

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3377  
OFFERED BY MR. OBERSTAR OF MINNESOTA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Disaster Response, Re-  
3       covery, and Mitigation Enhancement Act of 2009”.

**4 SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—MAJOR DISASTER AND EMERGENCY ASSISTANCE  
ADMINISTRATION

Sec. 101. Pre-disaster hazard mitigation.

Sec. 102. Integrated public alert and warning system modernization.

Sec. 103. Health benefits for temporary employees.

Sec. 104. Disposal of excess property to assist other disaster survivors.

Sec. 105. National Urban Search and Rescue Response System.

Sec. 106. Disaster Relief Fund.

TITLE II—MAJOR DISASTER AND EMERGENCY ASSISTANCE  
PROGRAMS

Sec. 201. Additional mitigation assistance.

Sec. 202. Temporary mortgage and rental payments.

Sec. 203. Clarification of grant authority.

Sec. 204. Case management services.

Sec. 205. Household pets and service animals.

Sec. 206. Storage, sale, transfer, and disposal of housing units.

Sec. 207. Other methods of disposal.

Sec. 208. Establishment of criteria relating to administration of hazard mitiga-  
tion assistance by States.

Sec. 209. Recommendations regarding children and individuals with disabilities.

Sec. 210. Use of financial assistance to disseminate information regarding cost-  
effective mitigation technologies.

TITLE III—OTHER MATTERS

- Sec. 301. Emergency management assistance compact grants.  
Sec. 302. Authority to accept and use gifts.  
Sec. 303. Individual assistance factors.  
Sec. 304. Technical corrections to references.  
Sec. 305. Ability to provide disaster information to individuals with limited English proficiency and to individuals with disabilities.  
Sec. 306. Functions of Federal coordinating officer.  
Sec. 307. Federal interagency disaster recovery task force.  
Sec. 308. Debris removal.  
Sec. 309. Review of regulations and policies.  
Sec. 310. Appeals process.  
Sec. 311. Repair, restoration, and replacement of damaged facilities.  
Sec. 312. Special procedures for widespread damage.

1 **TITLE I—MAJOR DISASTER AND**  
2 **EMERGENCY ASSISTANCE AD-**  
3 **MINISTRATION**

4 **SEC. 101. PRE-DISASTER HAZARD MITIGATION.**

5 (a) ALLOCATION OF FUNDS.—Section 203(f) of the  
6 Robert T. Stafford Disaster Relief and Emergency Assist-  
7 ance Act (42 U.S.C. 5133(f)) is amended to read as fol-  
8 lows:

9 “(f) ALLOCATION OF FUNDS.—

10 “(1) IN GENERAL.—The President shall award  
11 financial assistance under this section on a competi-  
12 tive basis and in accordance with the criteria in sub-  
13 section (g).

14 “(2) MINIMUM AND MAXIMUM AMOUNTS.—In  
15 providing financial assistance under this section, the  
16 President shall ensure that the amount of financial  
17 assistance made available to a State (including  
18 amounts made available to local governments of the  
19 State) for a fiscal year—

1           “(A) is not less than the lesser of—  
2                   “(i) \$575,000; or  
3                   “(ii) the amount that is equal to one  
4           percent of the total funds appropriated to  
5           carry out this section for the fiscal year;  
6           and  
7           “(B) does not exceed the amount that is  
8           equal to 15 percent of the total funds appro-  
9           priated to carry out this section for the fiscal  
10          year.”.

11          (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 203(m) of such Act (42 U.S.C. 5133(m)) is amended to  
13 read as follows:

14          “(m) AUTHORIZATION OF APPROPRIATIONS.—There  
15 is authorized to be appropriated to carry out this section  
16 \$250,000,000 for each of fiscal years 2010, 2011, and  
17 2012.”.

18          (c) REFERENCES.—Section 203 of such Act (42  
19 U.S.C. 5133) is amended—

20           (1) in the section heading by striking  
21           “**PREDISASTER**” and inserting “**PRE-DISASTER**”;

22           (2) in the subsection heading for subsection (i)  
23           by striking “PREDISASTER” and inserting “PRE-  
24           DISASTER”;

1           (3) by striking “Predisaster” each place it ap-  
2           pears and inserting “Pre-Disaster”; and

3           (4) by striking “predisaster” each place it ap-  
4           pears and inserting “pre-disaster”.

5 **SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYS-**  
6 **TEM MODERNIZATION.**

7           (a) IN GENERAL.—Section 202 of the Robert T.  
8 Stafford Disaster Relief and Emergency Assistance Act  
9 (42 U.S.C. 5132) is amended by adding at the end the  
10 following:

11           “(e) INTEGRATED PUBLIC ALERT AND WARNING  
12 SYSTEM MODERNIZATION.—

13           “(1) IN GENERAL.—To provide timely and ef-  
14 fective disaster warnings under this section, the  
15 President, acting through the Administrator of the  
16 Federal Emergency Management Agency, shall—

17           “(A) modernize the integrated public alert  
18 and warning system of the United States (in  
19 this section referred to as the ‘public alert and  
20 warning system’) to ensure that the President  
21 under all conditions can alert and warn State  
22 and local governmental authorities and the civil-  
23 ian population in areas endangered by disasters;  
24 and

1           “(B) implement the public alert and warn-  
2           ing system.

3           “(2) IMPLEMENTATION REQUIREMENTS.—In  
4           carrying out paragraph (1), the Administrator shall,  
5           consistent with the recommendations in the final re-  
6           port of the Integrated Public Alert and Warning  
7           System Advisory Committee—

8           “(A) establish or adopt, as appropriate,  
9           common alerting and warning protocols, stand-  
10          ards, terminology, and operating procedures for  
11          the public alert and warning system;

12          “(B) include in the public alert and warn-  
13          ing system the capability to adapt the distribu-  
14          tion and content of communications on the  
15          basis of geographic location, risks, or personal  
16          user preferences, as appropriate;

17          “(C) include in the public alert and warn-  
18          ing system the capability to alert and warn in-  
19          dividuals with disabilities and individuals with  
20          limited English proficiency;

21          “(D) include in the public alert and warn-  
22          ing system the capability of using the most  
23          modern technology, including digital technology,  
24          to maximize the methods and redundancy of  
25          communication to the public; and

1           “(E) ensure the conduct of training, tests,  
2           and exercises for the public alert and warning  
3           system.

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

6           “(A) incorporate multiple communications  
7           technologies;

8           “(B) be designed to adapt to, and incor-  
9           porate, future technologies for communicating  
10          directly with the public;

11          “(C) be designed to provide alerts to the  
12          largest portion of the affected population fea-  
13          sible, including nonresident visitors and tour-  
14          ists, and improve the ability of remote areas to  
15          receive alerts;

16          “(D) promote local and regional public and  
17          private partnerships to enhance community pre-  
18          paredness and response; and

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

24          “(4) PILOT PROGRAMS.—

1           “(A) IN GENERAL.—The Administrator  
2           may conduct pilot programs for the purpose of  
3           demonstrating the feasibility of using a variety  
4           of methods for achieving the system require-  
5           ments specified in paragraph (3).

6           “(B) REPORT.—Not later than 6 months  
7           after the date of enactment of this subsection,  
8           and annually thereafter for the duration of the  
9           pilot programs, the Administrator shall submit  
10          to the Committee on Transportation and Infra-  
11          structure of the House of Representatives and  
12          the Committee on Homeland Security and Gov-  
13          ernmental Affairs of the Senate a report con-  
14          taining—

15                 “(i) a description and assessment of  
16                 the effectiveness of the pilot programs;

17                 “(ii) any recommendations of the Ad-  
18                 ministrator for additional authority to con-  
19                 tinue the pilot programs or make any of  
20                 the programs permanent; and

21                 “(iii) any other findings and conclu-  
22                 sions of the Administrator with respect to  
23                 the pilot programs.

24           “(5) IMPLEMENTATION PLAN.—Not later than  
25          6 months after the date of submission of the final

1 report of the Integrated Public Alert and Warning  
2 System Advisory Committee, the Administrator shall  
3 submit to the Committee on Transportation and In-  
4 frastructure of the House of Representatives and the  
5 Committee on Homeland Security and Governmental  
6 Affairs of the Senate a detailed plan for imple-  
7 menting this subsection. The plan shall include a  
8 timeline for implementation, a spending plan, and  
9 recommendations for any additional authority that  
10 may be necessary to fully implement this subsection.

