(Original Signature of Member)

113TH CONGRESS 1ST SESSION

H.R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. Denham (for himself, Ms. Norton, Mr. Shuster, and Mr. Rahall) introduced the following bill; which was referred to the Committee on

A BILL

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

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
- 4 (a) Short Title.—This Act may be cited as the
- 5 "Sandy Recovery Improvement Act of 2013".
- 6 (b) Table of Contents.—The table of contents for
- 7 this Act is as follows:
 - Sec. 1. Short title; table of contents.
 - Sec. 2. Public assistance program alternative procedures.
 - Sec. 3. Federal assistance to individuals and households.

- Sec. 4. Hazard mitigation.
- Sec. 5. Dispute resolution pilot program.
- Sec. 6. Unified Federal review.
- Sec. 7. Simplified procedures.
- Sec. 8. Essential assistance.
- Sec. 9. Individual assistance factors.
- Sec. 10. Tribal requests for a major disaster or emergency declaration under the Stafford Act.
- Sec. 11. Recommendations for reducing costs of future disasters.

SEC. 2. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PRO-

- 2 **CEDURES.**
- 3 Title IV of the Robert T. Stafford Disaster Relief and
- 4 Emergency Assistance Act (42 U.S.C. 5121 et seq.) is
- 5 amended—
- 6 (1) by redesignating the second section 425 (re-
- 7 lating to essential service providers) as section 427;
- 8 and
- 9 (2) by adding at the end the following:
- 10 "SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE
- 11 PROCEDURES.
- 12 "(a) APPROVAL OF PROJECTS.—The President, act-
- 13 ing through the Administrator of the Federal Emergency
- 14 Management Agency, may approve projects under the al-
- 15 ternative procedures adopted under this section for any
- 16 major disaster or emergency declared on or after the date
- 17 of enactment of this section. The Administrator may also
- 18 apply the alternate procedures adopted under this section
- 19 to a major disaster or emergency declared before enact-
- 20 ment of this Act for which construction has not begun as
- 21 of the date of enactment of this Act.

1	"(b) Adoption.—The Administrator, in coordination
2	with States, tribal and local governments, and owners or
3	operators of private nonprofit facilities, may adopt alter-
4	native procedures to administer assistance provided under
5	sections 403(a)(3)(A), 406, 407, and 502(a)(5).
6	"(c) Goals of Procedures.—The alternative pro-
7	cedures adopted under subsection (a) shall further the
8	goals of—
9	"(1) reducing the costs to the Federal Govern-
10	ment of providing such assistance;
11	"(2) increasing flexibility in the administration
12	of such assistance;
13	"(3) expediting the provision of such assistance
14	to a State, tribal or local government, or owner or
15	operator of a private nonprofit facility; and
16	"(4) providing financial incentives and disincen-
17	tives for a State, tribal or local government, or
18	owner or operator of a private nonprofit facility for
19	the timely and cost-effective completion of projects
20	with such assistance.
21	"(d) Participation.—Participation in the alter-
22	native procedures adopted under this section shall be at
23	the election of a State, tribal or local government, or
24	owner or operator of a private nonprofit facility consistent
25	with procedures determined by the Administrator.

1	"(e) Minimum Procedures.—The alternative pro-
2	cedures adopted under this section shall include the fol-
3	lowing:
4	"(1) For repair, restoration, and replacement of
5	damaged facilities under section 406—
6	"(A) making grants on the basis of fixed
7	estimates, if the State, tribal or local govern-
8	ment, or owner or operator of the private non-
9	profit facility agrees to be responsible for any
10	actual costs that exceed the estimate;
11	"(B) providing an option for a State, tribal
12	or local government, or owner or operator of a
13	private nonprofit facility to elect to receive an
14	in-lieu contribution, without reduction, on the
15	basis of estimates of—
16	"(i) the cost of repair, restoration, re-
17	construction, or replacement of a public fa-
18	cility owned or controlled by the State,
19	tribal or local government or owner or op-
20	erator of a private nonprofit facility; and
21	"(ii) management expenses;
22	"(C) consolidating, to the extent deter-
23	mined appropriate by the Administrator, the fa-
24	cilities of a State, tribal or local government, or
25	owner or operator of a private nonprofit facility

