifying the frequency with which*
25 *maintenance activities will be performed;*

1 (C) specifying the person responsible for
2 performing each maintenance activity (by name
3 or title);

4 (D) detailing the plan for financing the
5 maintenance of the levee; and

6 (E) documenting the ability of the State,
7 local, or tribal government to finance the main-
8 tenance of the levee.

9 (c) *MAINTENANCE CERTIFICATION.*—

10 (1) *IN GENERAL.*—A State, local, or tribal gov-
11 ernment that constructs a permanent flood risk reduc-
12 tion levee under subsection (b) shall submit to the Ad-
13 ministrator and the Chief of Engineers an annual
14 certification indicating whether the State, local, or
15 tribal government is in compliance with the mainte-
16 nance plan provided under subsection (b)(3).

17 (2) *REVIEW.*—The Chief of Engineers shall re-
18 view a certification submitted under paragraph (1)
19 and determine whether the State, local, or tribal gov-
20 ernment has complied with the maintenance plan.

21 *SEC. 607. The Administrator of the Federal Emer-*
22 *gency Management Agency shall cancel the liquidated bal-*
23 *ances of all remaining uncanceled or partially canceled*
24 *loans disbursed under the Community Disaster Loan Act*
25 *of 2005 (Public Law 109–88) and the Emergency Supple-*

1 *mental Appropriations Act for Defense, the Global War on*
2 *Terror, and Hurricane Recovery, 2006 (Public Law 109–*
3 *234), as amended by section 4502 of the U.S. Troop Readi-*
4 *ness, Veterans’ Care, Katrina Recovery, and Iraq Account-*
5 *ability Appropriations Act, 2007 (Public Law 110–28) to*
6 *the extent that revenues of the local government during the*
7 *period following the major disaster are insufficient to meet*
8 *the budget of the local government, including additional dis-*
9 *aster-related expenses of a municipal character. In calcu-*
10 *lating a community’s revenues while determining cancella-*
11 *tion, the Administrator shall exclude revenues for special*
12 *districts and any other revenues that are required by law*
13 *to be disbursed to other units of local government or used*
14 *for specific purposes more limited than the scope allowed*
15 *by the General Fund. In calculating a community’s ex-*
16 *penses, the Administrator shall include disaster-related cap-*
17 *ital expenses for which the community has not been reim-*
18 *bursed by Federal or insurance proceeds, debt service ex-*
19 *penses, and accrued but unpaid uncompensated absences*
20 *(vacation and sick pay). In calculating the operating deficit*
21 *of the local government, the Administrator shall also con-*
22 *sider all interfund transfers. When considering the period*
23 *following the disaster, the Administrator may consider a*
24 *period of 3, 5, or 7 full fiscal years after the disaster, begin-*
25 *ning on the date of the declaration, in determining eligi-*

1 bility for cancellation. The criteria for cancellation do not
2 apply to those loans already cancelled in full. Applicants
3 shall submit supplemental documentation in support of
4 their applications for cancellation on or before April 30,
5 2014, and the Administrator shall issue determinations and
6 resolve any appeals on or before April 30, 2015. Loans not
7 cancelled in full shall be repaid not later than September
8 30, 2035. The Administrator may use funds provided under
9 Public Law 109–88 to reimburse those communities that
10 have repaid all or a portion of loans, including interest,
11 provided as Special Community Disaster Loans under Pub-
12 lic Law 109–88 or Public Law 109–234, as amended by
13 section 4502 of Public Law 110–28. Further, the Adminis-
14 trator may use funds provided under Public Law 109–88
15 for necessary expenses to carry out this provision: Provided,
16 That the entire amount is designated by the Congress as
17 an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 SEC. 608. The Inspector General shall review the ap-
21 plications for public assistance provided through the Dis-
22 aster Relief Fund with a project cost that exceeds
23 \$10,000,000 and the resulting decisions issued by the Fed-
24 eral Emergency Management Agency for category A debris
25 removal for DR–1786 upon receipt of a request from an

1 applicant made no earlier than 90 days after filing an ap-
2 peal with the Federal Emergency Management Agency
3 without regard to whether the Administrator of the Federal
4 Emergency Management Agency has issued a final agency
5 determination on the application for assistance: Provided,
6 That not later than 180 days after the date of such request,
7 the Inspector General shall determine whether the Federal
8 Emergency Management Agency correctly applied its rules
9 and regulations to determine eligibility of the applicant's
10 claim: Provided further, That if the Inspector General finds
11 that the Federal Emergency Management Agency deter-
12 minations related to eligibility and cost involved a
13 misapplication of its rules and regulations, the applicant
14 may submit the dispute to the arbitration process estab-
15 lished under the authority granted under section 601 of
16 Public Law 111-5 not later than 15 days after the date
17 of issuance of the Inspector General's finding in the pre-
18 vious proviso: Provided further, That if the Inspector Gen-
19 eral finds that the Federal Emergency Management Agency
20 provided unauthorized funding, that the Federal Emergency
21 Management Agency shall take corrective action.

22 *DISASTER RECOVERY*

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

25 *(b) HAZARD MITIGATION.—*

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

5 “(d) *EXPEDITED PROCEDURES.*—

6 “(1) *IN GENERAL.*—For the purpose of providing
7 *assistance under this section, the President shall en-*
8 *sure that—*

9 “(A) *adequate resources are devoted to en-*
10 *sureing that applicable environmental reviews*
11 *under the National Environmental Policy Act*
12 *and historic preservation reviews under the Na-*
13 *tional Historic Preservation Act are completed*
14 *on an expeditious basis; and*

15 “(B) *the shortest existing applicable process*
16 *under the National Environmental Policy Act*
17 *and the National Historic Preservation Act shall*
18 *be utilized.*

19 “(2) *AUTHORITY FOR OTHER EXPEDITED PROCE-*
20 *DURES.*—The President may utilize expedited proce-
21 *dures in addition to those required under paragraph*
22 *(1) for the purpose of providing assistance under this*
23 *section, such as those under the Prototype Pro-*
24 *grammatic Agreement of the Federal Emergency*
25 *Management Agency, for the consideration of multiple*

1 *structures as a group and for an analysis of the cost-*
2 *effectiveness and fulfillment of cost-share requirements*
3 *for proposed hazard mitigation measures.*

4 “(e) *ADVANCE ASSISTANCE.*—*The President may pro-*
5 *vide not more than 25 percent of the amount of the esti-*
6 *mated cost of hazard mitigation measures to a State grantee*
7 *eligible for a grant under this section before eligible costs*
8 *are incurred.”.*

9 (2) *ESTABLISHMENT OF CRITERIA RELATING TO*
10 *ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE*
11 *BY STATES.*—*Section 404(c)(2) of the Robert T. Staf-*
12 *ford Disaster Relief and Emergency Assistance Act*
13 *(42 U.S.C. 5170c(c)(2)) is amended by inserting*
14 *“Until such time as the Administrator promulgates*
15 *regulations to implement this paragraph, the Admin-*
16 *istrator may waive notice and comment rulemaking*
17 *if the Administrator determines doing so is necessary*
18 *to expeditiously implement this section and may*
19 *carry out the alternative procedures under this section*
20 *as a pilot program” after “applications submitted*
21 *under paragraph (1).”.*

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

1 (A) any major disaster or emergency de-
2 clared under the Robert T. Stafford Disaster Re-
3 lief and Emergency Assistance Act (42 U.S.C.
4 5121 et seq.) on or after the date of enactment
5 of this Act; and

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

11 (c) **PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PRO-**
12 **CEDURES.**—Title IV of the Robert T. Stafford Disaster Re-
13 **lief and Emergency Assistance Act (42 U.S.C. 5170 et seq.)**
14 **is amended—**

15 (1) by redesignating section 425 (42 U.S.C.
16 5189e) relating to essential service providers, as
17 added by section 607 of the SAFE Port Act (Public
18 Law 109–347; 120 Stat. 1941) as section 427; and

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

20 **“SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE**
21 **PROCEDURES.**

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

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

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

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.*—Any procedures adopted under sub-
13 section (b) shall further the goals of—

