

DISASTER RECOVERY ACT OF 2011

TITLE I – MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION

Sec. 101 – Definition of Major Disaster

Sec. 102 – Other Definitions

Sec. 103 – Waiver of Administrative Conditions

Sec. 104 – Use and Coordination of Relief Organizations

Sec. 105 – Self-Insurance

Sec. 106 – Authorities and Responsibilities

Sec. 107 – Recovery Efforts

Sec. 108 – Coordination of Response and Recovery Efforts

Sec. 109 – Declaration of a Catastrophic Disaster

Sec. 110 – Federal Leadership Following a Catastrophic Disaster

Sec. 111 – Improving Distribution of Federal Disaster Assistance

Sec. 112 – Pre-Incident Planning

TITLE II – MAJOR DISASTER ASSISTANCE PROGRAMS

Sec. 201 – Essential Assistance

Sec. 202 – Volunteers

Sec. 203 – Hazard Mitigation

Sec. 204 – Repair, Restoration, and Replacement of Damaged Facilities

Sec. 205 – Debris Removal

Sec. 206 – Federal Assistance to Individuals and Households

Sec. 207 – Crisis Counseling and Assistance Training Program

Sec. 208 – Community Disaster Loans

Sec. 209 – Emergency Public Transportation

Sec. 210 – Simplified Procedures

Sec. 211 – Appeals of Assistance Decisions

Sec. 212 – Case Management Services

Sec. 213 – Essential Service Providers

Sec. 214 – Additional Disaster Assistance, Procedures, and Reporting

Sec. 215 – After Action Reviews

Sec. 216 – Grant Guidance

Sec. 217 – Timeliness of Reviews

Sec. 218 – Review of Regulations and Policies

Sec. 219 – Public Works Repair Teams

Sec. 220 – Review of Federal Programs and Authorities

TITLE III – OTHER PROVISIONS

Sec. 301 – Contributions for Personnel and Administrative Expenses

Sec. 302 – Evacuation Plans and Exercises

Sec. 303 – Personnel Management

Sec. 304 – Authorization of Appropriations

TITLE I – MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION

Sec. 101 – Definition of Major Disaster

- Amends Section 102(2) of the Stafford Act (“Definitions”)
- Expands the list of events that can qualify for a major disaster declaration by adding pandemics and man-made disasters (including terrorist attacks).
- The current definition of major disasters is limited to natural disasters, but it excludes manmade disasters, except those which cause fires, floods, or explosions. Under the current definition, the President is restricted from declaring a major disaster in the event of a WMD attack conducted by means other than the detonation of an explosive device, e.g. a biological attack. Just as not all natural disasters are eligible for federal assistance, only manmade disasters of sufficient severity and magnitude would warrant a presidential declaration.

Sec. 102 – Other Definitions

- Amends Sections 102 of the Stafford Act (“Definitions”) and Section 501 of the Homeland Security Act of 2002 (“Definitions”)
- Nonprofit Child Care Facilities
 - Adds child care to the categories of nonprofit facilities eligible for assistance under the Act.
 - The current list of nonprofit facility categories already eligible for assistance under the Act includes educational, utility, irrigation, emergency, medical, rehabilitational, and custodial care facilities, as well as museums, zoos, performing arts facilities, community arts centers, libraries, homeless shelters, senior citizen centers, and others.
- Other Definitions
 - Provides a new definition for “recovery”, which is already mentioned in Stafford but nowhere defined.
 - Indicates that “National Disaster Recovery Framework” is defined in the Post-Katrina Emergency Management Reform Act.
 - Indicates that “catastrophic incident” is defined in the Homeland Security Act.

- Defines a “catastrophic disaster” as an incident declared by the President in accordance with procedures outlined in Section 109 of the bill (consistency with the definition of a catastrophic incident under the Homeland Security Act, satisfaction of damage thresholds, based on consultation with an independent panel of experts, etc.)

Sec. 103 – Waiver of Administrative Conditions

- Amends Section 301 of the Stafford Act (“Waiver of Administrative Conditions”)
- Requires technical assistance to state and local governments to help them identify onerous administrative conditions that stifle disaster assistance.
- The Stafford Act already allows Federal program managers to modify or waive certain deadlines and documentation requirements, when they would otherwise prevent the flow of assistance and when they cannot be met as a direct result of the disaster. But the Federal government cannot exercise this authority unless it receives an explicit request from a State or local official. That prerequisite is problematic since these individuals are typically unable to identify the specific source of federal bureaucratic delay, and they don’t know which requirements can and cannot be waived in the midst of a disaster. Requiring technical assistance will facilitate more effective use of this existing authority.

Sec. 104 – Use and Coordination of Relief Organizations

- Amends Section 309(b) of the Stafford Act (“Use and Coordination of Relief Organizations”)
- Clarifies that the Federal government may enter into agreements with nonprofits not just for disaster relief, but also for preparedness and recovery activities.

Sec. 105 – Self-Insurance

- Amends Section 311(c) of the Stafford Act (“Insurance”)
- Expands self-insurance authority to include localities.
- Applicants who receive assistance under this Act are required to maintain insurance thereafter. They are also restricted from receiving assistance for the same facility if it was previously damaged and they failed to maintain insurance. States are already eligible to self-insure under the Act, but localities are not. Certain localities with the financial resources to self-insure would have the same authority as a result of this change.