1	as a single project based upon the estimates
2	adopted under the procedures;
3	"(D) if the actual costs of a project com-
4	pleted under the procedures are less than the
5	estimated costs thereof, the Administrator may
6	permit a grantee or subgrantee to use all or
7	part of the excess funds for—
8	"(i) cost-effective activities that re-
9	duce the risk of future damage, hardship,
10	or suffering from a major disaster; and
11	"(ii) other activities to improve future
12	Public Assistance operations or planning;
13	"(E) in determining eligible costs under
14	section 406, the Administrator shall make avail-
15	able, at an applicant's request and where the
16	Administrator or the certified cost estimate pre-
17	pared by the applicant's professionally licensed
18	engineers has estimated an eligible Federal
19	share for a project of at least \$5,000,000, an
20	independent expert panel to validate the esti-
21	mated eligible cost consistent with applicable
22	regulations and policies implementing this sec-
23	tion; and
24	"(F) in determining eligible costs under
25	section 406, the Administrator shall, at the ap-

1	plicant's request, consider properly conducted
2	and certified cost estimates prepared by profes-
3	sionally licensed engineers (mutually agreed
4	upon by the Administrator and the applicant),
5	to the extent that such estimates comply with
6	applicable regulations, policy, and guidance.
7	"(2) For debris removal under sections
8	403(a)(3)(A), 407 , and $502(a)(5)$ —
9	"(A) making grants on the basis of fixed
10	estimates to provide financial incentives and
11	disincentives for the timely or cost-effective
12	completion if the State, tribal or local govern-
13	ment, or owner or operator of the private non-
14	profit facility agrees to be responsible to pay for
15	any actual costs that exceed the estimate;
16	"(B) using a sliding scale for determining
17	the Federal share for removal of debris and
18	wreckage based on the time it takes to complete
19	debris and wreckage removal;
20	"(C) allowing use of program income from
21	recycled debris without offset to the grant
22	amount;
23	"(D) reimbursing base and overtime wages
24	for employees and extra hires of a State, tribal
25	or local government, or owner or operator of a

1	private nonprofit facility performing or admin-
2	istering debris and wreckage removal;
3	"(E) providing incentives to a State or
4	tribal or local government to have a debris
5	management plan approved by the Adminis-
6	trator and have pre-qualified 1 or more debris
7	and wreckage removal contractors before the
8	date of declaration of the major disaster; and
9	"(F) if the actual costs of projects under
10	subparagraph (A) are less than the estimated
11	costs of the project, the Administrator may per-
12	mit a grantee or subgrantee to use all or part
13	of the excess funds for—
14	"(i) debris management planning;
15	"(ii) acquisition of debris management
16	equipment for current or future use; and
17	"(iii) other activities to improve future
18	debris removal operations, as determined
19	by the Administrator.
20	"(f) WAIVER AUTHORITY.—Until such time as the
21	Administrator promulgates regulations to implement this
22	section, the Administrator may—
23	"(1) waive notice and comment rulemaking, if
24	the Administrator determines the waiver is necessary
25	to expeditiously implement this section; and

1	"(2) carry out the alternative procedures under
2	this section as a pilot program.
3	"(g) Overtime Payments.—The guidelines for re-
4	imbursement for costs under subsection (e)(2)(D) shall
5	ensure that no State or local government is denied reim-
6	bursement for overtime payments that are required pursu-
7	ant to the Fair Labor Standards Act of 1938 (29 U.S.C.
8	201 et seq.).
9	"(h) Report.—
10	"(1) In general.—Not earlier than 3 years,
11	and not later than 5 years, after the date of enact-
12	ment of this section, the Inspector General of the
13	Department of Homeland Security shall submit to
14	the Committee on Homeland Security and Govern-
15	mental Affairs of the Senate and the Committee on
16	Transportation and Infrastructure of the House of
17	Representatives a report on the alternative proce-
18	dures for the repair, restoration, and replacement of
19	damaged facilities under section 406 authorized
20	under this section.
21	"(2) Contents.—The report shall contain an
22	assessment of the effectiveness of the alternative
23	procedures, including—