11 “(6) AUTHORIZATION OF APPROPRIATIONS.—  
12 There is authorized to be appropriated to carry out  
13 this subsection \$37,000,000 for fiscal year 2010 and  
14 such sums as may be necessary for each fiscal year  
15 thereafter.”.

16 (b) INTEGRATED PUBLIC ALERT AND WARNING SYS-  
17 TEM MODERNIZATION ADVISORY COMMITTEE.—

18 (1) ESTABLISHMENT.—Not later than 60 days  
19 after the date of enactment of this Act, the Adminis-  
20 trator of the Federal Emergency Management Agen-  
21 cy shall establish an advisory committee to be known  
22 as the Integrated Public Alert and Warning System  
23 Advisory Committee (in this subsection referred to  
24 as the “Advisory Committee”).

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

5           (A) The Chairman of the Federal Commu-  
6 nications Commission (or the Chairman’s des-  
7 ignee).

8           (B) The Administrator of the National  
9 Oceanic and Atmospheric Administration of the  
10 Department of Commerce (or the Administra-  
11 tor’s designee).

12           (C) The Assistant Secretary for Commu-  
13 nications and Information of the Department of  
14 Commerce (or the Assistant Secretary’s des-  
15 ignee).

16           (D) The Chairperson of the National  
17 Council on Disability (or the Chairperson’s des-  
18 ignee).

19           (E) The Chairperson of the Nuclear Regu-  
20 latory Commission (or the Chairperson’s des-  
21 ignee).

22           (F) The Secretary of the Army (or the  
23 Secretary’s designee).

24           (G) Representatives of State and local gov-  
25 ernments, representatives of emergency man-

1           agement agencies, and representatives of emer-  
2           gency response providers, selected from among  
3           individuals nominated by national organizations  
4           representing governments and personnel.

5           (H) Representatives from federally recog-  
6           nized Indian tribes and national Indian organi-  
7           zations.

8           (I) Individuals who have the requisite tech-  
9           nical knowledge and expertise to serve on the  
10          Advisory Committee, including representatives  
11          of—

- 12                   (i) communications service providers;  
13                   (ii) vendors, developers, and manufac-  
14                   turers of systems, facilities, equipment,  
15                   and capabilities for the provision of com-  
16                   munications services;  
17                   (iii) third-party service bureaus;  
18                   (iv) the broadcasting industry;  
19                   (v) the national organization rep-  
20                   resenting the licensees and permittees of  
21                   noncommercial broadcast television sta-  
22                   tions;  
23                   (vi) the cellular industry;  
24                   (vii) the cable industry;  
25                   (viii) the satellite industry; and

1 (ix) national organizations rep-  
2 resenting individuals with special needs, in-  
3 cluding individuals with disabilities, the el-  
4 derly, and individuals with limited English  
5 proficiency.

6 (J) Qualified representatives of such other  
7 stakeholders and interested and affected parties  
8 as the Administrator considers appropriate.

9 (3) CHAIRPERSON.—The Administrator (or the  
10 Administrator’s designee) shall serve as the Chair-  
11 person of the Advisory Committee.

12 (4) MEETINGS.—

13 (A) INITIAL MEETING.—The initial meet-  
14 ing of the Advisory Committee shall take place  
15 not later than 60 days after the date of enact-  
16 ment of this Act.

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

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

24 (5) RULES.—

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

5           (B) SUBCOMMITTEES.—To assist the Advi-  
6 sory Committee in carrying out its functions,  
7 the Chairperson may establish appropriate sub-  
8 committees composed of members of the Advi-  
9 sory Committee and other subject matter ex-  
10 perts as the Chairperson considers necessary.

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

14           (6) RECOMMENDATIONS.—The Advisory Com-  
15 mittee shall develop and submit in its final report  
16 recommendations for an integrated public alert and  
17 warning system, including—

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

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

24           (i) has the capability to adapt the dis-  
25 tribution and content of communications

1 on the basis of geographic location, risks,  
2 or personal user preferences, as appro-  
3 priate;

4 (ii) has the capability to alert and  
5 warn individuals with disabilities and indi-  
6 viduals with limited English proficiency;

7 (iii) incorporates multiple communica-  
8 tions technologies;

9 (iv) is designed to adapt to, and incor-  
10 porate, future technologies for commu-  
11 nicating directly with the public;

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

17 (vi) promotes local and regional public  
18 and private partnerships to enhance com-  
19 munity preparedness and response; and

20 (vii) provides redundant alert mecha-  
21 nisms where practicable so as to reach the  
22 greatest number of people regardless of  
23 whether they have access to, or utilize, any  
24 specific medium of communication or any  
25 particular device.

1           (7) FINAL REPORT.—Not later than one year  
2 after the date of enactment of this Act, the Advisory  
3 Committee shall submit to the Administrator, the  
4 Committee on Transportation and Infrastructure of  
5 the House of Representatives, and the Committee on  
6 Homeland Security and Governmental Affairs of the  
7 Senate a report containing the recommendations of  
8 the Advisory Committee.

9           (8) FEDERAL ADVISORY COMMITTEE ACT.—  
10 Neither the Federal Advisory Committee Act (5  
11 U.S.C. App.) nor any rule, order, or regulation pro-  
12 mulgated under that Act shall apply to the Advisory  
13 Committee.

14           (9) TERMINATION.—The Advisory Committee  
15 shall terminate not later than 60 days following the  
16 submission of its final report.

17           (c) TECHNICAL CORRECTION.—Section 202(c) of the  
18 Robert T. Stafford Disaster Relief and Emergency Assist-  
19 ance Act (42 U.S.C. 5132(c)) is amended by striking “sec-  
20 tion 611(c)” and inserting “section 611(d)”.

21           (d) LIMITATION ON STATUTORY CONSTRUCTION.—  
22 Nothing in this section (including the amendments made  
23 by this section) shall be construed to affect the authority  
24 of the Department of Commerce or the Federal Commu-  
25 nications Commission.

1 **SEC. 103. HEALTH BENEFITS FOR TEMPORARY EMPLOY-**  
2 **EES.**

3 Section 306 of the Robert T. Stafford Disaster Relief  
4 and Emergency Assistance Act (42 U.S.C. 5149) is  
5 amended by adding at the end the following:

6 “(c) HEALTH BENEFITS.—

7 “(1) IN GENERAL.—Notwithstanding any provi-  
8 sion of title 5, United States Code, or related regula-  
9 tions limiting or prohibiting the provision of health  
10 benefits for temporary or intermittent employees,  
11 personnel appointed under subsection (b)(1) shall be  
12 eligible to enroll in the Federal Employees Health  
13 Benefits plan or any successor health benefits plan  
14 approved and administered by the Office of Per-  
15 sonnel Management under terms and conditions set  
16 by the agency appointing the temporary personnel.

17 “(2) ANNUAL REPORT.—Not later than one  
18 year after the date of enactment of this subsection,  
19 and annually thereafter, the President shall submit  
20 to the Committee on Transportation and Infrastruc-  
21 ture of the House of Representatives and the Com-  
22 mittee on Homeland Security and Governmental Af-  
23 fairs of the Senate a report on the implementation  
24 of this subsection.”.

1 **SEC. 104. DISPOSAL OF EXCESS PROPERTY TO ASSIST**  
2 **OTHER DISASTER SURVIVORS.**

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

6 **“SEC. 327. DISPOSAL OF EXCESS MATERIALS, SUPPLIES,**  
7 **AND EQUIPMENT.**

8 “(a) IN GENERAL.—Notwithstanding any other pro-  
9 vision of law, if the President determines that materials,  
10 supplies, or equipment acquired by the President pursuant  
11 to title IV or V for response or recovery efforts in connec-  
12 tion with a major disaster or emergency are in excess of  
13 the amount needed for those efforts, the President may  
14 transfer the excess materials, supplies, or equipment, by  
15 sale, at a price that is fair and equitable, directly to a  
16 State, local government, or relief or disaster assistance or-  
17 ganization for the purpose of—

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

20 “(2) assisting survivors in incidents caused by  
21 a hazard that do not result in a declaration of a  
22 major disaster or emergency if—

23 “(A) the Governor of the affected State  
24 certifies that—

25 “(i) there is an urgent need for the  
26 materials, supplies, or equipment; and

1                   “(ii) the State is unable to provide the  
2                   materials, supplies, or equipment in a  
3                   timely manner; and

4                   “(B) the President determines that the  
5                   materials, supplies, or equipment are not read-  
6                   ily available from commercial sources, except  
7                   that this subparagraph shall not apply in the  
8                   case of a transfer of perishable supplies.