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

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

18 “(3) expediting the provision of such assistance
19 to States, tribal, and local governments and to owners
20 or operators of private nonprofit facilities; and

21 “(4) providing financial incentives and disincentives for the State, tribal, or local government, or
22 owner or operator of a private nonprofit facility for
23 the timely and cost-effective completion of projects
24 with such assistance.
25

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

6 “(e) *REQUIREMENTS FOR PROCEDURES.*—*The alter-*
7 *native procedures adopted under subsection (b) shall in-*
8 *clude—*

9 “(1) *for repair, restoration, and replacement of*
10 *damaged facilities under section 406—*

11 “(A) *making grants on the basis of fixed es-*
12 *timates, if the State, tribal, or local government,*
13 *or owner or operator of the private nonprofit fa-*
14 *cility agrees to be responsible for any actual*
15 *costs that exceed the estimate;*

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

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

1 “(ii) management expenses;

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

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

13 “(i) cost-effective activities that reduce
14 the risk of future damage, hardship, or suf-
15 fering from a major disaster; and

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

18 “(E) in determining eligible cost under sec-
19 tion 406, the Administrator shall make available,
20 at an applicant’s request and where the Federal
21 Emergency Management Agency or the certified
22 cost estimate prepared by the applicant’s profes-
23 sionally licensed engineers has estimated an eli-
24 gible Federal share for a project of not less than
25 \$5,000,000, an independent expert panel to vali-

1 *date the estimated eligible cost consistent with*
2 *applicable regulations and policies implementing*
3 *this section;*

4 “(F) *in determining eligible cost under sec-*
5 *tion 406, the Administrator shall, at the appli-*
6 *cant’s request, consider properly conducted and*
7 *certified cost estimates prepared by profes-*
8 *sionally licensed engineers (mutually agreed*
9 *upon by the Administrator and the applicant),*
10 *to the extent that such estimates comply with ap-*
11 *plicable regulation, policy, and guidance; and*

12 “(2) *for debris removal under sections*
13 *403(a)(3)(A), 407, and 502(a)(5)—*

14 “(A) *making grants on the basis of fixed es-*
15 *timates to provide financial incentives and dis-*
16 *incentives for the timely or cost effective comple-*
17 *tion if the State, tribal, or local government, or*
18 *owner or operator of the private nonprofit facil-*
19 *ity agrees to be responsible to pay for any actual*
20 *costs that exceed the estimate;*

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

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

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

9 “(E) providing incentives to State, tribal,
10 and local governments to have a debris manage-
11 ment plan approved by the Federal Emergency
12 Management Agency and have pre-qualified one
13 or more debris and wreckage removal contractors
14 before the date of declaration of the major dis-
15 aster; and

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

21 “(i) debris management planning;

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

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

4 “(f) *WAIVER AUTHORITY.*—Until such time as the Ad-
5 ministrators promulgates regulations to implement this sec-
6 tion, the Administrator may waive notice and comment
7 rulemaking, if the Administrator determines the waiver is
8 necessary to expeditiously implement this section, and may
9 carry out the alternative procedures under this section as
10 a pilot program.

11 “(g) *REIMBURSEMENT.*—The guidelines for reimburse-
12 ment for costs under subsection (e)(2)(D) shall assure that
13 no State, tribal, or local government is denied reimburse-
14 ment for overtime payments that are required pursuant to
15 the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et
16 seq.).”.

17 “(d) *SIMPLIFIED PROCEDURES.*—Section 422 of the
18 Robert T. Stafford Disaster Relief and Emergency Assist-
19 ance Act (42 U.S.C. 5189) is amended—

20 (1) by striking “If the Federal estimate” and in-
21 serting the following:

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

23 (2) by inserting “or, if the Administrator has es-
24 tablished a threshold under subsection (b), the amount

1 *established under subsection (b)” after “\$35,000” the*
2 *first place it appears;*

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

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

7 *“(b) THRESHOLD.—*

8 *“(1) REPORT.—Not later than 1 year after the*
9 *date of enactment of the Disaster Recovery Act of*
10 *2012, the President, acting through the Administrator*
11 *of the Federal Emergency Management Agency (in*
12 *this section referred to as the ‘Administrator’),*
13 *shall—*

14 *“(A) complete an analysis to determine*
15 *whether an increase in the threshold for eligi-*
16 *bility under subsection (a) is appropriate, which*
17 *shall include consideration of cost-effectiveness,*
18 *speed of recovery, capacity of grantees, past per-*
19 *formance, and accountability measures; and*

20 *“(B) submit to the appropriate committees*
21 *of the Congress (as defined in section 602 of the*
22 *Post-Katrina Emergency Management Reform*
23 *Act of 2006 (6 U.S.C. 701)) a report regarding*
24 *the analysis conducted under subparagraph (A).*

1 “(2) *AMOUNT.*—After the Administrator submits
2 the report required under paragraph (1), the Presi-
3 dent shall direct the Administrator to—

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

8 “(B) adjust the threshold annually to reflect
9 changes in the Consumer Price Index for all
10 Urban Consumers published by the Department
11 of Labor.

12 “(3) *REVIEW.*—Not later than 3 years after the
13 date on which the Administrator establishes a thresh-
14 old under paragraph (2), and every 3 years there-
15 after, the President, acting through the Adminis-
16 trator, shall review the threshold for eligibility under
17 this section.”.

18 “(e) *ESSENTIAL ASSISTANCE.*—Section 403 of the Rob-
19 ert T. Stafford Disaster Relief and Emergency Assistance
20 Act (42 U.S.C. 5170b) is amended by adding at the end
21 the following:

22 “(d) *SALARIES AND BENEFITS.*—

23 “(1) *IN GENERAL.*—If the President declares a
24 major disaster or emergency for an area within the
25 jurisdiction of a State, tribal, or local government, the

1 *President may reimburse the State, tribal, or local*
2 *government for costs relating to—*

3 *“(A) basic pay and benefits for permanent*
4 *employees of the State, tribal, or local govern-*
5 *ment conducting emergency protective measures*
6 *under this section, if—*

7 *“(i) the work is not typically per-*
8 *formed by the employees; and*

9 *“(ii) the type of work may otherwise be*
10 *carried out by contract or agreement with*
11 *private organizations, firms, or individuals;*
12 *or*

13 *“(B) overtime and hazardous duty com-*
14 *ensation for permanent employees of the State,*
15 *tribal, or local government conducting emergency*
16 *protective measures under this section.*

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

23 *“(3) NO EFFECT ON MUTUAL AID PACTS.—Noth-*
24 *ing in this subsection shall effect the ability of the*

1 *President to reimburse labor force expenses provided*
2 *pursuant to an authorized mutual aid pact.”.*

3 *(f) UNIFIED FEDERAL REVIEW.—Title IV of the Rob-*
4 *ert T. Stafford Disaster Relief and Emergency Assistance*
5 *Act, as amended by subsection (c), is amended by adding*
6 *at the end the following:*

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

8 *“(a) IN GENERAL.—Not later than 18 months after the*
9 *date of enactment of the Disaster Recovery Act of 2012, and*
10 *in consultation with the Council on Environmental Quality*
11 *and the Advisory Council on Historic Preservation, the*
12 *President shall establish an expedited and unified inter-*
13 *agency review process to ensure compliance with environ-*
14 *mental and historic requirements under Federal law relat-*
15 *ing to disaster recovery projects, in order to expedite the*
16 *recovery process, consistent with applicable law.*

17 *“(b) CONTENTS.—The review process established under*
18 *this section shall include mechanisms to expeditiously ad-*
19 *dress delays that may occur during the recovery from a*
20 *major disaster, and shall be updated as appropriate, con-*
21 *sistent with applicable law.”.*

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

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

1 (A) the term “Administrator” means the
2 Administrator of the Federal Emergency Man-
3 agement Agency; and

4 (B) the term “eligible assistance” means as-
5 sistance—

6 (i) under section 403, 406, or 407 of
7 the Robert T. Stafford Disaster Relief and
8 Emergency Assistance Act (42 U.S.C.
9 5170b, 5172, 5173);

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

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

18 (2) PROCEDURES.—

19 (A) IN GENERAL.—Not later than 180 days
20 after the date of enactment of this Act, and in
21 order to facilitate an efficient recovery from
22 major disasters, the Administrator shall establish
23 procedures under which an applicant may re-
24 quest the use of alternative dispute resolution,
25 including arbitration by an independent review

1 panel, to resolve disputes relating to eligible as-
2 sistance.