Sec. 106 – Authorities and Responsibilities

- Amends Section 504(a) of the Homeland Security Act of 2002 (“Authorities and Responsibilities”)
- Removes the reference to the FEMA Administrator’s directive authority over the National Disaster Medical System (NDMS), since it has been transferred from the Department of Homeland Security to the Department of Health and Human Services.
- Clarifies that the FEMA Administrator should aid recovery efforts in a manner that is efficient, expeditious, and effective.

Sec. 107 – Recovery Efforts

- Amends Section 402(f) of the Stafford Act (“General Federal Assistance”)
- Modifies the current description of federal recovery assistance by authorizing the identification and coordination of federal resources, technical advice on mitigation opportunities, the establishment of an interagency commission to support recovery from a particular catastrophic disaster, and financial, technical, and advisory assistance to State and local governments for post-disaster impact assessments and comprehensive recovery planning and execution.

Sec. 108 – Coordination of Response and Recovery Efforts

- Adds a new section at the end of Title IV, Subtitle C, Chapter 1 of the Post-Katrina Emergency Management Reform Act (Sec. 655)
- Requires the President to ensure the development and implementation of the National Response Framework and the National Disaster Recovery Framework, to ensure that federal agencies with responsibilities under the frameworks are prepared to fulfill their roles (including appropriate staffing and training), to coordinate their preparations, and to resolve interagency disagreements relating to response and recovery.
- Requires each agency with major responsibilities under the National Response Framework and the National Disaster Recovery Framework to designate a senior official responsible for ensuring that the agency is prepared to fulfill its assigned role under those plans.

Sec. 109 – Declaration of a Catastrophic Disaster

- Adds a new section to the end of Title III of the Stafford Act (Sec. 327)
- Declaration of a Catastrophic Disaster

- Authorizes the President to declare a catastrophic disaster if the event is consistent with the definition of a catastrophic incident under the Homeland Security Act of 2002, the State has requested a catastrophic disaster declaration, an independent panel of experts has been convened by the President to offer their recommendation on the appropriateness of such a declaration, and the total estimated amount of Federal assistance exceeds \$1 billion (as determined by the Administrator of FEMA and adjusted annually for inflation).
- Establishes an independent panel of experts to advise the President on the issuance of a catastrophic disaster declaration.
 - Indicates that the panel may be comprised of experts in emergency management, social and physical sciences, economics, engineering, demography, public health, or other appropriate fields.
 - Requires that the panel consider damage to homes, businesses, and public facilities, ability of survivors to access education, health care, and social services, economic impacts including impact on tax revenues, the number of displaced survivors and their location, quantity of available and affordable housing stock, and damages to transportation, utilities, and communications infrastructure.
 - Requires the panel to convene, consider information provided by FEMA and the requesting state, request additional relevant information, and provide a recommendation to the President as soon as is practicable.
 - Requires the President to submit a report to Congress within 10 days that justifies his actions in the event that he declares a catastrophic disaster without a recommendation from the panel to do so.
 - Requires regulations within 18 months governing the composition and operation of the expert panel.

Sec. 110 – Federal Leadership Following a Catastrophic Disaster

- Adds a new section to the end of Title III of the Stafford Act (Sec. 328)
- Requires the establishment of an interagency commission after a catastrophic disaster to support State and local recovery efforts from that event, chaired by an official whom the President designates, with representatives possessing decision-making authority from the agencies with significant responsibilities under the National Disaster Recovery Framework.

- The commission chair is authorized to direct federal resources from multiple agencies to support recovery efforts, in the same way that Federal Coordinating Officers currently direct resources during the response phase. This mirrors authority already granted to the President under Section 402 of the Stafford Act but requires its execution in accordance with re-programming requirements for Congressional appropriations.
- Each commission is responsible for developing a coordinated Federal approach to the disaster, submitting a strategic plan to Congress within 90 days (updated every 6 months thereafter) detailing major challenges and agency roles, resolving interagency disagreements, compiling data on federal funds provided to support recovery and the purposes for which they're used, identifying recovery metrics and measuring progress toward them at least twice each year, streamlining burdensome procedures (and requesting additional legislative authority if necessary), identifying and addressing unmet needs, consulting with the private and nonprofit sectors, leveraging hazard mitigation opportunities, and curbing waste, fraud, and abuse.
- Authorizes the President to release agencies from the commission at his discretion once their work is substantially completed and to terminate the task force altogether on the same basis.
- Recovery Joint Field Offices
 - Requires the establishment of adequately staffed Joint Field Offices to support recovery activities after a catastrophic disaster, similar to the Joint Field Offices that currently operate during the response phase under FEMA's direction.

Sec. 110 – Improving Distribution of Federal Disaster Assistance

- Adds a new section at the end of Title III of the Stafford Act (Sec. 329)
- Catalog of Federal Disaster Assistance
 - Requires the development of a single comprehensive document that includes a list of federal programs that provide disaster assistance, using a common format that includes the following information about each one: program name; the agency that administers it; agency contact information for the program; the purpose or a description of the program; citations or Internet addresses to access the statutes, regulations, and rules governing the program; eligibility requirements; application instructions; and allowable and prohibited uses of funds. Requires further that the catalog be updated annually.