9                   “(b) DEPOSIT OF PROCEEDS.—Notwithstanding any  
10                  other provision of law, any proceeds received under sub-  
11                  section (a) shall be deposited in the appropriate Disaster  
12                  Relief Fund account.

13                  “(c) HAZARD DEFINED.—In this section, the term  
14                  ‘hazard’ has the meaning given that term by section  
15                  602.”.

16                  **SEC. 105. NATIONAL URBAN SEARCH AND RESCUE RE-**  
17                  **SPONSE SYSTEM.**

18                  (a) IN GENERAL.—Title III of the Robert T. Stafford  
19                  Disaster Relief and Emergency Assistance Act (42 U.S.C.  
20                  5141 et seq.) is amended by adding at the end the fol-  
21                  lowing:

22                  **“SEC. 328. NATIONAL URBAN SEARCH AND RESCUE RE-**  
23                  **SPONSE SYSTEM.**

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

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

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

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

8           “(4) NON-EMPLOYEE SYSTEM MEMBER.—The  
9           term ‘non-employee System member’ means a Sys-  
10          tem member not employed by a sponsoring agency  
11          or participating agency.

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

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

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

24          “(8) SYSTEM MEMBER.—The term ‘System  
25          member’ means an individual who is not a full-time

1 employee of the Federal Government, who serves on  
2 a task force or on a System management or other  
3 technical team.

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

7 “(b) GENERAL AUTHORITY.—Subject to the require-  
8 ments of this section, the Administrator shall continue to  
9 administer the emergency response system known as the  
10 ‘National Urban Search and Rescue Response System’.

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

15 “(d) TASK FORCES.—

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

20 “(2) SPONSORING AGENCIES.—Each task force  
21 shall have a sponsoring agency. The Administrator  
22 shall enter into an agreement with the sponsoring  
23 agency of each task force with respect to the partici-  
24 pation of the task force in the System.

25 “(3) COMPOSITION.—

1           “(A) PARTICIPATING AGENCIES.—A task  
2           force may include, at the discretion of the spon-  
3           soring agency of the task force, one or more  
4           participating agencies. The sponsoring agency  
5           of a task force shall enter into an agreement  
6           with each participating agency of the task force  
7           with respect to the participation of the partici-  
8           pating agency on the task force.

9           “(B) OTHER INDIVIDUALS.—A task force  
10          may also include, at the discretion of the spon-  
11          soring agency of the task force, other individ-  
12          uals not otherwise associated with the spon-  
13          soring agency or a participating agency of the  
14          task force. The sponsoring agency of a task  
15          force may enter into a separate agreement with  
16          each such individual with respect to the partici-  
17          pation of the individual on the task force.

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

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

24                 “(1) IN GENERAL.—The Administrator may ap-  
25          point a System member into Federal service for a

1 period of service to provide for the participation of  
2 the System member in exercises, preincident staging,  
3 major disaster and emergency response activities,  
4 and training events sponsored or sanctioned by the  
5 Administrator.

6 “(2) NONAPPLICABILITY OF CERTAIN CIVIL  
7 SERVICE LAWS.—The Administrator may make ap-  
8 pointments under paragraph (1) without regard to  
9 the provisions of title 5, United States Code, gov-  
10 erning appointments in the competitive service.

11 “(3) RELATIONSHIP TO OTHER AUTHORI-  
12 TIES.—The authority of the Administrator to make  
13 appointments under this subsection shall not affect  
14 any other authority of the Administrator under this  
15 Act.

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

21 “(g) COMPENSATION.—

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

1           “(A) to reimburse each employer of a Sys-  
2           tem member on the task force for compensation  
3           paid by the employer to the System member for  
4           any period during which the System member is  
5           appointed into Federal service under subsection  
6           (f)(1); and

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

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

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

1           “(B) LIMITATION.—Costs incurred by an  
2           employer shall be eligible for reimbursement  
3           under subparagraph (A) only to the extent that  
4           the costs are in excess of the costs that would  
5           have been incurred by the employer had the  
6           System member not been appointed into Fed-  
7           eral service under subsection (f)(1).

8           “(3) METHOD OF PAYMENT.—A System mem-  
9           ber shall not be entitled to pay directly from the  
10          Agency for a period during which the System mem-  
11          ber is appointed into Federal service under sub-  
12          section (f)(1).

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

15               “(1) IN GENERAL.—A System member who is  
16               appointed into Federal service under subsection  
17               (f)(1) and who suffers personal injury, illness, dis-  
18               ability, or death as a result of a personal injury sus-  
19               tained while acting in the scope of such appointment  
20               shall, for the purposes of subchapter I of chapter 81  
21               of title 5, United States Code, be treated as though  
22               the member were an employee (as defined by section  
23               8101 of that title) who had sustained the injury in  
24               the performance of duty.

25               “(2) ELECTION OF BENEFITS.—

1           “(A) IN GENERAL.—If a System member  
2           (or, in the case of the death of the System  
3           member, the System member’s dependent) is  
4           entitled—

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

10                   “(ii) to receive benefits from a State  
11                   or local government by reason of the same  
12                   personal injury, illness, disability, or death,  
13           the System member or dependent shall elect to  
14           receive either the benefits referred to in clause  
15           (i) or (ii).

16           “(B) DEADLINE.—A System member or  
17           dependent shall make an election of benefits  
18           under subparagraph (A) not later than one year  
19           after the date of the personal injury, illness,  
20           disability, or death that is the reason for the  
21           benefits or until such later date as the Sec-  
22           retary of Labor may allow for reasonable cause  
23           shown.

1           “(C) EFFECT OF ELECTION.—An election  
2           of benefits made under this paragraph is irrev-  
3           ocable unless otherwise provided by law.

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

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

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

22                 “(1) Service as a System member shall be  
23                 deemed ‘service in the uniformed services’ for pur-  
24                 poses of chapter 43 of title 38, United States Code,  
25                 relating to employment and reemployment rights of

1 individuals who have performed service in the uni-  
2 formed services (regardless of whether the individual  
3 receives compensation for such participation). All  
4 rights and obligations of such persons and proce-  
5 dures for assistance, enforcement, and investigation  
6 shall be as provided for in such chapter.

7 “(2) Preclusion of giving notice of service by  
8 necessity of appointment under this section shall be  
9 deemed preclusion by ‘military necessity’ for pur-  
10 poses of section 4312(b) of title 38, United States  
11 Code, pertaining to giving notice of absence from a  
12 position of employment. A determination of such ne-  
13 cessity shall be made by the Administrator and shall  
14 not be subject to judicial review.

15 “(k) LICENSES AND PERMITS.—If a System member  
16 holds a valid license, certificate, or other permit issued by  
17 any State or other governmental jurisdiction evidencing  
18 the member’s qualifications in any professional, mechan-  
19 ical, or other skill or type of assistance required by the  
20 System, the System member shall be deemed to be per-  
21 forming a Federal activity when rendering aid involving  
22 such skill or assistance during a period of appointment  
23 into Federal service under subsection (f)(1).

24 “(l) ADVISORY COMMITTEE.—

1           “(1) IN GENERAL.—The Administrator shall es-  
2           tablish and maintain an advisory committee to pro-  
3           vide expert recommendations to the Administrator in  
4           order to assist the Administrator in administering  
5           the System.

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

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

11                  “(B) the senior emergency manager from  
12                  at least 2 States that include sponsoring agen-  
13                  cies; and

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

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

20           “(m) PREPAREDNESS COOPERATIVE AGREE-  
21           MENTS.—

22           “(1) IN GENERAL.—Subject to the availability  
23           of appropriations for such purpose, the Adminis-  
24           trator shall enter into an annual preparedness coop-  
25           erative agreement with each sponsoring agency.

1 Amounts made available to a sponsoring agency  
2 under such a preparedness cooperative agreement  
3 shall be for the following purposes:

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

7 “(B) Acquisition and maintenance of  
8 equipment, including interoperable communica-  
9 tions and personal protective equipment.

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

14 “(2) AVAILABILITY OF APPROPRIATIONS.—Not-  
15 withstanding section 1552(b) of title 31, United  
16 States Code, amounts made available for cooperative  
17 agreements under this subsection that are not ex-  
18 pended shall be deposited in an Agency account and  
19 shall remain available for such agreements without  
20 fiscal year limitation.

21 “(n) RESPONSE COOPERATIVE AGREEMENTS.—The  
22 Administrator shall enter into a response cooperative  
23 agreement with each sponsoring agency, as appropriate,  
24 under which the Administrator agrees to reimburse the

1 sponsoring agency for costs incurred by the sponsoring  
2 agency in responding to a major disaster or emergency.