1	"(A) whether the alternative procedures
2	helped to improve the general speed of disaster
3	recovery;
4	"(B) the accuracy of the estimates relied
5	upon;
6	"(C) whether the financial incentives and
7	disincentives were effective;
8	"(D) whether the alternative procedures
9	were cost effective;
10	"(E) whether the independent expert panel
11	described in subsection $(e)(1)(E)$ was effective;
12	and
13	"(F) recommendations for whether the al-
14	ternative procedures should be continued and
15	any recommendations for changes to the alter-
16	native procedures.".
17	SEC. 3. FEDERAL ASSISTANCE TO INDIVIDUALS AND
18	HOUSEHOLDS.
19	Section $408(c)(1)(B)$ of the Robert T. Stafford Dis-
20	aster Relief and Emergency Assistance Act (42 U.S.C.
21	5174(c)(1)(B)) is amended—
22	(1) by redesignating clauses (ii) and (iii) as
23	clauses (iii) and (iv), respectively;
24	(2) by inserting after clause (i) the following:

1	"(ii) Lease and repair of rental
2	UNITS FOR TEMPORARY HOUSING.—
3	"(I) In General.—The Presi-
4	dent, to the extent the President de-
5	termines it would be a cost-effective
6	alternative to other temporary housing
7	options, may—
8	"(aa) enter into lease agree-
9	ments with owners of multifamily
10	rental property located in areas
11	covered by a major disaster dec-
12	laration to house individuals and
13	households eligible for assistance
14	under this section; and
15	"(bb) make repairs or im-
16	provements to properties under
17	such lease agreements, to the ex-
18	tent necessary to serve as safe
19	and adequate temporary housing.
20	"(II) Improvements or re-
21	PAIRS.—Under the terms of any lease
22	agreement for property entered into
23	under this subsection, the value of the
24	improvements or repairs—

1	"(aa) shall be deducted from
2	the value of the lease agreement;
3	and
4	"(bb) may not exceed the
5	value of the lease agreement.";
6	and
7	(3) in clause (iv) (as so redesignated) by strik-
8	ing "clause (ii)" and inserting "clause (iii)".
9	SEC. 4. HAZARD MITIGATION.
10	(a) Streamlined Procedures; Advance Assist-
11	ANCE.—Section 404 of the Robert T. Stafford Disaster
12	Relief and Emergency Assistance Act (42 U.S.C. 5170c)
13	is amended by adding at the end the following:
14	"(d) Streamlined Procedures.—
15	"(1) In general.—For the purpose of pro-
16	viding assistance under this section, the President
17	shall ensure that—
18	"(A) adequate resources are devoted to en-
19	sure that applicable environmental reviews
20	under the National Environmental Policy Act of
21	1969 and historic preservation reviews under
22	the National Historic Preservation Act are com-
23	pleted on an expeditious basis; and
24	"(B) the shortest existing applicable proc-
25	ess under the National Environmental Policy

1	Act of 1969 and the National Historic Preser-
2	vation Act is utilized.
3	"(2) Authority for other expedited pro-
4	CEDURES.—The President may utilize expedited pro-
5	cedures in addition to those required under para-
6	graph (1) for the purpose of providing assistance
7	under this section, such as procedures under the
8	Prototype Programmatic Agreement of the Federal
9	Emergency Management Agency, for the consider-
10	ation of multiple structures as a group and for an
11	analysis of the cost-effectiveness and fulfillment of
12	cost-share requirements for proposed hazard mitiga-
13	tion measures.
14	"(e) Advance Assistance.—The President may
15	provide not more than 25 percent of the amount of the
16	estimated cost of hazard mitigation measures to a State
17	grantee eligible for a grant under this section before eligi-
18	ble costs are incurred.".
19	(b) Establishment of Criteria Relating to Ad-
20	MINISTRATION OF HAZARD MITIGATION ASSISTANCE BY
21	States.—Section 404(c)(2) of the Robert T. Stafford
22	Disaster Relief and Emergency Assistance Act (42 U.S.C.
23	5170c(c)(2)) is amended by inserting after "applications
24	submitted under paragraph (1)." the following: "Until
25	such time as the Administrator promulgates regulations

1 to implement this paragraph, the Administrator may waive notice and comment rulemaking, if the Administrator determines doing so is necessary to expeditiously 4 implement this section, and may carry out this section as 5 a pilot program.". 6 APPLICABILITY.—The authority under the 7 amendments made by this section shall apply to— 8 (1) any major disaster or emergency declared 9 under the Robert T. Stafford Disaster Relief and 10 Emergency Assistance Act (42 U.S.C. 5121 et seq.) 11 on or after the date of enactment of this Act; and 12 (2) a major disaster or emergency declared 13 under that Act before the date of enactment of this 14 Act for which the period for processing requests for 15 assistance has not ended as of the date of enactment 16 of this Act. 17 SEC. 5. DISPUTE RESOLUTION PILOT PROGRAM. 18 (a) DEFINITIONS.—In this section, the following defi-19 nitions apply: 20 ADMINISTRATOR.—The term "Adminis-21 trator" means the Administrator of the Federal 22 emergency Management Agency. 23 (2) ELIGIBLE ASSISTANCE.—The term "eligible assistance" means assistance— 24