- The DHS Inspector General issued a Compendium of Disaster Assistance Programs in April 2009 that identifies over 120 programs which may be included in the Catalog, and represents a foundation upon which the Catalog can be developed. However, the Compendium does not include the information required by this provision, it is not designed for state or local government use, and it has not been incorporated into the training materials of federal agencies with a significant role in disaster recovery.
- FEMA and other federal agencies should take steps to incorporate this document into training employees with responsibility for administering programs that are frequently utilized to support disaster recovery. In accordance with their role as interagency coordinators for recovery, all Federal Coordinating Officers and at least one person from each ESF-14 Team should be familiar with the Catalog.
- Consolidated Request for Federal Assistance
 - Requires the development of a voluntary single application process for State and local governments and nonprofit entities to submit a comprehensive statement of needs to an automated system or interagency working group, which would then review those needs and suggest to the applicant specific programs that are available to address them. State and local governments, for instance, would retain the ability to apply for assistance program-by-program, but by submitting a list of needs, federal partners can obtain a holistic understanding of the community's needs and suggest programs to the applicants of which they may otherwise be unaware.
- Recovery Metrics
 - Requires the establishment and implementation of procedures to monitor recovery from a catastrophic incident, including population changes, housing availability and affordability, restoration of utilities and transportation infrastructure, economic activity, job growth, State and local tax revenues, and access to critical services including education, health care, mental health services, child care, and police and fire protection.

Sec. 111 – Pre-Incident Planning

- Adds a new section at the end of Title III of the Stafford Act (Sec. 330)
- Pre-Incident Recovery Plans
 - Authorizes an increase in the Federal share of 10% for restoration of facilities, debris removal, and Other Needs Assistance to individuals and households (e.g.

replacement of food, medicine, clothing, etc.), depending upon the contents of the plan, for communities that have an approved recovery plan in place before a disaster is declared. The standard federal share for these categories of assistance is 75%.

- Factors for consideration in determining whether to approve a State or local pre-incident recovery plan include the extent to which it contains advance contracts for debris management, procedures to provide temporary housing and transition survivors into permanent housing, an established leadership structure to manage recovery efforts that identified roles and responsibilities, an established post-disaster planning process that integrates community stakeholders, prioritization of mitigation initiatives, emergency waiver authorities, staffing plans, mutual aid procedures, and procedures to ensure timely pursuit of insurance payments for eligible damages.
- In carrying out one of the two pilots authorized by the Post-Katrina Emergency Management Reform Act, FEMA designed the Public Assistance Pilot Program with a similar 5% cost-share increase for applicants with pre-incident debris management plans. The program received favorable reviews from GAO, local governments, and the agency, but it has since expired. This provision will in part reauthorize that program, though it encompasses recovery needs beyond debris and authorizes financial incentives in the corresponding assistance categories to make those extra efforts worthwhile. Pre-incident planning has the potential to save taxpayers money and increase the pace and efficiency of the recovery process.

TITLE II – MAJOR DISASTER ASSISTANCE PROGRAMS

Sec. 201 – Essential Assistance

- Amends Section 403 of the Stafford Act (“Essential Assistance”)
- Authorizes the provision of temporary facilities for child care and libraries. Schools are already authorized.
- Authorizes assistance for inspection of damaged structures (authority to demolish unsafe structures already exists under this section)
- Authorizes provision of rescue, care, shelter, and essential needs for children and individuals with disabilities or other special needs. Pets and individuals with pets are already authorized to receive these forms of assistance.

- Authorizes the President to extend emergency sheltering services if he determines that transitioning to temporary housing assistance is not practicable or that an extension of sheltering services is necessary to meet housing needs
- Authorizes the President to reimburse pay and benefits for permanent State or local government employees engaged in emergency protective measures after a disaster is declared and requires that reimbursement guidelines be consistent with the Fair Labor Standards Act. The bill includes a similar provision for debris removal (Section 205).
 - Straight-time reimbursement was available under the Public Assistance Pilot Program authorized by PKEMRA. This provision will create a cheaper alternative to contractors or backfill employees by removing the financial incentive to hire them, resulting in net savings to local governments and federal taxpayers. Unlike government employees, contractors and backfill employees are already eligible for straight-time pay for the performance of these services.

Sec. 202 – Volunteers

- Adds a new section to the Stafford Act at the end of Title IV (Sec. 428)
- Authorizes the President to provide temporary housing for volunteers who are assisting with response and recovery efforts upon receiving a request from an affected State, as long as it is appropriate, cost-effective, and would not interfere with the provision of temporary housing to first responders or disaster survivors.
 - This provision is intended to leverage temporary volunteer labor by students, church groups, and others that wouldn't otherwise be able to assist due to inadequate supply of hotel rooms or host homes. This authorizes states to request minimalist accommodations for volunteers (e.g. base camps with cots and tarps overhead) in order to accept their services, which will indirectly reduce federal repair and cleanup costs.

Sec. 203 – Hazard Mitigation

- Amends Section 404 of the Stafford Act (“Hazard Mitigation”)
- Authorizes the FEMA Administrator to approve reimbursement for mitigation work commenced without advance federal approval, but which is otherwise compliant with program requirements and eligible for assistance under this section, in circumstances when property owners are not notified of the pre-approval requirement in a timely fashion or when the approval process is significantly delayed.