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

6 “(p) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) IN GENERAL.—There is authorized to be  
8 appropriated to carry out this section \$52,000,000  
9 for each of fiscal years 2010, 2011, and 2012. Such  
10 sums shall be in addition to amounts made available  
11 from the Disaster Relief Fund for response coopera-  
12 tive agreements entered into under subsection (n).

13 “(2) ADMINISTRATIVE EXPENSES.—The Ad-  
14 ministrator may use not to exceed 6 percent of the  
15 funds appropriated for a fiscal year pursuant to  
16 paragraph (1) for salaries, expenses, and other ad-  
17 ministrative costs incurred by the Administrator in  
18 carrying out this section.”.

19 (b) CONFORMING AMENDMENTS.—

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

23 (A) in subparagraph (D) by striking “and”  
24 at the end;

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

3 (C) in subparagraph (F) by adding “and”  
4 at the end; and

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

7 “(G) an individual who is a System mem-  
8 ber of the National Urban Search and Rescue  
9 Response System during a period of appoint-  
10 ment into Federal service pursuant to section  
11 328 of the Robert T. Stafford Disaster Relief  
12 and Emergency Assistance Act;”.

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

16 (A) in paragraph (13) by inserting “, a pe-  
17 riod for which a System member of the Na-  
18 tional Urban Search and Rescue Response Sys-  
19 tem is absent from a position of employment  
20 due to an appointment into Federal service  
21 under section 328 of the Robert T. Stafford  
22 Disaster Relief and Emergency Assistance Act”  
23 before “, and a period”; and

24 (B) in paragraph (16) by inserting after  
25 “Public Health Service,” the following: “System

1 members of the National Urban Search and  
2 Rescue Response System during a period of ap-  
3 pointment into Federal service under section  
4 328 of the Robert T. Stafford Disaster Relief  
5 and Emergency Assistance Act,”.

6 **SEC. 106. DISASTER RELIEF FUND.**

7 Title III of the Robert T. Stafford Disaster Relief  
8 and Emergency Assistance Act (42 U.S.C. 5141 et seq.)  
9 is further amended by adding at the end the following:

10 **“SEC. 329. DISASTER RELIEF FUND.**

11 “(a) IN GENERAL.—There is in the Treasury a fund  
12 known as the Disaster Relief Fund.

13 “(b) DEPOSITS AND CREDITS.—The Fund shall con-  
14 sist of amounts appropriated and credited to the Fund  
15 pursuant to this Act.

16 “(c) ELIGIBLE USES OF FUND.—Amounts in the  
17 Fund shall be available to the President, as provided in  
18 advance in appropriations Acts—

19 “(1) to provide assistance in response to a  
20 major disaster or emergency pursuant to titles IV  
21 and V; and

22 “(2) for programs and activities of the Federal  
23 Emergency Management Agency that support the  
24 provision of such assistance, including readiness and

1 other programs and activities that are not readily at-  
2 tributable to a single major disaster or emergency.

3 “(d) READINESS AND SUPPORT PROGRAMS.—The  
4 programs and activities referred to in subsection (c)(2) in-  
5 clude the programs and activities authorized by sections  
6 302, 303, and 306(b).

7 “(e) LIMITATION.—Amounts made available from the  
8 Fund for programs and activities referred to in subsection  
9 (c)(2) may not exceed \$350,000,000 in any fiscal year.

10 “(f) ANNUAL REPORT.—On or before the date on  
11 which the President submits the budget of the United  
12 States to the Congress under section 1105 of title 31,  
13 United States Code, the President shall submit each year  
14 to the Committee on Transportation and Infrastructure  
15 of the House of Representatives and the Committee on  
16 Homeland Security and Governmental Affairs of the Sen-  
17 ate a report on the uses of the Fund in the previous fiscal  
18 year.

19 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
20 is authorized to be appropriated to the Fund such sums  
21 as may be necessary.

22 “(h) AVAILABILITY OF AMOUNTS.—Amounts in the  
23 Fund shall remain available until expended.”

1 **TITLE II—MAJOR DISASTER AND**  
2 **EMERGENCY ASSISTANCE**  
3 **PROGRAMS**

4 **SEC. 201. ADDITIONAL MITIGATION ASSISTANCE.**

5 (a) IN GENERAL.—Section 404 of the Robert T.  
6 Stafford Disaster Relief and Emergency Assistance Act  
7 (42 U.S.C. 5170e) is amended by adding at the end the  
8 following:

9 “(d) ADDITIONAL MITIGATION ASSISTANCE.—

10 “(1) IN GENERAL.—If, as of the date of the  
11 declaration of a major disaster, the Governor of the  
12 affected State has submitted to the President a cer-  
13 tification under paragraph (2), and the State is in  
14 compliance with updating procedures established  
15 under paragraph (3), the President may increase the  
16 maximum total of contributions under this section  
17 for the major disaster, as specified in subsection (a)  
18 and section 322(e), by an amount equal to 4 percent  
19 of the estimated aggregate amount of grants to be  
20 made (less any associated administrative costs)  
21 under this Act with respect to the major disaster.

22 “(2) SUBMISSION OF CERTIFICATION.—To be  
23 eligible for increased contributions under paragraph  
24 (1), a State shall submit to the President, subject to

1 the approval of the President, a certification that the  
2 State's building code—

3 “(A) is consistent with the most recent  
4 version of a nationally recognized model build-  
5 ing code;

6 “(B) has been adopted by the State within  
7 6 years of the most recent version of the na-  
8 tionally recognized model building code;

9 “(C) uses the nationally recognized model  
10 building code as a minimum standard; and

11 “(D) is being actively enforced by the  
12 State.

13 “(3) PERIODIC UPDATES.—

14 “(A) IN GENERAL.—A Governor of a State  
15 that has submitted a certification under para-  
16 graph (2) shall update the State's building code  
17 and resubmit a certification under paragraph  
18 (2) at least once every 6 years.

19 “(B) DEADLINES.—The President shall  
20 issue regulations establishing procedures for  
21 State compliance with the requirements of sub-  
22 paragraph (A). The procedures shall be con-  
23 sistent with requirements related to mitigation  
24 planning under section 322.

1           “(4) DEFINITIONS.—In this subsection, the fol-  
2           lowing definitions apply:

3                   “(A) ACTIVELY ENFORCE.—The term ‘ac-  
4                   tively enforce’ means jurisdictional execution of  
5                   all phases of a State building code in the pro-  
6                   cess of examination and approval of construction  
7                   plans, specifications, and technical data and the  
8                   inspection of new construction or renovation  
9                   with respect to natural hazards.

10                   “(B) NATIONALLY RECOGNIZED MODEL  
11                   BUILDING CODE.—The term ‘nationally recog-  
12                   nized model building code’ means a building  
13                   code for residential and commercial construc-  
14                   tion and construction materials that—

15                           “(i) has been developed and published  
16                           by a code organization in an open con-  
17                           sensus type forum with input from na-  
18                           tional experts; and

19                           “(ii) is based on national structural  
20                           design standards that establish minimum  
21                           acceptable criteria for the design, construc-  
22                           tion, and maintenance of residential and  
23                           commercial buildings for the purpose of  
24                           protecting the health, safety, and general

1 welfare of the building’s users against nat-  
2 ural disasters.

3 “(C) STATE BUILDING CODE.—The term  
4 ‘State building code’ means requirements and  
5 associated standards for residential and com-  
6 mercial construction and construction materials  
7 that are implemented on a statewide basis by  
8 ordinance, resolution, law, housing or building  
9 code, or zoning ordinance. At a minimum, such  
10 requirements and associated standards shall  
11 apply—

12 “(i) to construction-related activities  
13 of residential building contractors applica-  
14 ble to single-family and 2-family residential  
15 structures; and

16 “(ii) to construction-related activities  
17 of engineers, architects, designers, and  
18 commercial building contractors applicable  
19 to the structural safety, design, and con-  
20 struction of commercial, industrial, and  
21 multifamily structures.

22 “(5) REGULATIONS.—The President, acting  
23 through the Administrator of the Federal Emer-  
24 gency Management Agency, shall issue such regula-

1 tions as may be necessary to carry out this sub-  
2 section.”.