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

6 (C) *CONSIDERATIONS.*—The procedures es-
7 tablished under this subsection shall—

8 (i) allow a party of a dispute relating
9 to eligible assistance to request an inde-
10 pendent review panel for the review;

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

16 (iii) require that the sponsor of an
17 independent review panel for any alter-
18 native dispute resolution under this sub-
19 section shall be—

20 (I) an individual or entity unaf-
21 filiated with the dispute (which may
22 include a Federal agency, an adminis-
23 trative law judge, or a reemployed an-
24 nuitant who was an employee of the

1 *Federal Government) selected by the*
2 *Administrator; and*

3 *(II) responsible for identifying*
4 *and maintaining an adequate number*
5 *of independent experts qualified to re-*
6 *view and resolve disputes under this*
7 *subsection;*

8 *(iv) require an independent review*
9 *panel to—*

10 *(I) resolve any remaining dis-*
11 *puted issue in accordance with all ap-*
12 *plicable laws, regulations, and Federal*
13 *Emergency Management Agency inter-*
14 *pretations of those laws through its*
15 *published policies and guidance;*

16 *(II) consider only evidence con-*
17 *tained in the administrative record, as*
18 *it existed at the time at which the Fed-*
19 *eral Emergency Management Agency*
20 *made its initial decision;*

21 *(III) only set aside a decision of*
22 *the Federal Emergency Management*
23 *Agency found to be arbitrary, capri-*
24 *cious, an abuse of discretion, or other-*
25 *wise not in accordance with law; and*

1 (IV) *in the case of a finding of*
2 *material fact adverse to the claimant*
3 *made on first appeal, only set aside or*
4 *reverse such finding if the finding is*
5 *clearly erroneous;*

6 (v) *require an independent review*
7 *panel to expeditiously issue a written deci-*
8 *sion for any alternative dispute resolution*
9 *under this subsection; and*

10 (vi) *direct that if an independent re-*
11 *view panel for any alternative dispute reso-*
12 *lution under this subsection determines that*
13 *the basis upon which a party submits a re-*
14 *quest for alternative dispute resolution is*
15 *frivolous, the independent review panel shall*
16 *direct the party to pay the reasonable costs*
17 *of the Federal Emergency Management*
18 *Agency relating to the review by the inde-*
19 *pendent review panel.*

20 (D) *FUNDS RECEIVED.—Any funds received*
21 *by the Federal Emergency Management Agency*
22 *under the authority under this subsection shall*
23 *be deposited to the credit of the appropriation or*
24 *appropriations available for the eligible assist-*

1 *ance in dispute on the date on which the funds*
2 *are received.*

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

6 (4) *REPORT.*—

7 (A) *IN GENERAL.*—*Not later than 270 days*
8 *after the termination of authority under this*
9 *subsection pursuant to paragraph (3), the Comp-*
10 *troller General of the United States shall submit*
11 *to the Committee on Homeland Security and*
12 *Governmental Affairs of the Senate and the*
13 *Committee on Transportation and Infrastructure*
14 *of the House of Representatives a report ana-*
15 *lyzing the effectiveness of the program under this*
16 *subsection.*

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

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

21 (ii) *an assessment of the effectiveness of*
22 *the program under this subsection, includ-*
23 *ing an assessment of whether the program*
24 *expedited or delayed the disaster recovery*
25 *process;*

1 (iii) an assessment of whether the pro-
2 gram increased or decreased costs to admin-
3 ister section 403, 406, or 407 of the Robert
4 T. Stafford Disaster Relief and Emergency
5 Assistance Act;

6 (iv) an assessment of the procedures
7 and safeguards that the independent review
8 panels established to ensure objectivity and
9 accuracy, and the extent to which they fol-
10 lowed those procedures and safeguards;

11 (v) a recommendation as to whether
12 any aspect of the program under this sub-
13 section should be made a permanent author-
14 ity; and

15 (vi) recommendations for any modi-
16 fications to the authority or the administra-
17 tion of the authority under this subsection
18 in order to improve the disaster recovery
19 process.

20 (h) *INDIVIDUAL ASSISTANCE FACTORS*.—In order to
21 provide more objective criteria for evaluating the need for
22 assistance to individuals and to speed a declaration of a
23 major disaster or emergency under the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act (42 U.S.C.
25 5121 et seq.), not later than 1 year after the date of enact-

1 *ment of this Act, the Administrator of the Federal Emer-*
 2 *gency Management Agency, in cooperation with representa-*
 3 *tives of State, tribal, and local emergency management*
 4 *agencies, shall review, update, and revise through rule-*
 5 *making the factors considered under section 206.48 of title*
 6 *44, Code of Federal Regulations (including section*
 7 *206.48(b)(2) of such title relating to trauma and the specific*
 8 *conditions or losses that contribute to trauma), to measure*
 9 *the severity, magnitude, and impact of a disaster.*

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

13 (1) *in the paragraph heading, by inserting*
 14 *“CHILD CARE,” after “DENTAL,”; and*

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

16 (j) *TEMPORARY HOUSING.*—Section 408(c)(1)(B) of
 17 *the Robert T. Stafford Disaster Relief and Emergency As-*
 18 *sistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—*

19 (1) *by redesignating clauses (ii) and (iii) as*
 20 *clauses (iii) and (iv), respectively;*

21 (2) *by inserting after clause (i) the following:*

22 “(i) *LEASE AND REPAIR OF RENTAL*
 23 *UNITS FOR TEMPORARY HOUSING.—*

24 “(I) *IN GENERAL.*—*The President,*
 25 *to the extent it would be a cost effective*

1 *alternative to other temporary housing*
2 *options, may—*

3 “*(aa) enter into lease agree-*
4 *ments with owners of multifamily*
5 *rental property located in areas*
6 *covered by a major disaster dec-*
7 *laration to house individuals and*
8 *households eligible for assistance*
9 *under this section; and*

10 “*(bb) make repairs or im-*
11 *provement to properties under*
12 *such lease agreements, to the ex-*
13 *tent necessary to serve as safe and*
14 *adequate temporary housing.*

15 “*(II) IMPROVEMENTS OR RE-*
16 *PAIRS.—Under the terms of any lease*
17 *agreement for property entered into*
18 *under this subsection, the value of the*
19 *improvements or repairs shall be de-*
20 *ducted from the value of the lease*
21 *agreement; and may not exceed the*
22 *value of the lease agreement.*

23 “*(III) PERIOD OF ASSISTANCE.—*
24 *The President may not provide direct*
25 *assistance under this clause with re-*

1 *spect to a major disaster after the end*
2 *of the 18-month period beginning on*
3 *the date of declaration of the major*
4 *disaster by the President, except that*
5 *the President may extend that period if*
6 *the President determines that due to*
7 *extraordinary circumstances an exten-*
8 *sion would be in the public interest.”;*
9 *and*

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

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

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

17 *(A) by striking “All requests for a declara-*
18 *tion” and inserting “(a) IN GENERAL.—All re-*
19 *quests for a declaration”; and*

20 *(B) 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 major*

1 *disaster exists consistent with the requirements of sub-*
2 *section (a).*

3 “(2) *REFERENCES.—In implementing assistance*
4 *authorized by the President under this Act in re-*
5 *sponse to a request of the Chief Executive of an af-*
6 *ected Indian tribal government for a major disaster*
7 *declaration, any reference in this Act, except sections*
8 *310 and 326, to a State or the Governor of a State*
9 *is deemed to refer to an affected Indian tribal govern-*
10 *ment or the Chief Executive of an affected Indian*
11 *tribal government, as appropriate.*

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

19 “(c) *COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL*
20 *GOVERNMENTS.—*