- Currently, it is commonplace for homeowners to begin mitigation activities without knowledge that pre-approval by FEMA is a pre-condition for reimbursement. Information to this effect sometimes does not reach the property owners until months after the disaster has occurred, at which point, they may have begun work already and consequently disqualified themselves. This provision allows proactive homeowners who elevate their homes after a flood or bolt them to their foundations after an earthquake, to avoid being penalized for government delays in launching mitigation programs following a disaster, if the Administrator decides they should be eligible.
- Authorizes streamlined procedures, including a unified interagency process and consideration of multiple structures as a group, for the purpose of environmental review, historic review, cost-benefit analysis, and fulfillment of cost-share requirements
- Authorizes a 10% increase in the federal share of assistance for mitigation under this section for a State that has adopted a nationally recognized model building code and is actively enforcing it (both of which shall be certified by FEMA) at least 30 days before the date of a declared disaster. The current federal share of assistance under the Hazard Mitigation program is 75%.
- Authorizes the President to advance up to 10% of a State or local government's estimated allocation of hazard mitigation assistance.
 - This will increase state and local capacity to notify property owners, identify projects, conduct planning, hire staff, and carry out other activities necessary to manage the administration of hazard mitigation funds, which are currently provided on a reimbursement basis to communities that often have trouble conducting assessments and establishing initial capacity to manage them.
- Clarifies that the benefit-cost analysis required for evaluation of hazard mitigation projects shall not factor in the costs that result exclusively from review requirements imposed by the federal government (e.g. environmental or historic analysis), as opposed to legitimate design and construction costs (e.g. labor and materials), which in turn *should* be included.
- Adds building code enforcement by State and local governments to the list of criteria the Administrator shall consider in determining eligibility for assistance under the Pre-Disaster Mitigation program.
- Requires the promulgation of overdue regulations within 180 days, which were previously required by the Disaster Mitigation Act of 2000, relating to the criteria for program administration by States.

- Requires FEMA to develop and submit a report in consultation with state and local governments within one year outlining obstacles to more timely disbursement of hazard mitigation funds and recommendations for improvements, as well as a determination of the feasibility of developing a uniform application for mitigation assistance. Many projects are currently eligible for assistance under the Hazard Mitigation Grant Program, the Pre-Disaster Mitigation program, the Severe Repetitive Loss program, and the Flood Mitigation Assistance program, but localities are often required to submit separate applications under each program for the same project.

Sec. 204 – Repair, Restoration, and Replacement of Damaged Facilities

- Amends Section 406 of the Stafford Act (“Repair, Restoration, and Replacement of Damaged Facilities”)
- Adds child care to the list of eligible critical services for which nonprofit facilities may receive assistance. Power, water, sewer, wastewater treatment, communications, education, and emergency medical care are already included in that list under current law.
- Eliminates secondary reductions of the Federal share for alternate projects that an applicant pursues when he determines it is not in the best interest of the public welfare to repair or replace a particular damaged facility.
 - Alternate projects are currently subject to an automatic reduction of 10 percent for public facilities and 25 percent for private nonprofit facilities. This provision would eliminate these additional penalties to provide communities with flexibility to rebuild.
 - This would not affect the local government’s prevailing cost-share for Public Assistance (which is established under 406(b)), nor would it allow them to build a larger or more expensive facility (since alternate project funding is directly tied to eligible disaster-related damages). It would instead eliminate the unique penalty that is assessed against facilities which localities choose not to rebuild exactly as they were pre-disaster. Sound decision-making about the best way to address community needs after a disaster should not be constrained by arbitrary penalties that disincentivize smarter, cost-neutral redevelopment.
- Requires the President to provide an applicant with an amount equal to the Federal share of a project’s cost (based on a federal estimate) within 60 days of the estimate’s completion. The provision of grants on the basis of estimates is already authorized under this section of the Act, and this timeframe mirrors one that is already in the Act for debris removal grants.

- Authorizes the President to consider all facilities that serve the same basic function for a State, local government, or private nonprofit organization as a single project and to provide a single payment for all eligible costs associated with those facilities. Legislation specific to Katrina and Rita has already provided this authority for K-12 schools, police stations, fire stations, and criminal justice facilities. This provision would extend this authority to all facilities that are eligible for Public Assistance in accordance with a major disaster declaration.
- Authorizes the President to provide assistance sufficient to protect a facility that resides in a floodplain from the highest flood recorded at the site of that facility, as long as the facility is located in a Special Flood Hazard Area and the cost of elevating to the higher standard would not increase project costs by more than 25%. Current regulations limit mitigation assistance under the Public Assistance program to base flood elevations that are lower in some instances than visible water lines from previous flood events.
- Limits the amount by which federal grants may be reduced for Public Assistance applicants that have filed for and anticipate insurance proceeds but have not yet received them. Only state and local government or nonprofit organizations are eligible for Public Assistance, as opposed to individual households. Applicants must agree to diligently pursue insurance benefits for covered damages and repay any duplicative assistance received at a later date. Requires the Administrator to establish procedures to recoup duplicative assistance received at a later date in the event that repayment is not made in a timely fashion.
 - FEMA's current practice of providing disaster assistance grants is to calculate eligible damage then reduce awards by the amount of anticipated insurance proceeds. Applicants often receive less from their insurance company than FEMA anticipates though, and they sometimes must wait months or years to receive payment. While they are waiting, they cannot finance necessary building repairs because their grant did not cover the full cost of repairs. Many state and local governments have laws on the books that prohibit signing a contract to commence work until all project funding has been identified.
 - Duplication of benefits should remain prohibited under the law, but applicants' grants should not be reduced if they have not yet received duplicative assistance. FEMA maintains the authority to conduct audits and recoup duplicative payments, and this provision would allow the agency to continue reducing grants by half (instead of all) the amount of anticipated insurance proceeds, in order to ensure that applicants maintain sufficient motivation to vigorously pursue benefit payments from their insurance provider.