3 (b) CRITERIA FOR ASSISTANCE AWARDS.—Section  
4 203(g) of such Act (42 U.S.C. 5133(g)) is amended—

5 (1) by striking “and” at the end of paragraph  
6 (9);

7 (2) by redesignating paragraph (10) as para-  
8 graph (11); and

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

11 “(10) in the case of a State, whether the State  
12 has in effect and is actively enforcing a State build-  
13 ing code in a manner consistent with section 404(d);  
14 and”.

15 **SEC. 202. TEMPORARY MORTGAGE AND RENTAL PAY-**  
16 **MENTS.**

17 Section 408(c) of the Robert T. Stafford Disaster Re-  
18 lief and Emergency Assistance Act (42 U.S.C. 5174(c))  
19 is amended by adding at the end the following:

20 “(5) TEMPORARY MORTGAGE AND RENTAL PAY-  
21 MENTS.—The President may provide assistance on a  
22 temporary basis in the form of mortgage or rental  
23 payments to or on behalf of individuals and families  
24 who, as a result of financial hardship caused by a  
25 major disaster, are at imminent risk of dispossession

1 or eviction from a residence by reason of foreclosure  
2 of any mortgage or lien, cancellation of any contract  
3 for sale, or termination of any lease, entered into  
4 prior to such disaster. Such assistance shall be pro-  
5 vided for the duration of the period of financial  
6 hardship, but not to exceed 18 months of assistance  
7 or the maximum amount of assistance that is au-  
8 thorized to be provided pursuant to subsection (h).”.

9 **SEC. 203. CLARIFICATION OF GRANT AUTHORITY.**

10 (a) SECTION 418.—Section 418 of the Robert T.  
11 Stafford Disaster Relief and Emergency Assistance Act  
12 (42 U.S.C. 5185) is amended—

13 (1) by inserting “(a) IN GENERAL.—” before  
14 “The President”;

15 (2) by inserting “to provide assistance, includ-  
16 ing financial assistance, equipment, supplies, and  
17 personnel, in order” before “to establish”; and

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

19 “(b) FEDERAL SHARE.—The Federal share of assist-  
20 ance under this section shall be not less than 75 percent  
21 of the eligible cost of such assistance.”.

22 (b) SECTION 419.—Section 419 of the Robert T.  
23 Stafford Disaster Relief and Emergency Assistance Act  
24 (42 U.S.C. 5186) is amended—

1           (1) by inserting “(a) IN GENERAL.—” before  
2           “The President”;

3           (2) by inserting “to provide assistance to a  
4           State or local government, including financial assist-  
5           ance, equipment, supplies, and personnel, in order”  
6           before “to provide” the first place it appears;

7           (3) by striking “a major” and inserting “an  
8           emergency or major”; and

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

10          “(b) FEDERAL SHARE.—The Federal share of assist-  
11          ance under this section shall be not less than 75 percent  
12          of the eligible cost of such assistance.”.

13          (c) SECTION 309.—Section 309(b) of the Robert T.  
14          Stafford Disaster Relief and Emergency Assistance Act is  
15          amended by adding “, including grant agreements,” after  
16          “agreements”.

17          **SEC. 204. CASE MANAGEMENT SERVICES.**

18          (a) CASE MANAGEMENT SERVICES.—Section 426 of  
19          the Robert T. Stafford Disaster Relief and Emergency As-  
20          sistance Act (42 U.S.C. 5189d) is amended—

21                 (1) by striking the comma after “such serv-  
22                 ices”;

23                 (2) by striking “qualified private organization”  
24                 and inserting “qualified relief or disaster assistance  
25                 organizations”; and

1           (3) by striking “services, to victims” and insert-  
2           ing “services to survivors”.

3           (b) CASE MANAGEMENT PLAN.—

4           (1) IN GENERAL.—Not later than one year  
5           after the date of enactment of this Act, the Adminis-  
6           trator shall implement a plan to ensure that the  
7           Federal Emergency Management Agency is the lead  
8           Federal agency in coordinating and managing case  
9           management services referred to in section 426 of  
10          the Robert T. Stafford Disaster Relief and Emer-  
11          gency Assistance Act for survivors of a major dis-  
12          aster. To assist in providing such case management  
13          services, the Administrator may use State or local  
14          government agencies or qualified relief or disaster  
15          assistance organizations.

16          (2) REPORT.—Not later than 30 days after the  
17          date of enactment of this Act, the Administrator  
18          shall submit to the Committee on Transportation  
19          and Infrastructure of the House of Representative  
20          and the Committee on Homeland Security and Gov-  
21          ernmental Affairs of the Senate a report that re-  
22          views in detail the actions the Administrator is tak-  
23          ing—

24                        (A) to ensure that the Federal Emergency  
25                        Management Agency is the lead agency in co-

1           ordinating and managing case management  
2           services for survivors of a major disaster; and

3           (B) to involve qualified relief or disaster  
4           assistance organizations referred to in section  
5           426 of the Robert T. Stafford Disaster Relief  
6           and Emergency Assistance Act to assist in pro-  
7           viding case management services.

8   **SEC. 205. HOUSEHOLD PETS AND SERVICE ANIMALS.**

9           (a) **EMERGENCY ASSISTANCE.**—Section 502(a) of  
10 Robert T. Stafford Disaster Relief and Emergency Assist-  
11 ance Act (42 U.S.C. 5192(a)) is amended—

12           (1) by striking “and” at the end of paragraph  
13           (7);

14           (2) by striking the period at the end of para-  
15           graph (8) and inserting “; and”; and

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

17           “(9) provide assistance for rescue, care, shelter,  
18           and essential needs—

19           “(A) to individuals with household pets  
20           and service animals; and

21           “(B) to such pets and animals.”.

22           (b) **TECHNICAL CORRECTIONS.**—Section 403(a)(3) of  
23 such Act (42 U.S.C. 5170b(a)(3)) is amended—

1           (1) in subparagraph (B) by striking “medical  
2           equipment,,” and inserting “medical equipment,”;  
3           and

4           (2) by striking the second subparagraph (J), as  
5           added by section 4 of Public Law 109–308.

6   **SEC. 206. STORAGE, SALE, TRANSFER, AND DISPOSAL OF**  
7                                   **HOUSING UNITS.**

8           (a) **DEFINITIONS.**—In this section, the following defi-  
9           nitions apply:

10           (1) **ADMINISTRATOR.**—The term “Adminis-  
11           trator” means the Administrator of FEMA.

12           (2) **EMERGENCY; MAJOR DISASTER.**—The terms  
13           “emergency” and “major disaster” have the mean-  
14           ings given such terms in section 102 of the Stafford  
15           Act (42 U.S.C. 5122).

16           (3) **FEMA.**—The term “FEMA” means the  
17           Federal Emergency Management Agency.

18           (4) **HAZARD.**—The term “hazard” has the  
19           meaning given such term in section 602 of the Staf-  
20           ford Act (42 U.S.C. 5195a).

21           (5) **SUITABLE CONDITION.**—The term “suitable  
22           condition” means, with respect to a temporary hous-  
23           ing unit, a unit that satisfies, as determined by the  
24           Administrator, the criteria of disposal condition code  
25           1, 4, or 7 under section 102–36.240 of title 41,

1 Code of Federal Regulations, as in effect on the date  
2 of enactment of this Act.

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

6 (b) NEEDS ASSESSMENT; ESTABLISHMENT OF CRI-  
7 TERIA.—Not later than 3 months after the date of enact-  
8 ment of this Act, the Administrator shall—

9 (1) complete an assessment to determine the  
10 number of temporary housing units that FEMA  
11 needs to maintain in stock to respond appropriately  
12 to emergencies or major disasters occurring after the  
13 date of enactment of this Act; and

14 (2) establish criteria for determining whether  
15 the individual temporary housing units stored by  
16 FEMA are in suitable condition.

17 (c) PLAN.—

18 (1) IN GENERAL.—Not later than 6 months  
19 after the date of enactment of this Act, the Adminis-  
20 trator shall establish a plan for—

21 (A) storing the number of temporary hous-  
22 ing units that FEMA needs to maintain in  
23 stock, as determined by the Administrator  
24 under subsection (b)(1);

1 (B) selling, transferring, donating, or oth-  
2 erwise disposing of the temporary housing units  
3 in the inventory of FEMA, as of the date of en-  
4 actment of this Act, that—

5 (i) are in excess of the number of  
6 temporary housing units that FEMA needs  
7 to maintain in stock, as determined Ad-  
8 ministrator under subsection (b)(1); and

9 (ii) are in suitable condition, as deter-  
10 mined by the Administrator based on the  
11 criteria established under subsection  
12 (b)(2); and

13 (C) disposing of temporary housing units  
14 in the inventory of FEMA, as of the date of en-  
15 actment of this Act, that the Administrator de-  
16 termines are not in suitable condition, as deter-  
17 mined by the Administrator based on the cri-  
18 teria established under subsection (b)(2).