21 “(1) *IN GENERAL.—In providing assistance to*
22 *an Indian tribal government under this Act, the*
23 *President may waive or adjust any payment of a*
24 *non-Federal contribution with respect to the assist-*
25 *ance if—*

1 “(A) *the President has the authority to*
2 *waive or adjust the payment under another pro-*
3 *vision of this Act; and*

4 “(B) *the President determines that the*
5 *waiver or adjustment is necessary and appro-*
6 *priate.*

7 “(2) *CRITERIA FOR MAKING DETERMINATIONS.—*
8 *The President shall establish criteria for making de-*
9 *terminations under paragraph (1)(B).”.*

10 (2) *EMERGENCY REQUESTS.—Section 501 of the*
11 *Robert T. Stafford Disaster Relief and Emergency As-*
12 *istance Act (42 U.S.C. 5191) is amended by adding*
13 *at the end the following:*

14 “(c) *INDIAN TRIBAL GOVERNMENT REQUESTS.—*

15 “(1) *IN GENERAL.—The Chief Executive of an*
16 *affected Indian tribal government may submit a re-*
17 *quest for a declaration by the President that an emer-*
18 *gency exists consistent with the requirements of sub-*
19 *section (a).*

20 “(2) *REFERENCES.—In implementing assistance*
21 *authorized by the President under this Act in re-*
22 *sponse to a request of the Chief Executive of an af-*
23 *ected Indian tribal government for an emergency dec-*
24 *laration, any reference in this Act, except sections 310*
25 *and 326, to a State or the Governor of a State is*

1 *deemed to refer to an affected Indian tribal govern-*
2 *ment or the Chief Executive of an affected Indian*
3 *tribal government, as appropriate.*

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

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

14 (A) in paragraph (7)(B) by striking “;
15 and” and inserting “, that is not an Indian trib-
16 al government as defined in paragraph (6);
17 and”;

18 (B) by redesignating paragraphs (6)
19 through (10) as paragraphs (7) through (11), re-
20 spectively;

21 (C) by inserting after paragraph (5) the fol-
22 lowing:

23 “(6) INDIAN TRIBAL GOVERNMENT.—The term
24 ‘Indian tribal government’ means the governing body
25 of any Indian or Alaska Native tribe, band, nation,

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

5 *(D) by adding at the end the following:*

6 *“(12) CHIEF EXECUTIVE.—The term ‘Chief Exec-*
7 *utive’ means the person who is the Chief, Chairman,*
8 *Governor, President, or similar executive official of*
9 *an Indian tribal government.”.*

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

14 **“SEC. 103. REFERENCES.**

15 *“Except as otherwise specifically provided, any ref-*
16 *erence in this Act to ‘State and local’, ‘State or local’,*
17 *‘State, and local’, ‘State, or local’, or ‘State, local’ (includ-*
18 *ing the plural form of such terms) with respect to govern-*
19 *ments or officials and any reference to a ‘local government’*
20 *in sections 406(d)(3) and 417 shall be deemed to refer also*
21 *to Indian tribal governments and officials, as appro-*
22 *priate.”.*

23 *(5) REGULATIONS.—*

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

4 (B) *FACTORS.*—*In issuing regulations*
5 *under this paragraph, the President shall con-*
6 *sider the unique conditions that affect the gen-*
7 *eral welfare of Indian tribal governments.*

8 (l) *REPORT.*—*Not later than 90 days after the date*
9 *of enactment of this Act, the Chair of the Hurricane Sandy*
10 *Rebuilding Task Force established by the President, in con-*
11 *sultation with the Administrator of the Federal Emergency*
12 *Management Agency, the Secretary of the Treasury, and*
13 *others whom the Chair determines to be appropriate, shall*
14 *submit to the Committee on Appropriations and the Com-*
15 *mittee on Homeland Security and Governmental Affairs of*
16 *the Senate and the Committee on Appropriations and the*
17 *Committee on Transportation and Infrastructure of the*
18 *House of Representatives a report that includes a discussion*
19 *of—*

20 (1) *the impacts of Hurricane Sandy on local*
21 *government budgets in States where a major disaster*
22 *has been declared, including revenues from taxes, fees,*
23 *and other sources, and expenses related to operations,*
24 *debt obligations, and unreimbursed disaster-related*
25 *costs;*

1 (2) *the availability of loans from private sources*
2 *to address such impacts, including information on in-*
3 *terest rates, repayment terms, securitization require-*
4 *ments, and the ability of affected local governments to*
5 *qualify for such loans;*

6 (3) *the availability of Federal resources to ad-*
7 *dress the budgetary impacts of Hurricane Sandy*
8 *upon local governments;*

9 (4) *the ability of the Community Disaster Loan*
10 *program authorized under section 417 of the Robert*
11 *T. Stafford Disaster Relief and Emergency Assistance*
12 *Act (42 U.S.C. 5184) to effectively and expeditiously*
13 *address budgetary impacts of Hurricane Sandy and*
14 *other disasters upon local governments, including—*

15 (A) *an assessment of the current statutory*
16 *limits on loan amounts;*

17 (B) *the regulations, policies, and procedures*
18 *governing program mobilization to communities*
19 *in need and expeditious processing of loan appli-*
20 *cations;*

21 (C) *information on interest rates, repay-*
22 *ment terms, securitization requirements, and*
23 *ability of affected local governments to qualify*
24 *for such loans;*

1 (D) criteria governing the cancellation of
2 such loans, including appropriate classification
3 of available revenues and eligible expenses, and
4 the consistency of program rules with customary
5 local government budgetary practices and State
6 or local laws that affect the specific budgetary
7 practices of local governments affected by Hurri-
8 cane Sandy and other disasters;

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

11 (F) options for Congressional consideration
12 related to legislative modifications of this pro-
13 gram, and any other applicable provisions of
14 Federal law, in order to address the budgetary
15 impacts of Hurricane Sandy and other disasters
16 upon local governments; and

17 (G) recommendations on steps the Federal
18 Emergency Management Agency may take in
19 order to improve program administration, effec-
20 tiveness, communications, and speed; and

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

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NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

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

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$348,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency re-

1 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
2 *anced Budget and Emergency Deficit Control Act of 1985.*

3 *BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT*
4 *OIL SPILL RESEARCH*

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

12 *DEPARTMENTAL OPERATIONS*
13 *OFFICE OF THE SECRETARY*
14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For an additional amount for “Departmental Oper-*
16 *ations” and any Department of the Interior component bu-*
17 *reau or office for necessary expenses related to the con-*
18 *sequences of Hurricane Sandy and for other activities re-*
19 *lated to storms and natural disasters, \$150,000,000, to re-*
20 *main available until expended: Provided, That funds ap-*
21 *propriated herein shall be used to restore and rebuild parks,*
22 *refuges, and other public assets; increase the resiliency and*
23 *capacity of coastal habitat and infrastructure to withstand*
24 *future storms and reduce the amount of damage caused by*
25 *such storms; protect natural and cultural values; and assist*

1 *State, tribal and local governments: Provided further, That*
2 *the Secretary may transfer these funds to any other account*
3 *in the Department and may expend such funds by direct*
4 *expenditure, grants, or cooperative agreements, including*
5 *grants to or cooperative agreements with States, Tribes, and*
6 *municipalities, to carry out the purposes provided herein:*
7 *Provided further, That the Secretary shall submit to the*
8 *Committees on Appropriations of the House of Representa-*
9 *tives and the Senate a detailed spending plan for the*
10 *amounts provided herein within 60 days of enactment of*
11 *this Act: Provided further, That such amount is designated*
12 *by the Congress as being for an emergency requirement pur-*
13 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
14 *Emergency Deficit Control Act of 1985.*

15 *ENVIRONMENTAL PROTECTION AGENCY*

16 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

17 *For an additional amount for “Environmental Pro-*
18 *grams and Management” for necessary expenses related to*
19 *the consequences of Hurricane Sandy, \$725,000, to remain*
20 *available until expended: Provided, That such amount is*
21 *designated by the Congress as being for an emergency re-*
22 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
23 *anced Budget and Emergency Deficit Control Act of 1985.*