- Requires the promulgation of overdue regulations within 180 days, related to the provision of Grants on the Basis of Estimates, which were originally required by the Disaster Mitigation Act of 2000.

Section 205 – Debris Removal

- Amends Section 407 of the Stafford Act (“Debris Removal”)
- Allows grant recipients to use funding to recycle debris and wreckage from the disaster, and incentivizes this environmentally-friendly practice by allowing them to keep the associated proceeds.
 - The Public Assistance Pilot Program established by the Post-Katrina Emergency Management Reform Act expired at the end of 2008. FEMA’s report to Congress on the program determined that the incentive of an increased federal share for debris removal was an effective tool for encouraging the pre-certification of contractors, but that recycling authority was generally not used by localities because the requirement to remit all proceeds to the federal government eliminated financial incentives to pursue this more burdensome option.
- Authorizes the President to reimburse pay and benefits for permanent State or local government employees engaged in debris removal after a disaster is declared and requires that reimbursement guidelines be consistent with the Fair Labor Standards Act. The bill includes a similar provision for emergency protective services (Section 201).
 - Straight-time reimbursement was available under the Public Assistance Pilot Program authorized by PKEMRA. This provision will create a cheaper alternative to contractors or backfill employees by removing the financial incentive to hire them, resulting in net savings to local governments and federal taxpayers. Unlike government employees, contractors and backfill employees are already eligible for straight-time pay for the performance of these services.

Sec. 206 – Federal Assistance to Individuals and Households

- Amends Section 408 of the Stafford Act (“Federal Assistance to Individuals and Households”)
- Authorizes assistance to more than one household associated with the same pre-disaster address if the household was required to split up in the aftermath of the disaster due to space constraints in temporary housing units, domestic violence, divorce, or other good cause as determined by the President. Requires the development of procedures to verify eligibility for such an exception.

- Transfers eligibility for home repair or replacement from deceased property owners to the heir that inherits the property, provided that the heir resided in the property before the disaster and will take legal possession of the property as a consequence of the original owner's death.
- Authorizes the President to repair rental units for occupation by disaster-affected households when the President determines it to be cost-effective, convenient, and appropriate. Authorizes the President to provide additional direct assistance to property owners for repairs in the event of a catastrophic disaster, if he determines it to be appropriate, cost-effective in comparison to alternative housing options, and beneficial to expediting recovery.
 - The Individual and Households Pilot program authorized by PKEMRA was determined cost-effective by a FEMA report to Congress after it concluded, but it was only used on two occasions – in Cedar Rapids, Iowa and Galveston, Texas. Repair authority will enable future administrations to use a more cost-effective method to re-house disaster survivors after a catastrophic event than travel trailers, which depreciate over time, fail to contribute to economic recovery, face community resistance, and don't work in a dense urban community where space constraints make them infeasible. It also provides an option for re-housing people in rural communities where insufficient apartment stock makes rental subsidies useless for people seeking to maintain proximity to their job, school, home, or business.
- Modifies the President's current authority to provide permanent or semi-permanent housing, by limiting this authority for non-insular areas within the continental United States to catastrophic disasters. The provision also retains the existing requirement that other forms of housing assistance be unavailable, infeasible, or not cost-effective.
- Authorizes the President to provide temporary mortgage or rental payments on behalf of individuals and families that are at immediate risk of dispossession, foreclosure, or eviction as a result of financial hardship caused by a major disaster. Assistance under this section is limited to primary residences within the disaster area for people who have lost at least 25% of their income as a result of the disaster, and whose rental or mortgage payment exceeds 25% of their income. The period for which assistance is provided may not exceed the period of hardship or 18 months (whichever is less), the maximum amount for which each household is eligible under this section of the Stafford Act (Section 408), or the monthly income loss experienced by the individual or household. The provision would also authorize the President to direct federal agencies and/or enter into agreements with qualified private organizations to administer temporary mortgage and rental payments.