19 (2) METHOD FOR DISPOSAL OF TEMPORARY  
20 HOUSING UNITS THAT ARE NOT IN SUITABLE CONDI-  
21 TION.—Disposals of temporary housing units pursu-  
22 ant to paragraph (1)(C) shall be made by the Ad-  
23 ministrator of General Services in a manner that en-  
24 sures that the trailers are not able to be used for  
25 housing and are salvaged or scraped.

1 (3) IMPLEMENTATION.—

2 (A) IN GENERAL.—Not later than 9  
3 months after the date of enactment of this Act,  
4 the Administrator shall begin to implement the  
5 plan established under paragraph (1).

6 (B) COMPLETION OF DISPOSAL OF  
7 UNITS.—Not later than 2 years after the date  
8 of enactment of this Act, the sale, transfer, do-  
9 nation, or other disposal of all units under  
10 paragraphs (1)(B) and (1)(C) that the Admin-  
11 istrator has determined are not necessary to  
12 maintain in stock shall be completed.

13 (4) REPORT.—

14 (A) IN GENERAL.—Not later than 6  
15 months after the date of enactment of this Act,  
16 and every 3 months thereafter until the sale,  
17 transfer, donation, or other disposal of all units  
18 under paragraphs (1)(B) and (1)(C) is com-  
19 plete, the Administrator shall submit to the  
20 Committee on Transportation and Infrastruc-  
21 ture of the House of Representatives and the  
22 Committee on Homeland Security and Govern-  
23 mental Affairs of the Senate a report on the ac-  
24 tions that the Administrator has taken to estab-

1           lish and implement the plan established under  
2           paragraph (1).

3                   (B) REQUIRED INFORMATION.—In each  
4           report submitted under subparagraph (A), the  
5           Administrator shall document the number of  
6           temporary housing units remaining in the in-  
7           ventory of FEMA and the number of units sold,  
8           transferred, donated, and otherwise disposed of  
9           pursuant to this section.

10                   (5) UPDATE.—The Administrator shall update  
11           the plan established under paragraph (1) as nec-  
12           essary to ensure that the Administrator maintains in  
13           the inventory of FEMA only those temporary hous-  
14           ing units that—

15                           (A) are needed to respond appropriately to  
16                           emergencies or major disasters; and

17                           (B) are in suitable condition.

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

20                   (1) IN GENERAL.—Notwithstanding section  
21           408(d)(2) of the Stafford Act (42 U.S.C.  
22           5174(d)(2)), and subject to the requirements of  
23           paragraph (2), the Administrator may transfer or  
24           donate to States, on a priority basis, pursuant to  
25           subsection (c)(1)(B) excess temporary housing units

1 in the inventory of FEMA that are in suitable condi-  
2 tion

3 (2) STATE REQUESTS.—

4 (A) IN GENERAL.—Not later than 6  
5 months after the date of enactment of this Act,  
6 a State may submit to the Administrator a re-  
7 quest to receive excess temporary housing units  
8 under paragraph (1).

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

12 (i) to use the units to provide tem-  
13 porary housing to survivors of incidents  
14 that are caused by hazards and that the  
15 Governor of the State determines require  
16 State assistance;

17 (ii) to pay to store and maintain the  
18 units in suitable condition;

19 (iii) to test the units for formalde-  
20 hyde;

21 (iv) to ensure that the formaldehyde  
22 levels of the units do not exceed the  
23 threshold determined acceptable by the  
24 State before making the units available to  
25 house survivors of an incident;

1 (v) in the event of a major disaster or  
2 emergency declared for the State by the  
3 President under the Stafford Act, to make  
4 the units available to the President or to  
5 use the units to provide housing directly to  
6 survivors of the major disaster or emer-  
7 gency in the State;

8 (vi) to comply with the nondiscrimina-  
9 tion provisions of section 308 of the Staf-  
10 ford Act (42 U.S.C. 5151); and

11 (vii) to obtain and maintain hazard  
12 and flood insurance on the units.

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

18 (3) DISTRIBUTION.—

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

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

23 (ii) to distribute excess temporary  
24 housing units that are in the inventory of  
25 FEMA that are in suitable condition.

1 (B) ALLOCATION.—If the number of tem-  
2 porary housing units requested by States under  
3 paragraph (2) exceeds the number of excess  
4 temporary housing units available, the Adminis-  
5 trator shall allocate the available units among  
6 the States that have submitted a request.

7 (4) REMAINING TEMPORARY HOUSING UNITS.—  
8 Temporary housing units that are not transferred or  
9 donated under the process established under para-  
10 graph (1) shall be sold, transferred, donated, or oth-  
11 erwise disposed of subject to the requirements of  
12 section 408(d)(2) of the Stafford Act (42 U.S.C.  
13 5174(d)(2)) and other applicable provisions of law.

14 (5) LIMITATION ON STATUTORY CONSTRUC-  
15 TION.—Nothing in this section shall be construed to  
16 affect section 689k of the Post-Katrina Emergency  
17 Management Reform Act of 2006 (120 Stat. 1456).  
18 For purposes of that section, a transfer or donation  
19 to a State of a temporary housing unit under para-  
20 graph (1) shall be treated as a disposal to house in-  
21 dividuals or households under section 408 of the  
22 Stafford Act (42 U.S.C. 5174).

23 **SEC. 207. OTHER METHODS OF DISPOSAL.**

24 Section 408(d)(2)(B) of the Robert T. Stafford Dis-  
25 aster Relief and Emergency Assistance Act is amended—

1 (1) in clause (i) by striking “or”;

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

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

5 “(iii) may be sold directly to a State  
6 or other governmental entity or to a vol-  
7 untary organization for the sole purpose of  
8 providing temporary housing to disaster  
9 victims in disasters and incidents caused  
10 by a hazard (as such term is defined in  
11 section 602) that do not result in a dec-  
12 laration of a major disaster or emergency  
13 if, as a condition of the sale, the State,  
14 other governmental agency, or voluntary  
15 organization agrees—

16 “(I) to comply with the non-  
17 discrimination provisions of section  
18 308; and

19 “(II) to obtain and maintain haz-  
20 ard and flood insurance in the hous-  
21 ing units.”.

1 **SEC. 208. ESTABLISHMENT OF CRITERIA RELATING TO AD-**  
2 **MINISTRATION OF HAZARD MITIGATION AS-**  
3 **SISTANCE BY STATES.**

4 Not later than 180 days after the date of enactment  
5 of this Act, the President shall establish the criteria re-  
6 quired under section 404(c)(2) of the Robert T. Stafford  
7 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
8 5170c(c)(2)).

9 **SEC. 209. RECOMMENDATIONS REGARDING CHILDREN AND**  
10 **INDIVIDUALS WITH DISABILITIES.**

11 (a) UPDATE OF PLANS, STRATEGIES, AND POLI-  
12 CIES.—When drafting or updating the National Response  
13 Plan, the National Disaster Recovery Strategy, the Na-  
14 tional Disaster Housing Strategy, and other related docu-  
15 ments, plans, or strategies, including regulations and poli-  
16 cies, and any educational course materials, the Adminis-  
17 trator shall include, to the extent practicable, rec-  
18 ommendations from the report of the National Commis-  
19 sion on Children and Disasters and the National Council  
20 on Disability described in subsection (b).

21 (b) RECOMMENDATIONS REGARDING CHILDREN AND  
22 INDIVIDUALS WITH DISABILITIES.—The Administrator  
23 shall review for inclusion in the documents referred to in  
24 subsection (a)—

1           (1) recommendations from the report of the  
2           National Commission on Children and Disasters re-  
3           garding—

4                   (A) crisis counseling;

5                   (B) child care availability;

6                   (C) school preparedness;

7                   (D) academic continuity in the long term;

8                   (E) evacuation and shelter;

9                   (F) transportation;

10                  (G) temporary housing; and

11           (2) recommendations from the National Council  
12           on Disability regarding—

13                   (A) the grant programs and process of the  
14                   Federal Emergency Management Agency;

15                   (B) emergency alert systems; and

16                   (C) performance evaluations of Federal  
17                   emergency exercises.