1 *HAZARDOUS SUBSTANCE SUPERFUND*

2 *For an additional amount for “Hazardous Substance*
3 *Superfund” for necessary expenses related to the con-*
4 *sequences of Hurricane Sandy, \$2,000,000, to remain avail-*
5 *able until expended: Provided, That such amount is des-*
6 *ignated by the Congress as being for an emergency require-*
7 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
8 *Budget and Emergency Deficit Control Act of 1985.*

9 *LEAKING UNDERGROUND STORAGE TANK FUND*

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

17 *STATE AND TRIBAL ASSISTANCE GRANTS*

18 *For an additional amount for “State and Tribal As-*
19 *sistance Grants”, \$810,000,000, to remain available until*
20 *expended, of which \$700,000,000 shall be for capitalization*
21 *grants for the Clean Water State Revolving Funds under*
22 *Title VI of the Federal Water Pollution Control Act, and*
23 *of which \$110,000,000 shall be for capitalization grants*
24 *under section 1452 of the Safe Drinking Water Act: Pro-*
25 *vided, That notwithstanding section 604(a) of the Federal*

1 *Water Pollution Control Act and section 1452(a)(1)(D) of*
2 *the Safe Drinking Water Act, funds appropriated herein*
3 *shall be provided to States that have received a major dis-*
4 *aster declaration pursuant to the Robert T. Stafford Dis-*
5 *aster Relief and Emergency Assistance Act (42 U.S.C. 5121*
6 *et seq.) for Hurricane Sandy: Provided further, That no*
7 *eligible state shall receive less than two percent of such*
8 *funds: Provided further, That funds appropriated herein*
9 *shall not be subject to the matching or cost share require-*
10 *ments of sections 602(b)(2), 602(b)(3) or 202 of the Federal*
11 *Water Pollution Control Act nor the matching requirements*
12 *of section 1452(e) of the Safe Drinking Water Act: Provided*
13 *further, That notwithstanding the requirements of section*
14 *603(d) of the Federal Water Pollution Control Act, for the*
15 *funds appropriated herein, each State shall use not less*
16 *than 50 percent of the amount of its capitalization grants*
17 *to provide additional subsidization to eligible recipients in*
18 *the form of forgiveness of principal, negative interest loans*
19 *or grants or any combination of these: Provided further,*
20 *That the funds appropriated herein shall only be used for*
21 *eligible projects whose purpose is to reduce flood damage*
22 *risk and vulnerability or to enhance resiliency to rapid hy-*
23 *drologic change or a natural disaster at treatment works*
24 *as defined by section 212 of the Federal Water Pollution*
25 *Control Act or any eligible facilities under section 1452 of*

1 *the Safe Drinking Water Act, and for other eligible tasks*
2 *at such treatment works or facilities necessary to further*
3 *such purposes: Provided further, That notwithstanding the*
4 *definition of treatment works in section 212 of the Federal*
5 *Water Pollution Control Act, and subject to the purposes*
6 *described herein, the funds appropriated herein shall be*
7 *available for the purchase of land and easements necessary*
8 *for the siting of eligible treatment works projects: Provided*
9 *further, That the Administrator may retain up to*
10 *\$1,000,000 of the funds appropriated herein for manage-*
11 *ment and oversight of the requirements of this section: Pro-*
12 *vided further, That such amounts are designated by the*
13 *Congress as being for an emergency requirement pursuant*
14 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
15 *Emergency Deficit Control Act of 1985.*

16 *RELATED AGENCIES*

17 *DEPARTMENT OF AGRICULTURE*

18 *FOREST SERVICE*

19 *CAPITAL IMPROVEMENT AND MAINTENANCE*

20 *For an additional amount for “Capital Improvement*
21 *and Maintenance” for necessary expenses related to the con-*
22 *sequences of Hurricane Sandy, \$4,400,000, to remain avail-*
23 *able until expended: Provided, That such amount is des-*
24 *ignated by the Congress as being for an emergency require-*

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

3 *OTHER RELATED AGENCY*

4 *SMITHSONIAN INSTITUTION*

5 *SALARIES AND EXPENSES*

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

13 *TITLE VIII*

14 *DEPARTMENT OF LABOR*

15 *EMPLOYMENT AND TRAINING ADMINISTRATION*

16 *TRAINING AND EMPLOYMENT SERVICES*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For an additional amount for “Training and Employ-*
19 *ment Services”, \$50,000,000, for the dislocated workers as-*
20 *sistance national reserve for necessary expenses resulting*
21 *from Hurricane Sandy, which shall be available from the*
22 *date of enactment of this Act through September 30, 2013:*
23 *Provided, That the Secretary of Labor may transfer up to*
24 *\$3,500,000 of such funds to any other Department of Labor*
25 *account for other Hurricane Sandy reconstruction and re-*

1 *covery needs, including worker protection activities: Pro-*
2 *vided further, That such amounts are designated by the*
3 *Congress as being for an emergency requirement pursuant*
4 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
5 *Emergency Deficit Control Act of 1985.*

6 *DEPARTMENT OF HEALTH AND HUMAN*
7 *SERVICES*
8 *ADMINISTRATION FOR CHILDREN AND FAMILIES*
9 *SOCIAL SERVICES BLOCK GRANT*

10 *For an additional amount for “Social Services Block*
11 *Grant”, \$500,000,000, for necessary expenses resulting from*
12 *Hurricane Sandy in States for which the President declared*
13 *a major disaster under title IV of the Robert T. Stafford*
14 *Disaster Relief and Emergency Assistance Act, notwith-*
15 *standing section 2003 and paragraphs (1) and (4) of section*
16 *2005(a) of the Social Security Act: Provided, That, notwith-*
17 *standing section 2002 of the Social Security Act, the dis-*
18 *tribution of such amount shall be limited to States directly*
19 *affected by these events: Provided further, That section*
20 *2002(c) of the Social Security Act shall be applied to funds*
21 *appropriated in this paragraph by substituting succeeding*
22 *2 fiscal years for succeeding fiscal year: Provided further,*
23 *That funds appropriated in this paragraph are in addition*
24 *to the entitlement grants authorized by section 2002(a)(1)*
25 *of the Social Security Act and shall not be available for*

1 *such entitlement grants: Provided further, That in addition*
2 *to other uses permitted by title XX of the Social Security*
3 *Act, funds appropriated in this paragraph may be used for*
4 *health services (including mental health services), and for*
5 *costs of renovating, repairing, or rebuilding health care fa-*
6 *cilities (including mental health facilities), child care facili-*
7 *ties, or other social services facilities: Provided further, That*
8 *notwithstanding paragraphs (2) and (8) of section 2005(a)*
9 *of the Social Security Act, a State may use up to 10 percent*
10 *of its allotment of funds appropriated in this paragraph*
11 *to supplement any other funds available for the following*
12 *costs, subject to guidelines established by the Secretary, for*
13 *health care providers (as defined by the Secretary): (a) pay-*
14 *ments to compensate employees of health care providers for*
15 *wages lost as a direct result of Hurricane Sandy, and (b)*
16 *payments to support the viability of health care providers*
17 *with facilities that were substantially damaged as a direct*
18 *result of Hurricane Sandy: Provided further, That funds*
19 *appropriated in this paragraph are also available for costs*
20 *incurred up to 3 days prior to Hurricane Sandy's October*
21 *29, 2012, landfall, subject to Federal review of documenta-*
22 *tion of the cost of services provided: Provided further, That*
23 *none of the funds appropriated in this paragraph shall be*
24 *available for costs that are reimbursed by the Federal Emer-*
25 *gency Management Agency or insurance: Provided further,*

1 *That, with respect to the Federal interest in real property*
2 *acquired or on which construction or major renovation of*
3 *facilities (as such terms are defined in 45 CFR 1309.3) is*
4 *undertaken with these funds, procedures equivalent to those*
5 *specified in Subpart C of 45 CFR Part 1309 shall apply:*
6 *Provided further, That such amount is designated by the*
7 *Congress as being for an emergency requirement pursuant*
8 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
9 *Emergency Deficit Control Act of 1985.*