1	(A) under section 403, 406, or 407 of the
2	Robert T. Stafford Disaster Relief and Emer-
3	gency Assistance Act (42 U.S.C. 5170b, 5172,
4	5173);
5	(B) for which the legitimate amount in dis-
6	pute is not less than \$1,000,000, which sum the
7	Administrator shall adjust annually to reflect
8	changes in the Consumer Price Index for all
9	Urban Consumers published by the Department
10	of Labor;
11	(C) for which the applicant has a non-Fed-
12	eral share; and
13	(D) for which the applicant has received a
14	decision on a first appeal.
15	(b) Procedures.—
16	(1) In general.—Not later than 180 days
17	after the date of enactment of this section, and in
18	order to facilitate an efficient recovery from major
19	disasters, the Administrator shall establish proce-
20	dures under which an applicant may request the use
21	of alternative dispute resolution, including arbitra-
22	tion by an independent review panel, to resolve dis-
23	putes relating to eligible assistance.

1	(2) BINDING EFFECT.—A decision by an inde-
2	pendent review panel under this section shall be
3	binding upon the parties to the dispute.
4	(3) Considerations.—The procedures estab-
5	lished under this section shall—
6	(A) allow a party of a dispute relating to
7	eligible assistance to request an independent re-
8	view panel for the review;
9	(B) require a party requesting an inde-
10	pendent review panel as described in subpara-
11	graph (A) to agree to forgo rights to any fur-
12	ther appeal of the dispute relating to any eligi-
13	ble assistance;
14	(C) require that the sponsor of an inde-
15	pendent review panel for any alternative dispute
16	resolution under this section be—
17	(i) an individual or entity unaffiliated
18	with the dispute (which may include a
19	Federal agency, an administrative law
20	judge, or a reemployed annuitant who was
21	an employee of the Federal Government)
22	selected by the Administrator; and
23	(ii) responsible for identifying and
24	maintaining an adequate number of inde-

1	pendent experts qualified to review and re-
2	solve disputes under this section;
3	(D) require an independent review panel
4	to—
5	(i) resolve any remaining disputed
6	issue in accordance with all applicable
7	laws, regulations, and Agency interpreta-
8	tions of those laws through its published
9	policies and guidance;
10	(ii) consider only evidence contained
11	in the administrative record, as it existed
12	at the time at which the Agency made its
13	initial decision;
14	(iii) only set aside a decision of the
15	Agency found to be arbitrary, capricious,
16	an abuse of discretion, or otherwise not in
17	accordance with law; and
18	(iv) in the case of a finding of mate-
19	rial fact adverse to the claimant made on
20	first appeal, only set aside or reverse such
21	finding if the finding is clearly erroneous.
22	(E) require an independent review panel to
23	expeditiously issue a written decision for any al-
24	ternative dispute resolution under this section;
25	and

1	(F) direct that if an independent review
2	panel for any alternative dispute resolution
3	under this section determines that the basis
4	upon which a party submits a request for alter-
5	native dispute resolution is frivolous, the inde-
6	pendent review panel shall direct the party to
7	pay the reasonable costs to the Federal Emer-
8	gency Management Agency relating to the re-
9	view by the independent review panel. Any
10	funds received by the Federal Emergency Man-
11	agement Agency under the authority of this sec-
12	tion shall be deposited to the credit of the ap-
13	propriation or appropriations available for the
14	eligible assistance in dispute on the date on
15	which the funds are received.
16	(c) Sunset.—A request for review by an independent
17	review panel under this section may not be made after De-
18	cember 31, 2015.
19	(d) Report.—
20	(1) In general.—Not later than 270 days
21	after the termination of authority under this section
22	under subsection (c), the Comptroller General of the
23	United States shall submit to the Committee on
24	Homeland Security and Governmental Affairs of the
25	Senate and the Committee on Transportation and