18           (c) REPORTS.—Not later than 90 days after the date  
19           of enactment of this Act and every subsequent 90 days  
20           thereafter for a 2-year period, the Administrator shall sub-  
21           mit to the Committee on Transportation and Infrastruc-  
22           ture of the House of Representative and the Committee  
23           on Homeland Security and Governmental Affairs of the  
24           Senate a report that reviews which recommendations the

1 Administrator has incorporated in each document referred  
2 to in subsection (a).

3 **SEC. 210. USE OF FINANCIAL ASSISTANCE TO DISSEMINATE**  
4 **INFORMATION REGARDING COST-EFFECTIVE**  
5 **MITIGATION TECHNOLOGIES.**

6 Section 203(e)(2) of the Robert T. Stafford Disaster  
7 Relief and Emergency Assistance Act (42 U.S.C.  
8 5133(e)(2)) is amended by inserting after “10 percent”  
9 the following: “(or up to 15 percent if approved by the  
10 President)”.

11 **TITLE III—OTHER MATTERS**

12 **SEC. 301. EMERGENCY MANAGEMENT ASSISTANCE COM-**  
13 **PACT GRANTS.**

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

18 **“SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COM-**  
19 **PACT GRANTS.**

20 “(a) IN GENERAL.—The Administrator may make  
21 grants to provide for implementation of the Emergency  
22 Management Assistance Compact consented to by Con-  
23 gress in the joint resolution entitled ‘Joint resolution  
24 granting the consent of Congress to the Emergency Man-

1 agement Assistance Compact’ (Public Law 104–321; 110  
2 Stat. 3877).

3 “(b) ELIGIBLE GRANT RECIPIENTS.—States and the  
4 Administrator of the Emergency Management Assistance  
5 Compact shall be eligible to receive grants under sub-  
6 section (a).

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

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

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

16 “(3) to continue coordination with the Agency  
17 and appropriate Federal agencies;

18 “(4) to continue coordination with States and  
19 local governments and their respective national orga-  
20 nizations; and

21 “(5) to assist State and local governments,  
22 emergency response providers, and organizations  
23 representing such providers with credentialing the  
24 providers and the typing of emergency response re-  
25 sources.

1           “(d) COORDINATION.—The Administrator shall con-  
2 sult with the Administrator of the Emergency Manage-  
3 ment Assistance Compact to ensure effective coordination  
4 of efforts in responding to requests for assistance.

5           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
6 is authorized to be appropriated to carry out this section  
7 \$4,000,000 for each of fiscal years 2010, 2011, and 2012.  
8 Such sums shall remain available until expended.”.

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

12 **SEC. 302. AUTHORITY TO ACCEPT AND USE GIFTS.**

13           The first sentence of section 701(b) of the Robert T.  
14 Stafford Disaster Relief and Emergency Assistance Act  
15 (42 U.S.C. 5201(b)) is amended by inserting “, through  
16 any means including grants,” before “bequests”.

17 **SEC. 303. INDIVIDUAL ASSISTANCE FACTORS.**

18           In order to provide more objective criteria for evalu-  
19 ating the need for assistance to individuals and to speed  
20 a declaration of a major disaster or emergency under the  
21 Robert T. Stafford Disaster Relief and Emergency Assist-  
22 ance Act (42 U.S.C. 5121 et seq.), not later than one year  
23 after the date of enactment of this Act, the Administrator  
24 of the Federal Emergency Management Agency, in co-  
25 operation with representatives of State and local emer-

1 gency management agencies, shall review, update, and re-  
2 vise through rulemaking the factors considered under sec-  
3 tion 206.48 of title 44, Code of Federal Regulations, to  
4 measure the severity, magnitude, and impact of a disaster.

5 **SEC. 304. TECHNICAL CORRECTIONS TO REFERENCES.**

6 The Robert T. Stafford Disaster Relief and Emer-  
7 gency Assistance Act (42 U.S.C. 5121 et seq.) is amend-  
8 ed—

9 (1) in the section heading of the second section  
10 425 (as added by section 607 of the Security and  
11 Accountability for Every Port Act of 2006) of the  
12 Robert T. Stafford Disaster Relief and Emergency  
13 Assistance Act is redesignated as section 427;

14 (2) in section 602(a) by striking paragraph (7)  
15 and inserting the following:

16 “(7) ADMINISTRATOR.—The term ‘Adminis-  
17 trator’ means the Administrator of the Federal  
18 Emergency Management Agency.”; and

19 (3) by striking “Director” each place it appears  
20 and inserting “Administrator”, except—

21 (A) the second and fourth places it appears  
22 in section 622(c); and

23 (B) in section 626(b).

1 **SEC. 305. ABILITY TO PROVIDE DISASTER INFORMATION TO**  
2 **INDIVIDUALS WITH LIMITED ENGLISH PRO-**  
3 **FICIENCY AND TO INDIVIDUALS WITH DIS-**  
4 **ABILITIES.**

5 (a) STUDY.—The Comptroller General of the United  
6 States shall conduct a study on the ability of existing alert  
7 and warning systems to provide information relating to  
8 disasters to individuals with limited English proficiency  
9 and to individuals with disabilities.

10 (b) REPORT.—Not later than one year after the date  
11 of enactment of this Act, the Comptroller General shall  
12 submit to the Committee on Transportation and Infra-  
13 structure of the House of Representatives and the Com-  
14 mittee on Homeland Security and Governmental Affairs  
15 of the Senate a report on the results of the study con-  
16 ducted under subsection (a). The report shall include rec-  
17 ommendations with respect to any additional resources  
18 necessary to adequately provide information relating to  
19 disasters to individuals with limited English proficiency  
20 and to individuals with disabilities.

21 **SEC. 306. FUNCTIONS OF FEDERAL COORDINATING OFFI-**  
22 **CER.**

23 Section 302(b) of the Robert T. Stafford Disaster Re-  
24 lief and Emergency Assistance Act (42 U.S.C. 5143(b))  
25 is amended—



1 **“SEC. 330. FEDERAL INTERAGENCY DISASTER RECOVERY**  
2 **TASK FORCE.**

3 “(a) ESTABLISHMENT.—The President shall estab-  
4 lish a Federal interagency disaster recovery task force  
5 (hereinafter referred to in this section as the ‘task force’)  
6 to carry out the following:

7 “(1) Identify, maintain a catalogue of, and sub-  
8 mit to the Committee on Transportation and Infra-  
9 structure of the House of Representatives and the  
10 Committee on Homeland Security and Governmental  
11 Affairs of the Senate at least annually a report de-  
12 scribing the Federal programs that may be used to  
13 assist in recovery efforts after a major disaster or  
14 emergency and make such report available to the  
15 public on the Internet.

16 “(2) Ensure ongoing communication between  
17 the Federal departments and agencies determined by  
18 the President to administer the Federal programs  
19 referred to in paragraph (1) to enhance and expedite  
20 the recovery efforts of the Federal Government with  
21 respect to a major disaster or emergency.

22 “(b) CHAIRPERSON.—The Administrator of the Fed-  
23 eral Emergency Management Agency shall serve as the  
24 chairperson of the task force.

25 “(c) MEMBERSHIP.—The task force shall include a  
26 representative of each Federal department and agency de-

1 terminated by the President to administer a program that  
2 may be used to assist in recovery efforts after a major  
3 disaster or emergency.

4 “(d) MEETING FREQUENCY.—The task force shall  
5 meet at least once each year.”.

6 **SEC. 308. DEBRIS REMOVAL.**

7 Section 407(d) of the Robert T. Stafford Disaster  
8 Relief and Emergency Assistance Act (42 U.S.C. 5173(d))  
9 is amended by adding at the end the following: “The Fed-  
10 eral share shall be increased by 5 percent for States and  
11 local governments that (1) have a debris management plan  
12 approved by the Administrator; and (2) have prequalified  
13 2 or more debris and wreckage removal contractors before  
14 the date of declaration of the major disaster. To qualify  
15 for the increased Federal share under the preceding sen-  
16 tence, a debris management plan shall be resubmitted to  
17 the Administrator for approval every 4 years.”.

18 **SEC. 309. REVIEW OF REGULATIONS AND POLICIES.**

19 (a) IN GENERAL.—Not later than one year after the  
20 date of enactment of this section, the President shall re-  
21 view regulations and policies relating to Federal disaster  
22 assistance to eliminate regulations the President deter-  
23 mines are no longer relevant, to harmonize contradictory  
24 regulations, and to simplify and expedite disaster recovery  
25 and assistance.