- Clarifies factors that the President must consider in determining whether and where to establish a group housing site, by adding accessibility to schools, health care facilities, child care centers, grocery stores, public transportation, and other essential community services.
- Adds child care services to the list of services for which the President can provide Other Needs Assistance. Other expense categories that are already eligible under the program include medical, dental, and funeral services, personal property replacement, and transportation.
- Authorizes the President to adjust the limit on assistance to an individual or household following a catastrophic disaster, up to twice the prevailing amount, if he determines that due to extraordinary circumstances an increase is in the public interest.
- Lists an additional objective of the verification system and database that is already in place for the Individuals and Households Program, which is that it should record and verify information on all Individual Assistance requested and received by a particular household.
- Requires FEMA, HUD, USDA, and other appropriate agencies to enter into an agreement within one year, identifying the appropriate roles and responsibilities of each agency in the provision of disaster housing assistance. The agreement must be updated every five years. In order to support this coordination effort, the bill requires development of a national inventory of federally-owned housing units and authorizes technical assistance for public housing agencies to help them effectively administer post-disaster housing assistance programs at the local level.
 - FEMA and HUD previously entered into ad hoc disaster-specific agreements after the 2005 and 2008 hurricane seasons to establish the Disaster Housing Assistance Program for Katrina and Rita (DHAP-Katrina) and Gustav and Ike (DHAP-Ike), but there is no standing agreement in place for future disasters outlining the procedures for transferring eligible households from FEMA temporary housing programs into HUD voucher programs (e.g. Section 202 assistance for senior citizens) or other federal programs.

Sec. 207 – Crisis Counseling and Assistance Training Program

- Authorizes provision of treatment under the Crisis Counseling Program in addition to the current authorization to provide counseling and training.
- Requires regulations within 180 days to improve service delivery, update timeframes for assistance, and provide for appropriate administrative costs. These requirements reflect

GAO recommendations with which FEMA has previously concurred in writing, and which SAMHSA developed a White Paper to implement in 2009, but no further action has been taken.

Sec. 208 – Community Disaster Loans

- Amends Section 417 of the Stafford Act (“Community Disaster Loans”)
- Indicates that the purpose of the CDL program is to support the continued provision of governmental services, as well as the retention and hiring of personnel necessary to support response and recovery.
- Requires the development of procedures to ensure disbursement of loans to qualified local governments within 14 days of the agency receiving a request for the loan, provided that the qualified locality agrees to return amounts for which they cannot demonstrate a need in a timely fashion (not more than 180 days).
- Increases the absolute dollar cap on loans following a major disaster from the current level of \$5 million to \$25 million, specifies that the loan amount shall be based on demonstrated need, and standardizes the other statutory limit on loan amounts at 50 percent of a jurisdiction’s annual operating budget for the fiscal year in which the disaster occurs. Local governments that experience a major disaster would therefore be eligible for the lesser of the following three amounts: demonstrated need; \$25 million; or 50% of their annual operating budget. The provision eliminates the absolute dollar cap for catastrophic disasters, so local governments that experience a catastrophic disaster would be eligible for the lesser of the following two amounts: demonstrated need; or 50% of their annual operating budget.
 - The 50 percent cap already applies to local governments that experience a proportional revenue loss of at least 75 percent as a result of the disaster. However, local governments with revenue losses below 75 percent of their total budget are only permitted to draw down 25 percent of their total budget. This provision would eliminate the 75 percent threshold and cap all loans under the program at 50 percent of a local government’s annual operating budget (or if they represent a lesser amount, demonstrated need or \$25 million).
- Authorizes the President to consider the three-years following the date of the declared disaster in determining eligibility for forgiveness of such loans. Under the traditional CDL program, the three-year review period begins on the first day of the fiscal year following the year in which the disaster is declared, but FEMA regulations governing forgiveness of Special Community Disaster Loans (SCDLs) issued following Katrina and

Rita authorized the Administrator to begin the period of review on the date of the declaration instead.

Sec. 209 – Emergency Public Transportation

- Amends Section 419 of the Stafford Act (“Emergency Public Transportation”)
- Modifies the list of facilities to which the President may authorize emergency transportation by adding child care centers. Other facility types already on the list include governmental offices, supply centers, stores, post offices, schools, and major employment centers.

Sec. 210 – Simplified Procedures

- Relates to Section 422 of the Stafford Act (“Simplified Procedures”)
- Requires FEMA to complete an analysis to determine whether a change in the current threshold for small projects that qualify for simplified procedures may be appropriate. The determination shall take into account cost-effectiveness, speed of recovery, capacity of grantees, past performance, and accountability measures. A copy of the report must be submitted to Congress. The Administrator is required to set a new threshold based on the analysis, adjust it annually for inflation thereafter, and review the threshold every 3 years.
- Simplified procedures include authority to provide grants on the basis of certified project estimates to the states, which then provide oversight of funding on behalf of the federal government with local applicants. FEMA samples 20% of all small projects upon closeout of the disaster in that state to ensure appropriate use of funds. Irregularities trigger a more comprehensive audit and recoupment procedures, whereas satisfactory completion of the sampling audit means that additional reconciliation is not required, and that responsible grantees and the federal government may incur significant administrative savings.

Sec. 211 – Appeals of Assistance Decisions

- Amends Section 423 of the Stafford Act (“Appeals of Assistance Decisions”)
- Increases the amount of time that applicants have to file an appeal from 60 to 90 days. The federal government currently has 90 days to respond to an appeal under the Act. This change would align each party’s timeframe.