1	Infrastructure of the House of Representatives a re-
2	port analyzing the effectiveness of the program
3	under this section.
4	(2) Contents.—The report submitted under
5	paragraph (1) shall include—
6	(A) a determination of the availability of
7	data required to complete the report;
8	(B) an assessment of the effectiveness of
9	the program under this section, including an as-
10	sessment of whether the program expedited or
11	delayed the disaster recovery process;
12	(C) an assessment of whether the program
13	increased or decreased costs to administer sec-
14	tion 403, 406, or 407 of the Robert T. Stafford
15	Disaster Relief and Emergency Assistance Act;
16	(D) an assessment of the procedures and
17	safeguards that the independent review panels
18	established to ensure objectivity and accuracy,
19	and the extent to which they followed those pro-
20	cedures and safeguards;
21	(E) a recommendation as to whether any
22	aspect of the program under this section should
23	be made a permanent authority; and
24	(F) recommendations for any modifications
25	to the authority or the administration of the

	19
1	authority under this section in order to improve
2	the disaster recovery process.
3	SEC. 6. UNIFIED FEDERAL REVIEW.
4	Title IV of the Robert T. Stafford Disaster Relief and
5	Emergency Assistance Act (as amended by this Act) is
6	further amended by adding at the end the following:
7	"SEC. 429. UNIFIED FEDERAL REVIEW.
8	"(a) In General.—Not later than 18 months after
9	the date of enactment of this section, and in consultation
10	with the Council on Environmental Quality and the Advi-
11	sory Council on Historic Preservation, the President shall
12	establish an expedited and unified interagency review
13	process to ensure compliance with environmental and his-
14	toric requirements under Federal law relating to disaster
15	recovery projects, in order to expedite the recovery proc-
16	ess, consistent with applicable law.
17	"(b) Contents.—The review process established
18	under this section shall include mechanisms to expedi-
19	tiously address delays that may occur during the recovery
20	from a major disaster and be updated, as appropriate,
21	consistent with applicable law.".
22	SEC. 7. SIMPLIFIED PROCEDURES.
23	Section 422 of the Robert T. Stafford Disaster Relief
24	and Emergency Assistance Act (42 U.S.C. 5189) is

25 amended—

1	(1) by striking "If the Federal estimate" and
2	inserting "(a) In General.—If the Federal esti-
3	mate";
4	(2) by inserting "(or, if the Administrator has
5	established a threshold under subsection (b), the
6	amount established under subsection (b))" after
7	"\$35,000" the first place it appears;
8	(3) by inserting "or, if applicable, the amount
9	established under subsection (b)," after "\$35,000
10	amount" the second place it appears; and
11	(4) by adding at the end the following:
12	"(b) Threshold.—
13	"(1) Report.—Not later than 1 year after the
14	date of enactment of this subsection, the President,
15	acting through the Administrator of the Federal
16	Emergency Management Agency (in this section re-
17	ferred to as the 'Administrator'), shall—
18	"(A) complete an analysis to determine
19	whether an increase in the threshold for eligi-
20	bility under subsection (a) is appropriate, which
21	shall include consideration of cost-effectiveness,
22	speed of recovery, capacity of grantees, past
23	performance, and accountability measures; and
24	"(B) submit to the Committee on Trans-
25	portation and Infrastructure of the House of

1	Representatives and the Committee on Home-
2	land Security and Governmental Affairs of the
3	Senate a report regarding the analysis con-
4	ducted under subparagraph (A).
5	"(2) Amount.—After the Administrator sub-
6	mits the report required under paragraph (1), the
7	President shall direct the Administrator to—
8	"(A) immediately establish a threshold for
9	eligibility under this section in an appropriate
10	amount, without regard to chapter 5 of title 5,
11	United States Code; and
12	"(B) adjust the threshold annually to re-
13	flect changes in the Consumer Price Index for
14	all Urban Consumers published by the Depart-
15	ment of Labor.
16	"(3) Review.—Not later than 3 years after the
17	date on which the Administrator establishes a
18	threshold under paragraph (2), and every 3 years
19	thereafter, the President, acting through the Admin-
20	istrator, shall review the threshold for eligibility
21	under this section.".
22	SEC. 8. ESSENTIAL ASSISTANCE.
23	(a) Other Needs Assistance.—Section 408(e)(1)
24	of the Robert T. Stafford Disaster Relief and Emergency
25	Assistance Act (42 U.S.C. 5174(e)(1)) is amended—