1 (b) REPORT.—Not later than 18 months after the  
2 date of enactment of this section, the President shall  
3 transmit to the Committee on Transportation and Infra-  
4 structure of the House of Representatives and the Com-  
5 mittee on Homeland Security and Governmental Affairs  
6 of the Senate a report describing changes made to regula-  
7 tions as a result of the review required under subsection  
8 (a), together with any legislative recommendations relat-  
9 ing thereto.

10 **SEC. 310. APPEALS PROCESS.**

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

14 “(b) PERIOD FOR DECISION.—

15 “(1) IN GENERAL.—A decision regarding an ap-  
16 peal under subsection (a) shall be rendered within  
17 60 days after the date on which the Federal official  
18 designated to administer such appeals receives notice  
19 of such appeal.

20 “(2) FAILURE TO SATISFY DEADLINE.—If the  
21 Federal official fails to satisfy the requirement  
22 under paragraph (1), the Federal official shall pro-  
23 vide a written explanation of such failure to the ap-  
24 plicant. The President shall transmit quarterly to  
25 the Committee on Transportation and Infrastructure

1 of the House of Representatives and the Committee  
2 on Homeland Security and Governmental Affairs of  
3 the Senate a report on such failures.”.

4 **SEC. 311. REPAIR, RESTORATION, AND REPLACEMENT OF**  
5 **DAMAGED FACILITIES.**

6 (a) AMOUNT REGARDING NOTIFICATION AND RE-  
7 PORTS.—Section 406(a) of the Robert T. Stafford Dis-  
8 aster Relief and Emergency Assistance Act (42 U.S.C.  
9 5172(a)) is amended—

10 (1) in paragraph (4) by striking “\$20,000,000”  
11 and inserting “\$5,000,000”; and

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

13 “(5) CONTRIBUTION STATUS REPORTS.—Not  
14 less frequently than every 180 days, the President  
15 shall transmit to the Committee on Transportation  
16 and Infrastructure of the House of Representatives  
17 and the Committee on Homeland Security and Gov-  
18 ernmental Affairs of the Senate a report on the sta-  
19 tus of applications, obligations, and contributions  
20 under this section with respect to each major dis-  
21 aster for which, on the date of the transmission of  
22 such report, a contribution is eligible to be requested  
23 or made under this section.”.

24 (b) ISSUANCE OF REGULATIONS RELATING TO ELI-  
25 GIBLE COSTS.—

1           Not later than 180 days after the date of enact-  
2           ment of this Act, the President shall issue and begin  
3           to implement the regulations required by section  
4           406(e)(3)(C) of the Robert T. Stafford Disaster Re-  
5           lief and Emergency Assistance Act (42 U.S.C.  
6           5172(e)(3)(C)) to provide for cost estimation proce-  
7           dures that expedite recovery and to reduce the costs  
8           and time for completion of recovery projects through  
9           the creation of financial and performance incentives.

10 **SEC. 312. SPECIAL PROCEDURES FOR WIDESPREAD DAM-**  
11 **AGE.**

12           (a) IN GENERAL.—Section 406 of the Robert T.  
13 Stafford Disaster Relief and Emergency Assistance Act  
14 (42 U.S.C. 5172) is further amended by adding at the  
15 end the following:

16           “(f) SPECIAL PROCEDURES FOR WIDESPREAD DAM-  
17 AGE.—

18           “(1) IN GENERAL.—If, at the request of the  
19 Governor of a State, the President makes a deter-  
20 mination that a major disaster has caused extensive  
21 and widespread damage and destruction in the State  
22 and that utilizing special procedures to expedite the  
23 repair, restoration, reconstruction, or replacement of  
24 eligible facilities under this section is in the public  
25 interest, the President may provide assistance under

1       this section in connection with the major disaster  
2       utilizing the special procedures.

3           “(2) CONDITIONS FOR ASSISTANCE.—

4               “(A) IN GENERAL.—In providing assist-  
5               ance under the special procedures authorized by  
6               this subsection, the President may provide such  
7               assistance subject to any limitations or other  
8               conditions the President establishes by regula-  
9               tion.

10              “(B) FACILITY RECOVERY SPENDING  
11              PLAN.—To be eligible for assistance under the  
12              special procedures authorized by this sub-  
13              section, a State shall submit to the President a  
14              facility recovery spending plan. Receipt of as-  
15              sistance under the special procedures shall be  
16              conditioned on a determination by the President  
17              that the plan is consistent with the require-  
18              ments under this section.

19              “(3) PLANNING ASSISTANCE.—

20               “(A) IN GENERAL.—Not later than 10  
21               days after the date the President makes an af-  
22               firmative determination, at the request of a  
23               State, under paragraph (1) (or at a later date  
24               if requested by the Governor of the State), the

1           President shall provide the State with assist-  
2           ance to develop a plan under paragraph (2)(B).

3           “(B) TYPES OF ASSISTANCE.—

4                   “(i) FINANCIAL ASSISTANCE.—The  
5           President may provide financial assistance  
6           to a State to assist the development of a  
7           plan under paragraph (2)(B).

8                   “(ii) TECHNICAL ASSISTANCE.—The  
9           President may provide, as appropriate,  
10          technical assistance to a State to assist the  
11          development of a plan under paragraph  
12          (2)(B).

13                   “(iii) EMERGENCY MANAGEMENT AS-  
14          SISTANCE COMPACT.—Assistance to de-  
15          velop a plan under paragraph (2)(B) may  
16          include assistance through the Emergency  
17          Management Assistance Compact described  
18          in section 618.

19           “(4) LARGE IN-LIEU CONTRIBUTIONS.—In pro-  
20          viding assistance under the special procedures au-  
21          thorized by this subsection, notwithstanding the per-  
22          centages specified in subsections (c)(1)(A) and  
23          (c)(2)(A), the President may make a contribution to  
24          a State or local government or person that owns or  
25          operates a private nonprofit facility for the purposes

1 described in such subsections in an amount up to  
2 100 percent of the Federal share of the Federal esti-  
3 mate of the cost of repairing, restoring, recon-  
4 structing, or replacing a facility if the President de-  
5 termines a contribution in that amount is in the  
6 public interest.”.

7 (b) REGULATIONS.—

8 (1) INTERIM FINAL RULE.—Not later than 180  
9 days after the date of enactment of this Act, the Ad-  
10 ministrator of the Federal Emergency Management  
11 Agency shall issue an interim final rule to establish  
12 special procedures under section 406(f) of the Rob-  
13 ert T. Stafford Disaster Relief and Emergency As-  
14 sistance Act, as added by subsection (a). To the ex-  
15 tent practicable, the Administrator shall consult with  
16 State and local emergency management agencies  
17 during the development of the interim final rule.

18 (2) FINAL RULE.—Not later than 2 years after  
19 the date the interim final rule described in para-  
20 graph (1) takes effect, the President shall issue a  
21 final rule to establish special procedures under sec-  
22 tion 406(f) of such Act, as added by subsection (a).  
23 In issuing the final rule, the President shall consider  
24 public comments, including the comments of State  
25 and local emergency management agencies, and the

1 findings of the Inspector General under subsection  
2 (c).

3 (3) SPECIAL PROCEDURES.—In developing the  
4 regulations under this subsection, the Administrator  
5 shall consider, at a minimum, the following:

6 (A) The authority and procedures used by  
7 the Administrator to carry out sections 406(c),  
8 406(e)(1), and 422 of the Robert T. Stafford  
9 Disaster Relief and Emergency Assistance Act  
10 (42 U.S.C. 5172(c), 5172(e)(1), and 5189).

11 (B) Whether modifications of or alter-  
12 natives to procedures under section 406 of such  
13 Act are warranted in the event of widespread  
14 and extensive damage and destruction to expe-  
15 dite the repair, restoration, reconstruction, or  
16 replacement of eligible facilities and to assist a  
17 State in implementing a plan under subsection  
18 (f)(2)(B) of such section, as added by sub-  
19 section (a).

20 (c) INSPECTOR GENERAL REPORT.—Not later than  
21 90 days after the date the interim final rule issued under  
22 subsection (b)(1) takes effect, the Inspector General of the  
23 Department of Homeland Security shall submit to the Ad-  
24 ministrator of the Federal Emergency Management Agen-  
25 cy a report on the implementation of section 406(f) of the

1 Robert T. Stafford Disaster Relief and Emergency Assist-  
2 ance Act, as added by subsection (a). The Inspector Gen-  
3 eral may submit additional reports, as appropriate, includ-  
4 ing reports after the President utilizes the authority under  
5 such section. The reports shall include, as appropriate,  
6 recommendations on improved implementation of such  
7 section and any recommendations for legislation.