Sec. 212 - Case Management Services

- Amends Section 426 of the Stafford Act (“Case Management Services”)

- Strikes the word “private” before “organizations” in order to clarify that both nonprofit and private organizations may provide case management services.
- Replaces the term “victims” with the term “survivors”
- Requires the President to direct FEMA, in coordination with HHS and HUD, to establish a single, comprehensive disaster case management system for the purpose of facilitating rapid access by disaster survivors to resources and services available to meet their disaster-related needs.
- Requires the President to promulgate regulations within 1 year that –
 - Provide for case managers to serve as a single point of contact to assist individuals or households affected by a disaster
 - Address access to housing, employment or employment training, health care, mental health services, substance abuse treatment, child care, transportation, financial counseling, and other social services to address individual and household recovery needs
 - Establish guidelines, training, certification, performance requirements, service standards, and caseload limits for providers of case management services
 - Address delivery strategies that leverage intergovernmental and nonprofit resources
 - Address the roles and responsibilities of Federal agencies, State and local governments, service providers, and participating households under this section
 - Establish program evaluation tools for case managers to monitor individuals and households beyond referrals and assess progress toward defined recovery outcomes
 - Establish data entry procedures and reporting requirements
 - Address database interconnectivity between the disaster case management program and the Individuals and Households program
 - Offer FEMA registrants the *option* of completing a disclosure form and authorizing FEMA to forward their information to FEMA-certified case management agencies that may elect to contact the individual and open a case on their behalf. Under the current system, the Privacy Act prohibits FEMA from sharing information with case management agencies, and there is no process in

place for disaster survivors to request case management services, even though the President is authorized to provide them under the Act.

- Establish criteria for case closure
- Establish procedures for the transfer of open cases between case managers

Sec. 213 – Essential Service Providers

- Amends Section 427 of the Stafford Act (“Essential Service Providers”)
- Modifies the list of essential service providers to whom the Administrator is encouraged to give priority access to the disaster area in order to conduct repairs and reconstitute operations. The provision would add “local radio, television, or print news that contains relevant health and safety information” to the list of essential services, which currently consists of telecommunications, electrical power, natural gas, water and sewer.

Sec. 214 – Additional Disaster Assistance, Procedures, and Reporting

- Dispute Resolution Program
 - Adds a new section to the Stafford Act at the end of Title IV (Sec. 429)
 - Requires the establishment of rules and regulations within 180 days under which an applicant may request binding independent arbitration to determine issues relating to eligibility or cost, for disputed amounts under section 403, 406, or 407 (Public Assistance) that exceed \$750,000 (adjusted annually based on the Consumer Price Index), for which the applicant has agreed to provide a cost-share of at least 10 percent, and for which the applicant has already received a decision on a first appeal. Applicants that opt to request an independent review must agree to forego their right to a second appeal, in order to ensure that the panel’s decision is indeed final and binding. The organization sponsoring the review panel must be independent, be selected by the President, maintain a pool of qualified experts, consider only those issues raised in the first appeal, resolve disputes in accordance with applicable laws, regulations, and policies, and expeditiously issue a written decision. If the review panel determines that a party has failed to resolve a dispute on a frivolous basis, that party must reimburse the other party’s expenses in association with the arbitration proceedings. The provision includes a 5-year sunset and requires a GAO report on the program within 9 months of enactment.
- Unified Federal Review
 - Adds a new section to the Stafford Act at the end of Title IV (Sec. 430)

- Requires the President to establish an expedited and unified interagency review process within 18 months of enactment, in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, in order to support recovery progress, while also ensuring that projects comply with environmental and historic requirements under federal law.
 - Currently, each agency has its own environmental review requirements, despite the fact that they are all attempting to ensure compliance with the same set of laws. As a result, applicants are sometimes forced to undergo two or three separate environmental reviews for the same project when they pool funding from multiple federal programs to complete it (e.g. combining CDBG funding from HUD and Public Assistance funding from FEMA).

Sec. 215 - After Action Reviews

- Amends Section 650 of the Post-Katrina Emergency Management Reform Act (“Remedial Action Management Program”)
- Requires the submission of an annual consolidated report to Congress on FEMA After Action Reviews relating to disasters and exercises.

Sec. 216 – Grant Guidance

- Amends Title IV, Subtitle C, Chapter 1 of the Post-Katrina Emergency Management Reform Act
- Requires the issuance of guidance within one year governing the administration and use of Community Development Block Grants for disaster recovery.
- Guidance must ensure compatibility of funds with other federal assistance, ensure that grants are only made available after a catastrophic disaster (as opposed to major disasters that do not qualify for a catastrophic declaration), include guidelines for allocation of funds by grantees commensurate with damage and unmet needs, prescribe eligible use of funds, require at least 50 percent of grant funds to be used for activities that principally benefit persons of low and moderate income, require grant applicants to submit a comprehensive recovery plan as a condition of receiving a grant, require grantees to update the plan annually, and require grantees to submit regular performance reports detailing use of funds and measurable progress toward defined recovery objectives. The provision further requires that the guidance be submitted to the appropriate Congressional committees and authorizes technical assistance to help grantees efficiently, effectively, and properly administer funds.

- Congress appropriated CDBG funds for disaster recovery after the Oklahoma City bombings, Hurricane Andrew, Northridge Earthquake, 9/11, the 2004 hurricanes in Florida, Katrina, Rita, and Wilma in 2005, Gustav, Ike, and the Midwest floods in 2008, and again in 2010 after the flooding in Rhode Island and Tennessee. Each time, appropriators have included a different set of legislative instructions, HUD has been forced to go through a separate time-consuming comment period before authorizing administrative waivers, and communities have sometimes had to manage CDBG funds for the same disaster that came down with different Congressional requirements attached. The development of uniform guidance for CDBG grants provided for the purpose of supporting disaster recovery from a catastrophic disaster will restrict unwarranted use of the program and provide appropriators, responsible federal agencies, and grantees with a consistent set of rules.