1	(1) in the paragraph heading by inserting
2	"CHILD CARE," after "DENTAL,"; and
3	(2) by inserting "child care," after "dental,".
4	(b) Salaries and Benefits.—Section 403 of the
5	Robert T. Stafford Disaster Relief and Emergency Assist-
6	ance Act (42 U.S.C. 5170b) is amended by adding at the
7	end the following:
8	"(d) Salaries and Benefits.—
9	"(1) In general.—If the President declares a
10	major disaster or emergency for an area within the
11	jurisdiction of a State, tribal, or local government,
12	the President may reimburse the State, tribal, or
13	local government for costs relating to—
14	"(A) basic pay and benefits for permanent
15	employees of the State, tribal, or local govern-
16	ment conducting emergency protective measures
17	under this section, if—
18	"(i) the work is not typically per-
19	formed by the employees; and
20	"(ii) the type of work may otherwise
21	be carried out by contract or agreement
22	with private organizations, firms, or indi-
23	viduals.; or
24	"(B) overtime and hazardous duty com-
25	pensation for permanent employees of the

1	State, tribal, or local government conducting
2	emergency protective measures under this sec-
3	tion.
4	"(2) Overtime.—The guidelines for reimburse-
5	ment for costs under paragraph (1) shall ensure that
6	no State, tribal, or local government is denied reim-
7	bursement for overtime payments that are required
8	pursuant to the Fair Labor Standards Act of 1938
9	(29 U.S.C. 201 et seq.).
10	"(3) No effect on mutual aid pacts.—
11	Nothing in this subsection shall affect the ability of
12	the President to reimburse labor force expenses pro-
13	vided pursuant to an authorized mutual aid pact.".
14	SEC. 9. INDIVIDUAL ASSISTANCE FACTORS.
15	In order to provide more objective criteria for evalu-
16	ating the need for assistance to individuals, to clarify the
17	threshold for eligibility and to speed a declaration of a
18	major disaster or emergency under the Robert T. Stafford
19	Disaster Relief and Emergency Assistance Act (42 U.S.C.
20	5121 et seq.), not later than 1 year after the date of enact-
21	ment of this Act, the Administrator of the Federal Emer-
22	gency Management Agency, in cooperation with represent-
23	atives of State, tribal, and local emergency management
24	agencies, shall review, update, and revise through rule-
25	making the factors considered under section 206.48 of

1	title 44, Code of Federal Regulations (including section
2	206.48(b)(2) of such title relating to trauma and the spe-
3	cific conditions or losses that contribute to trauma), to
4	measure the severity, magnitude, and impact of a disaster.
5	SEC. 10. TRIBAL REQUESTS FOR A MAJOR DISASTER OR
6	EMERGENCY DECLARATION UNDER THE
7	STAFFORD ACT.
8	(a) Major Disaster Requests.—Section 401 of
9	the Robert T. Stafford Disaster Relief and Emergency As-
10	sistance Act (42 U.S.C. 5170) is amended—
11	(1) by striking "All requests for a declaration"
12	and inserting "(a) In General.—All requests for a
13	declaration"; and
14	(2) by adding at the end the following:
15	"(b) Indian Tribal Government Requests.—
16	"(1) In General.—The Chief Executive of an
17	affected Indian tribal government may submit a re-
18	quest for a declaration by the President that a
19	major disaster exists consistent with the require-
20	ments of subsection (a).
21	"(2) References.—In implementing assist-
22	ance authorized by the President under this Act in
23	response to a request of the Chief Executive of an
24	affected Indian tribal government for a major dis-
25	aster declaration, any reference in this title or title

1	III (except sections 310 and 326) to a State or the
2	Governor of a State is deemed to refer to an affected
3	Indian tribal government or the Chief Executive of
4	an affected Indian tribal government, as appro-
5	priate.
6	"(3) Savings Provision.—Nothing in this sub-
7	section shall prohibit an Indian tribal government
8	from receiving assistance under this title through a
9	declaration made by the President at the request of
10	a State under subsection (a) if the President does
11	not make a declaration under this subsection for the
12	same incident.
13	"(c) Cost Share Adjustments for Indian Trib-
14	AL GOVERNMENTS.—
15	"(1) In general.—In providing assistance to
16	an Indian tribal government under this title, the
17	President may waive or adjust any payment of a
18	non-Federal contribution with respect to the assist-
19	ance if—
20	"(A) the President has the authority to
21	waive or adjust the payment under another pro-
22	vision of this title; and
23	"(B) the President determines that the
24	waiver or adjustment is necessary and appro-
25	priate.