10 *CHILDREN AND FAMILY SERVICES PROGRAMS*

11 *For an additional amount for “Children and Families*
12 *Services Programs”, \$100,000,000, for making payments*
13 *under the Head Start Act in States for which the President*
14 *declared a major disaster under title IV of the Robert T.*
15 *Stafford Disaster Relief and Emergency Assistance Act as*
16 *a result of Hurricane Sandy: Provided, That funds appro-*
17 *priated in this paragraph are not subject to the allocation*
18 *requirements of section 640(a) or the matching require-*
19 *ments of section 640(b) of the Head Start Act: Provided*
20 *further, That funds appropriated in this paragraph shall*
21 *be available through September 30, 2014 for activities to*
22 *assist affected Head Start agencies, including technical as-*
23 *sistance, costs of Head Start services (including supportive*
24 *services for children and families, and provision of mental*
25 *health services for children affected by Hurricane Sandy),*

1 *and costs of renovating, repairing, or rebuilding those Head*
2 *Start facilities damaged as a result of Hurricane Sandy:*
3 *Provided further, That none of the funds appropriated in*
4 *this paragraph shall be included in the calculation of the*
5 *“base grant” in subsequent fiscal years, as such term is used*
6 *in section 640(a)(7)(A) of the Head Start Act: Provided fur-*
7 *ther, That none of the funds appropriated in this paragraph*
8 *shall be available for costs that are reimbursed by the Fed-*
9 *eral Emergency Management Agency or by insurance: Pro-*
10 *vided further, That such amounts are designated by the*
11 *Congress as being for an emergency requirement pursuant*
12 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
13 *Emergency Deficit Control Act of 1985.*

14 *OFFICE OF THE SECRETARY*
15 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*
16 *(INCLUDING TRANSFER OF FUNDS)*
17 *For an additional amount for “Public Health and So-*
18 *cial Services Emergency Fund” for disaster response and*
19 *recovery, and other expenses related to Hurricane Sandy,*
20 *and for other disaster-response activities, \$200,000,000, to*
21 *remain available until expended: Provided, That these*
22 *funds may be transferred by the Secretary to accounts with-*
23 *in the Department of Health and Human Services, and*
24 *shall be available only for the purposes provided in this*
25 *paragraph: Provided further, That the transfer authority*

1 *provided in this paragraph is in addition to any other*
2 *transfer authority available in this or any other Act: Pro-*
3 *vided further, That obligations incurred for the purposes*
4 *provided herein prior to the enactment of this Act may be*
5 *charged to this appropriation: Provided further, That funds*
6 *appropriated in this paragraph may be used to make*
7 *grants for renovating, repairing, or rebuilding non-Federal*
8 *research facilities damaged as a result of Hurricane Sandy:*
9 *Provided further, That funds appropriated under this para-*
10 *graph shall not be available for costs that are eligible for*
11 *reimbursement by the Federal Emergency Management*
12 *Agency or are covered by insurance: Provided further, That*
13 *such amount is designated by the Congress as being for an*
14 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
15 *of the Balanced Budget and Emergency Deficit Control Act*
16 *of 1985.*

17 *RELATED AGENCY*

18 *SOCIAL SECURITY ADMINISTRATION*

19 *LIMITATION ON ADMINISTRATIVE EXPENSES*

20 *For an additional amount for “Limitation on Admin-*
21 *istrative Expenses”, \$2,000,000, for necessary expenses re-*
22 *sulting from Hurricane Sandy: Provided, That such*
23 *amount is designated by the Congress as being for an emer-*
24 *gency requirement pursuant to section 251(b)(2)(A)(i) of*

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *TITLE IX*

4 *DEPARTMENT OF DEFENSE*

5 *MILITARY CONSTRUCTION*

6 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

7 *For an additional amount for “Military Construction,*
8 *Army National Guard”, \$24,200,000, to remain available*
9 *until September 30, 2014, for necessary expenses related to*
10 *the consequences of Hurricane Sandy: Provided, That such*
11 *funds may be obligated or expended for planning and de-*
12 *sign and military construction projects not otherwise au-*
13 *thorized by law: Provided further, That such amount is des-*
14 *ignated by the Congress as being for an emergency require-*
15 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
16 *Budget and Emergency Deficit Control Act of 1985.*

17 *DEPARTMENT OF VETERANS AFFAIRS*

18 *VETERANS HEALTH ADMINISTRATION*

19 *MEDICAL SERVICES*

20 *For an additional amount for “Medical Services”,*
21 *\$21,000,000, to remain available until September 30, 2014,*
22 *for necessary expenses related to the consequences of Hurri-*
23 *cane Sandy: Provided, That such amount is designated by*
24 *the Congress as being for an emergency requirement pursu-*

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

3 *MEDICAL FACILITIES*

4 *For an additional amount for “Medical Facilities”,*
5 *\$6,000,000, to remain available until September 30, 2014,*
6 *for necessary expenses related to the consequences of Hurri-*
7 *cane Sandy: Provided, That such amount is designated by*
8 *the Congress as being for an emergency requirement pursu-*
9 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
10 *Emergency Deficit Control Act of 1985.*

11 *NATIONAL CEMETERY ADMINISTRATION*

12 *For an additional amount for “National Cemetery Ad-*
13 *ministration”, \$1,100,000, for necessary expenses related to*
14 *the consequences of Hurricane Sandy: Provided, That such*
15 *amount is designated by the Congress as being for an emer-*
16 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
17 *the Balanced Budget and Emergency Deficit Control Act*
18 *of 1985.*

19 *DEPARTMENTAL ADMINISTRATION*

20 *INFORMATION TECHNOLOGY SYSTEMS*

21 *For an additional amount for “Information Tech-*
22 *nology Systems”, \$500,000, for necessary expenses related*
23 *to the consequences of Hurricane Sandy: Provided, That*
24 *such amount is designated by the Congress as being for an*
25 *emergency requirement pursuant to section 251(b)(2)(A)(i)*

1 *of the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *CONSTRUCTION, MAJOR PROJECTS*

4 *For an additional amount for “Construction, Major*
5 *Projects”, \$207,000,000 to remain available until expended,*
6 *for renovations and repairs to the Department of Veterans*
7 *Affairs Medical Center in Manhattan, New York, as a con-*
8 *sequence of damage caused by Hurricane Sandy: Provided,*
9 *That notwithstanding any other provision of law, such*
10 *funds may be obligated and expended to carry out planning*
11 *and design and major medical facility construction not oth-*
12 *erwise authorized by law: Provided further, That such*
13 *amount is designated by the Congress as being for an emer-*
14 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
15 *the Balanced Budget and Emergency Deficit Control Act*
16 *of 1985.*

17 *TITLE X*

18 *DEPARTMENT OF TRANSPORTATION*

19 *FEDERAL AVIATION ADMINISTRATION*

20 *FACILITIES AND EQUIPMENT*

21 *(AIRPORT AND AIRWAY TRUST FUND)*

22 *For an additional amount for “Facilities and equip-*
23 *ment”, \$30,000,000, to be derived from the Airport and Air-*
24 *way Trust Fund and to remain available until expended,*
25 *for necessary expenses related to the consequences of Hurri-*

1 *cane Sandy: Provided, That such amount is designated by*
2 *the Congress as being for an emergency requirement pursu-*
3 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
4 *Emergency Deficit Control Act of 1985.*

5 *FEDERAL HIGHWAY ADMINISTRATION*

6 *FEDERAL-AID HIGHWAYS*

7 *EMERGENCY RELIEF PROGRAM*

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

15 *FEDERAL RAILROAD ADMINISTRATION*

16 *GRANTS TO THE NATIONAL RAILROAD PASSENGER*

17 *CORPORATION*

18 *For an additional amount for the Secretary to make*
19 *grants to the National Railroad Passenger Corporation for*
20 *costs and losses incurred as a result of Hurricane Sandy*
21 *and to advance capital projects that address Northeast Cor-*
22 *ridor infrastructure recovery, mitigation and resiliency in*
23 *the affected areas, \$336,000,000, to remain available until*
24 *expended: Provided, That the Administrator of the Federal*
25 *Railroad Administration may retain up to one-half of 1*