Sec. 217 – Timeliness of Reviews

- Requires FEMA to develop procedures within 180 days to ensure the timely processing of appeals, insurance settlements, environmental reviews, historic reviews, and reviews of cost-effectiveness. This provision reflects recommendations issued by the DHS Office of the Inspector General.

Sec. 218 – Review of Regulations and Policies

- Requires a comprehensive review by the President of regulations and policies related to disaster assistance within one year of enactment to eliminate regulations no longer necessary or relevant, harmonize contradictory regulations, and simplify and expedite recovery and assistance for catastrophic incidents.
- Requires a report to Congress within 18 months describing regulatory changes made and any legislative recommendations developed in the course of the review.

Sec. 219 – Public Works Repair Teams

- Requires a report from FEMA within one year that identifies public works repair teams under the control of a State or local government and assesses the feasibility of developing a national network of teams that can be deployed through EMAC to conduct emergency repairs necessary to restore critical services in an area affected by a disaster.

Sec. 220 – Review of Federal Programs and Authorities

- Requires a report from GAO within one year that identifies overlapping federal programs or authorities which have caused or may cause uncertainty or disagreements about which agency has primary responsibility for certain types of disaster recovery projects. The

report will include recommendations to reconcile conflicting or overlapping authorities among agencies with responsibilities under the National Disaster Recovery Framework.

TITLE III – OTHER PROVISIONS

Sec. 301 – Contributions for Personnel and Administrative Expenses

- Amends Section 613 of the Stafford Act (“Contributions for Personnel and Administrative Expenses”)
- Modifies the list of populations whom the FEMA Administrator shall consider in reviewing State and local emergency preparedness operational plans, by adding children and individuals with disabilities or other special needs. The current list only references individuals with household pets and service animals.

Sec. 302 – Evacuation Plans and Exercises

- Amends Section 512(b)(4) of the Homeland Security Act of 2002
- Adds schools and child care centers to the list of facilities that should be incorporated into State and local evacuation planning and exercises. The list currently includes hospitals, nursing homes, and other institutional living facilities.

Sec. 303 – Personnel Management

- Amends Title V of the Homeland Security Act by adding a new section at the end (Sec. 525)
- Requires the Administrator of FEMA to provide response and recovery assistance through a sufficient number of qualified, skilled, and trained permanent full-time employees (PFTEs) to manage the Disaster Reserve Workforce (DRW) and implement response and recovery operations and programs, including major projects for hazard mitigation, restoration of facilities and infrastructure, and debris removal.
- Establishes the Disaster Reserve Workforce to supplement the work of full-time employees for response and recovery operations and programs, which shall consist of qualified, skilled, and trained employees that can be rapidly deployed for a period sufficient to provide operational continuity. The DRW shall include 5 types of employees: those who are appointed to terms of 1 or more years; permanent seasonal employees; those who receive only short-term deployments (6 months or less); DHS employees (from agencies outside of FEMA); and other (non-DHS) federal employees.

- The Administrator is encouraged to rely upon PFTEs to the greatest extent possible to ensure efficiency, continuity, quality, and accuracy, and is encouraged to utilize reservists employed by FEMA rather than federal employees from other agencies if possible.
- Reservists must be adequately supervised, trained in advance, and generally deployed to the region where they reside, and may include temporarily-appointed personnel, DHS employees outside of FEMA, and employees from other federal agencies.
- For catastrophic incidents, the Administrator is required to submit a staffing plan to Congress within 30 days of a catastrophic event, and update it annually thereafter.
- Requires the Administrator to develop personnel policies and procedures within 1 year to ensure proper management of response and recovery operations and programs, sufficient numbers of full-time employees, continuity of operations, recruitment plans to hire residents from the area affected by the disaster, employee comprehension of program rules relating to Public Assistance and Hazard Mitigation, and documentation and project transfer procedures for rotating personnel.
- Requires the Administrator within 1 year to establish mandatory training and evaluation requirements for reservists including program knowledge, deployment timeframes, and performance requirements. Requires reservists who have worked for one year or longer to be credentialed before being reappointed to another term. Requires the Administrator to develop an evaluation system in consultation with the Office of Personnel Management (OPM) to ensure that all reservists satisfy minimum standards and guidelines, as well as a GAO report to Congress within 18 months on the adequacy of the evaluation system.
- Authorizes bonuses to reservists for superior performance in accordance with Title 5, Chapter 45 of U.S. Code.
- Requires the Administrator, in conjunction with the Chief Human Capital Officer of FEMA, to establish a program for contractor oversight that ensures an appropriate number is being used, that they have the necessary skills, training, knowledge, and experience for assigned tasks, and that they meet similar training, credentialing, and performance requirements as the reservists.
- Authorizes the reemployment of retired annuitants as reservists without financial penalty to the annuitant, in response to disasters, acts of terrorism, or other manmade disasters, when no other qualified applicant is available, and when the annuitant refuses to accept the position without such a waiver.

- Allows reservists to compete for permanent positions within FEMA under merit promotion procedures.

Section 304 – Authorization of Appropriations

- Authorizes such sums as may be necessary to carry out this Act and the amendments made by it.