1	"(2) Criteria for making determina-
2	TIONS.—The President shall establish criteria for
3	making determinations under paragraph (1)(B).".
4	(b) Emergency Requests.—Section 501 of the
5	Robert T. Stafford Disaster Relief and Emergency Assist-
6	ance Act (42 U.S.C. 5191) is amended by adding at the
7	end the following:
8	"(c) Indian Tribal Government Requests.—
9	"(1) IN GENERAL.—The Chief Executive of an
10	affected Indian tribal government may submit a re-
11	quest for a declaration by the President that an
12	emergency exists consistent with the requirements of
13	subsection (a).
14	"(2) References.—In implementing assist-
15	ance authorized by the President under this title in
16	response to a request of the Chief Executive of an
17	affected Indian tribal government for an emergency
18	declaration, any reference in this title or title III
19	(except sections 310 and 326) to a State or the Gov-
20	ernor of a State is deemed to refer to an affected
21	Indian tribal government or the Chief Executive of
22	an affected Indian tribal government, as appro-
23	priate.
24	"(3) Savings Provision.—Nothing in this sub-
25	section shall prohibit an Indian tribal government

1	from receiving assistance under this title through a
2	declaration made by the President at the request of
3	a State under subsection (a) if the President does
4	not make a declaration under this subsection for the
5	same incident.".
6	(c) Definitions.—Section 102 of the Robert T.
7	Stafford Disaster Relief and Emergency Assistance Act
8	(42 U.S.C. 5122) is amended—
9	(1) in paragraph (7)(B) by striking "; and" and
10	inserting ", that is not an Indian tribal government
11	as defined in paragraph (6); and";
12	(2) by redesignating paragraphs (6) through
13	(10) as paragraphs (7) through (11), respectively;
14	(3) by inserting after paragraph (5) the fol-
15	lowing:
16	"(6) Indian tribal government.—The term
17	'Indian tribal government' means the governing body
18	of any Indian or Alaska Native tribe, band, nation,
19	pueblo, village, or community that the Secretary of
20	the Interior acknowledges to exist as an Indian tribe
21	under the Federally Recognized Indian Tribe List
22	Act of 1994 (25 U.S.C. 479a et seq.)."; and
23	(4) by adding at the end the following:
24	"(12) Chief executive.—The term 'Chief Ex-
25	ecutive' means the person who is the Chief. Chair-

1	man, Governor, President, or similar executive offi-
2	cial of an Indian tribal government.".
3	(d) References.—Title I of the Robert T. Stafford
4	Disaster Relief and Emergency Assistance Act (42 U.S.C
5	5121 et seq.) is amended by adding after section 102 the
6	following:
7	"SEC. 103. REFERENCES.
8	"Except as otherwise specifically provided, any ref-
9	erence in this Act to 'State and local', 'State or local'
10	'State, and local', 'State, or local', or 'State, local' (includ-
11	ing plurals) with respect to governments or officials and
12	any reference to a 'local government' in sections 406(d)(3)
13	and 417 is deemed to refer also to Indian tribal govern-
14	ments and officials, as appropriate.".
15	(e) Regulations.—
16	(1) Issuance.—The President shall issue regu-
17	lations to carry out the amendments made by this
18	section.
19	(2) Factors.—In issuing the regulations, the
20	President shall consider the unique conditions that
21	affect the general welfare of Indian tribal govern-

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ments.

1	SEC. 11. RECOMMENDATIONS FOR REDUCING COSTS OF
2	FUTURE DISASTERS.
3	(a) Report to Congress.—Not later than 180 days
4	after the date of enactment of this Act, the Administrator
5	of the Federal Emergency Management Agency shall sub-
6	mit to Congress recommendations for the development of
7	a national strategy for reducing future costs, loss of life,
8	and injuries associated with extreme disaster events in vul-
9	nerable areas of the United States.
10	(b) National Strategy.—The national strategy
11	should—
12	(1) respect the constitutional role and respon-
13	sibilities of Federal, State, and local governments
14	and the private sector;
15	(2) consider the vulnerability of the United
16	States to damage from flooding, severe weather
17	events, and other hazards;
18	(3) analyze gaps and duplication of emergency
19	preparedness, response, recovery, and mitigation
20	measures provided by Federal, State, and local enti-
21	ties; and
22	(4) include recommendations on how to improve
23	the resiliency of local communities and States for
24	the purpose of lowering future costs of disaster re-
25	sponse and recovery