1 *percent of the funds provided under this heading to fund*
2 *the award and oversight by the Administrator of grants*
3 *made under this heading: Provided further, That such*
4 *amount is designated by the Congress as being for an emer-*
5 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
6 *the Balanced Budget and Emergency Deficit Control Act*
7 *of 1985.*

8 *FEDERAL TRANSIT ADMINISTRATION*

9 *PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM*

10 *For the Public Transportation Emergency Relief Pro-*
11 *gram as authorized under section 5324 of title 49, United*
12 *States Code, \$10,783,000,000, to remain available until ex-*
13 *pended, for recovery and relief efforts in the areas most af-*
14 *ected by Hurricane Sandy: Provided, That, of the funds*
15 *provided under this heading, the Secretary may transfer up*
16 *to \$5,383,000,000 to the appropriate agencies to fund pro-*
17 *grams authorized under titles 23 and 49, United States*
18 *Code, in order to carry out mitigation projects related to*
19 *reducing risk of damage from future disasters in areas im-*
20 *pacted by Hurricane Sandy: Provided further, That the*
21 *Committees on Appropriations of the Senate and the House*
22 *of Representatives shall be notified at least 15 days in ad-*
23 *vance of any such transfer: Provided further, That notwith-*
24 *standing any other provision of law, the Federal share for*
25 *all projects funded under this heading for repairs, recon-*

1 *struction or mitigation of transportation infrastructure in*
2 *areas impacted by Hurricane Sandy shall be 90 percent:*
3 *Provided further, That up to three-quarters of 1 percent of*
4 *the funds retained for public transportation emergency re-*
5 *lief shall be available for the purposes of administrative ex-*
6 *penses and ongoing program management oversight as au-*
7 *thorized under 49 U.S.C. 5334 and 5338(i)(2) and shall*
8 *be in addition to any other appropriations for such pur-*
9 *poses: Provided further, That, of the funds made available*
10 *under this heading, \$6,000,000 shall be transferred to the*
11 *Office of Inspector General to support the oversight of ac-*
12 *tivities funded under this heading: Provided further, That*
13 *such amounts are designated by the Congress as being for*
14 *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 *DEPARTMENT OF HOUSING AND URBAN*

18 *DEVELOPMENT*

19 *COMMUNITY PLANNING AND DEVELOPMENT*

20 *COMMUNITY DEVELOPMENT FUND*

21 *For an additional amount for the “Community Devel-*
22 *opment Fund” for necessary expenses related to disaster re-*
23 *lief, long-term recovery, restoration of infrastructure and*
24 *housing, economic revitalization, and mitigation in the*
25 *most impacted and distressed areas resulting from a major*

1 *disaster declared pursuant to the Robert T. Stafford Dis-*
2 *aster Relief and Emergency Assistance Act (42 U.S.C. 5121*
3 *et seq.), due to Hurricane Sandy, for activities authorized*
4 *under title I of the Housing and Community Development*
5 *Act of 1974 (42 U.S.C. 5301 et seq.), \$17,000,000,000, to*
6 *remain available until expended, of which at least*
7 *\$2,000,000,000 shall be used for mitigation projects to re-*
8 *duce future risk and vulnerabilities: Provided, That the Sec-*
9 *retary shall establish a minimum allocation for each eligi-*
10 *ble State declared a major disaster due to Hurricane*
11 *Sandy: Provided further, That of the amount provided*
12 *under this heading, \$500,000,000 shall be used to address*
13 *the unmet needs of impacted areas resulting from a major*
14 *disaster declared pursuant to the Robert T. Stafford Dis-*
15 *aster Relief Act (42 U.S.C. 5121 et seq.) or for small, eco-*
16 *nomically distressed areas with a disaster declared in 2011*
17 *or 2012: Provided further, That funds shall be awarded di-*
18 *rectly to the State or unit of general local government as*
19 *a grantee at the discretion of the Secretary: Provided fur-*
20 *ther, That the Secretary shall allocate to grantees not less*
21 *than 33 percent of the funds provided under this heading*
22 *within 60 days after the enactment of this Act based on*
23 *the best available data: Provided further, That prior to the*
24 *obligation of funds, a grantee shall submit a plan to the*
25 *Secretary for approval detailing the proposed use of all*

1 *funds, including criteria for eligibility and how the use of*
2 *these funds will address long-term recovery and restoration*
3 *of infrastructure and housing and economic revitalization*
4 *in the most impacted and distressed areas: Provided fur-*
5 *ther, That the Secretary shall by notice specify the criteria*
6 *for approval of such plans within 45 days of enactment of*
7 *this Act: Provided further, That such funds may not be used*
8 *for activities reimbursable by, or for which funds are made*
9 *available by, the Federal Emergency Management Agency*
10 *or the Army Corps of Engineers: Provided further, That the*
11 *final paragraph under the heading Community Develop-*
12 *ment Block Grants in title II of Public Law 105–276 (42*
13 *U.S.C. 5305 note) shall not apply to funds provided under*
14 *this heading: Provided further, That funds allocated under*
15 *this heading shall not be considered relevant to the non-*
16 *disaster formula allocations made pursuant to 42 U.S.C.*
17 *5306: Provided further, That a grantee may use up to 5*
18 *percent of its allocation for administrative costs: Provided*
19 *further, That the Secretary shall require that grantees have*
20 *established procedures to ensure timely expenditure of funds*
21 *and prevent any duplication of benefits as defined by 42*
22 *U.S.C. 5155 and prevent fraud and abuse of funds: Pro-*
23 *vided further, That the Secretary shall provide grantees*
24 *with technical assistance on contracting and procurement*
25 *processes and shall require grantees, in contracting or pro-*

1 *curing for management and administration of these funds,*
2 *to incorporate performance requirements and penalties into*
3 *any such contracts or agreements and to maintain informa-*
4 *tion with respect to performance on the use of any funds*
5 *for management and administrative purposes: Provided*
6 *further, That in administering the funds under this head-*
7 *ing, the Secretary may waive, or specify alternative re-*
8 *quirements for, any provision of any statute or regulation*
9 *that the Secretary administers in connection with the obli-*
10 *gation by the Secretary or the use by the recipient of these*
11 *funds (except for requirements related to fair housing, non-*
12 *discrimination, labor standards, and the environment),*
13 *pursuant to a determination by the Secretary that good*
14 *cause exists for the waiver or alternative requirement and*
15 *that such action is not inconsistent with the overall pur-*
16 *poses of title I of the Housing and Community Development*
17 *Act of 1974 (42 U.S.C. 5301 et seq.): Provided further, That*
18 *notwithstanding the previous proviso, recipients of funds*
19 *provided under this heading that use such funds to match*
20 *or supplement Federal assistance provided under sections*
21 *402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster*
22 *Relief and Emergency Assistance Act (42 U.S.C. 5121 et*
23 *seq.) may adopt, without review or public comment, any*
24 *environmental review, approval, or permit performed by a*
25 *Federal agency, and such adoption shall satisfy the respon-*

1 *sibilities of the recipient with respect to such environmental*
2 *review, approval, or permit: Provided further, That, not-*
3 *withstanding 42 U.S.C. 5304(g)(2), the Secretary may,*
4 *upon receipt of a request for release of funds and certifi-*
5 *cation, immediately approve the release of funds for an ac-*
6 *tivity or project assisted under this heading if the recipient*
7 *has adopted an environmental review prepared under the*
8 *National Environmental Policy Act of 1969 (42 U.S.C.*
9 *4321 et seq.) or the project is categorically excluded from*
10 *further review under the National Environmental Policy*
11 *Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That*
12 *a waiver granted by the Secretary may not reduce the per-*
13 *centage of funds which must be used for activities that ben-*
14 *efit persons of low and moderate income to less than 50*
15 *percent, unless the Secretary specifically finds that there is*
16 *a compelling need to further reduce or eliminate the per-*
17 *centage requirement: Provided further, That the Secretary*
18 *shall publish in the Federal Register any waiver of any*
19 *statute or regulation that the Secretary administers pursu-*
20 *ant to title I of the Housing and Community Development*
21 *Act of 1974 no later than 5 days before the effective date*
22 *of such waiver: Provided further, That funds provided*
23 *under this heading to for-profit enterprises may only assist*
24 *such enterprises that meet the definition of small business*
25 *as defined by the Small Business Administration under 13*

1 *CFR part 121: Provided further, That notwithstanding the*
2 *previous proviso, funds may be provided to a for-profit en-*
3 *terprise, that does not meet such definition of small busi-*
4 *ness, but which provides a public benefit, is publicly regu-*
5 *lated, and is otherwise eligible for assistance under 42*
6 *U.S.C. 5301 et seq., and the implementing regulations at*
7 *24 CFR Part 570.201(l): Provided further, That of the*
8 *funds made available under this heading, up to \$10,000,000*
9 *may be transferred to “Program Office Salaries and Ex-*
10 *penses, Community Planning and Development” for tech-*
11 *nical assistance and administrative costs (including infor-*
12 *mation technology costs), related solely to administering*
13 *funds available under this heading or funds made available*
14 *under prior appropriations to the “Community Develop-*
15 *ment Fund” for disaster relief, long-term recovery, or emer-*
16 *gency expenses: Provided further, That, of the funds made*
17 *available under this heading, \$10,000,000 shall be trans-*
18 *ferred to “Office of Inspector General”: Provided further,*
19 *That the amounts provided under this heading are des-*
20 *ignated by the Congress as being for an emergency require-*
21 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
22 *Budget and Emergency Deficit Control Act of 1985.*

23 **GENERAL PROVISIONS—THIS TITLE**

24 *SEC. 1001. For fiscal year 2013, upon request by a*
25 *public housing agency and supported by documentation as*

1 *required by the Secretary of Housing and Urban Develop-*
2 *ment that demonstrates that the need for the adjustment*
3 *is due to the disaster, the Secretary may make temporary*
4 *adjustments to the Section 8 housing choice voucher annual*
5 *renewal funding allocations and administrative fee eligi-*
6 *bility determinations for public housing agencies in an area*
7 *for which the President declared a disaster under title IV*
8 *of the Robert T. Stafford Disaster Relief and Emergency*
9 *Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant*
10 *adverse funding impacts that would otherwise result from*
11 *the disaster.*

12 *SEC. 1002. The Departments of Transportation and*
13 *Housing and Urban Development shall submit to the Com-*
14 *mittees on Appropriations of the House of Representatives*
15 *and the Senate within 45 days after the date of the enact-*
16 *ment of this Act a plan for implementing the provisions*
17 *in this title, and updates to such plan on a biannual basis*
18 *thereafter.*

19 *SEC. 1003. None of the funds provided in this title to*
20 *the Department of Transportation or the Department of*
21 *Housing and Urban Development may be used to make a*
22 *grant unless the Secretary of such Department notifies the*
23 *House and Senate Committees on Appropriations and posts*
24 *the notification on the public website of that agency not*
25 *less than 3 full business days before either Department (or*

1 *a modal administration of either Department) announces*
2 *the selection of any project, State or locality to receive a*
3 *grant award totaling \$500,000 or more.*

4 *TITLE XI*

5 *GENERAL PROVISIONS—THIS ACT*

6 *SEC. 1101. Each amount appropriated or made avail-*
7 *able in this Act is in addition to amounts otherwise appro-*
8 *priated for the fiscal year involved.*

9 *SEC. 1102. Each amount designated in this Act by the*
10 *Congress as an emergency requirement pursuant to section*
11 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985 shall be available only if the*
13 *President subsequently so designates all such amounts and*
14 *transmits such designations to the Congress.*

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

21 *(b) All programs and activities receiving funds under*
22 *this Act shall be deemed to be “susceptible to significant*
23 *improper payments” for purposes of the Improper Pay-*
24 *ments Information Act of 2002 (31 U.S.C. 3321 note)*
25 *(IPIA), notwithstanding section 2(a) of IPIA.*

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

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

11 (2) *provides that the head of the agency may,*
12 *after consultation with the Director of OMB, subse-*
13 *quently issue a waiver of this requirement based on*
14 *a determination by the head of the agency that excep-*
15 *tional circumstances exist that justify an extension of*
16 *the period in which the funds must be expended.*

17 SEC. 1104. (a) *In carrying out activities funded by*
18 *this Act, Federal agencies, in partnership with States, local*
19 *communities and tribes, shall inform plans for response, re-*
20 *covery, and rebuilding to reduce vulnerabilities from and*
21 *build long-term resiliency to future extreme weather events,*
22 *sea level rise, and coastal flooding. In carrying out activi-*
23 *ties funded by this title that involve repairing, rebuilding,*
24 *or restoring infrastructure and restoring land, project spon-*
25 *sors shall consider, where appropriate, the increased risks*

1 *and vulnerabilities associated with future extreme weather*
2 *events, sea level rise and coastal flooding.*

3 *(b) Funds made available in this Act shall be available*
4 *to develop, in partnership with State, local and tribal offi-*
5 *cials, regional projections and assessments of future risks*
6 *and vulnerabilities to extreme weather events, sea level rise*
7 *and coastal flooding that may be used for the planning re-*
8 *ferred to in subsection (a), and to encourage coordination*
9 *and facilitate long-term community resiliency.*

10 *SEC. 1105. Recipients of Federal funds dedicated to*
11 *reconstruction efforts under this Act shall, to the greatest*
12 *extent practicable, ensure that such reconstruction efforts*
13 *maximize the utilization of technologies designed to miti-*
14 *gate future power outages, continue delivery of vital services*
15 *and maintain the flow of power to facilities critical to pub-*
16 *lic health, safety and welfare. The Secretary of Housing and*
17 *Urban Development as chair of the Hurricane Sandy Re-*
18 *building Task Force shall issue appropriate guidelines to*
19 *implement this requirement.*

20 *VEHICLES USE IN THE WAKE OF HURRICANE SANDY*

21 *SEC. 1106. (a) REPORT.—Not later than 7 days after*
22 *the date of enactment of this Act, the Department of Justice*
23 *and Department of Homeland Security shall identify and*
24 *relocate any vehicles currently based at the Washington,*
25 *D.C., headquarters of such agencies used for non-oper-*
26 *ational purposes to replace vehicles of those agencies dam-*

1 *aged by Hurricane Sandy. The Department of Justice and*
 2 *Department of Homeland Security shall provide copies of*
 3 *a report summarizing the actions taken to carry out this*
 4 *subsection to the House and Senate Committees on Appro-*
 5 *priations and Judiciary.*

6 (b) *FUNDING LIMITATION.—No funds provided by this*
 7 *Act shall be used to purchase, repair, or replace any De-*
 8 *partment of Justice or Department of Homeland security*
 9 *vehicle until after the report required by subsection (a) has*
 10 *been provided to Congress.*

11 *INCREASED EMBASSY SECURITY*

12 *SEC. 1107. Funds appropriated under the heading*
 13 *“Administration of Foreign Affairs” under Title VIII of Di-*
 14 *vision I of Public Law 112–74 and as carried forward*
 15 *under Public Law 112–175, may be transferred to, and*
 16 *merged with, any such other funds appropriated under such*
 17 *title and heading: Provided, That such transfers shall be*
 18 *subject to the regular notification procedures of the Commit-*
 19 *tees on Appropriations.*

20 *PROHIBITION ON EMERGENCY SPENDING FOR PERSONS*

21 *HAVING SERIOUS DELINQUENT TAX DEBTS*

22 *SEC. 1108. (a) DEFINITION OF SERIOUSLY DELIN-*
 23 *QUENT TAX DEBT.—In this section:*

24 (1) *IN GENERAL.—The term “seriously delin-*
 25 *quent tax debt” means an outstanding debt under the*
 26 *Internal Revenue Code of 1986 for which a notice of*

1 *This Act may be cited as the “Disaster Relief Appro-*
2 *priations Act, 2013”.*

Amend the title so as to read: “An Act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.”.

Attest:

Secretary.

112TH CONGRESS
2^D SESSION

H.R. 1

AMENDMENTS