

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

6 **SEC. 212. PUBLIC ASSISTANCE PILOT PROGRAM.**

7 (a) PILOT PROGRAM.—

8 (1) IN GENERAL.—The President, acting  
9 through the Administrator of the Federal Emer-  
10 gency Management Agency, and in coordination with  
11 State, Tribal and local governments, and owners or  
12 operators of private non-profit facilities, shall estab-  
13 lish and conduct a pilot program to—

14 (A) reduce the costs to the Government of  
15 providing assistance to States, Tribal and local  
16 governments, and owners or operators of pri-  
17 vate non-profit facilities under section 406 of  
18 the Robert T. Stafford Disaster Relief and  
19 Emergency Assistance Act (42 U.S.C. 5172)  
20 (referred to in this section as the “Act”);

21 (B) increase flexibility in the administra-  
22 tion of section 406 of such Act; and

23 (C) expedite the provision of assistance to  
24 States and local governments provided under  
25 section 406 of the Act.

1           (2) PARTICIPATION.—Only States, Tribal and  
2       local governments, and owners or operators of pri-  
3       vate non-profit facilities that elect to participate in  
4       the pilot program may participate in the pilot pro-  
5       gram for their projects.

6           (3) ADMINISTRATION.—

7                (A) IN GENERAL.—For the purposes of the  
8       pilot program, the Administrator shall establish  
9       new procedures to administer assistance pro-  
10      vided under section 406 of the Act.

11              (B) NEW PROCEDURES.—The new proce-  
12      dures established under subparagraph (A) shall  
13      include—

14                   (i) making grants on the basis of esti-  
15      mates agreed to by the State, Tribal or  
16      local government, or owner or operator of  
17      a private non-profit facility and the Ad-  
18      ministrator to provide financial incentives  
19      and disincentives for the State, Tribal or  
20      local government, or owner or operator of  
21      a private non-profit facility for the timely  
22      and cost effective completion of projects  
23      under section 406 of the Act;

24                   (ii) notwithstanding sections  
25      406(c)(1)(A) and 406(c)(2)(A) of the Act,

1 providing an option for a State, Tribal or  
2 local government, or owner or operator of  
3 a private non-profit facility to elect to re-  
4 ceive an in-lieu contribution, without re-  
5 duction, on the basis of estimates of the  
6 cost of repair, restoration, reconstruction,  
7 or replacement of a public facility owned or  
8 controlled by the State or local government  
9 and of management expenses;

10 (iii) consolidating, to the extent deter-  
11 mined appropriate by the Administrator,  
12 the facilities of a State, local government,  
13 or owner operator of a private nonprofit  
14 facility as a single project based upon the  
15 estimates established under the pilot proce-  
16 dures; and

17 (iv) notwithstanding any other provi-  
18 sion of law, if the actual costs of a project  
19 completed under the pilot procedures are  
20 less than the estimated costs thereof, the  
21 Administrator may permit a grantee or sub  
22 grantee to use all or part of the excess  
23 funds for cost effective activities that re-  
24 duce the risk of future damage, hardship,  
25 or suffering from a major disaster.

1           (4) WAIVER.—The Administrator may waive  
2       such regulations or rules applicable to the provisions  
3       of assistance in section 406 of the Act as the Ad-  
4       ministrator determines are necessary to carry out  
5       the pilot program under this section.

6       (b) REPORT.—

7           (1) IN GENERAL.—Not later than October 31,  
8       2015, the Administration shall submit to the Com-  
9       mittee on Transportation and Infrastructure of the  
10      House of Representatives and the Committee on  
11      Homeland Security and Governmental Affairs of the  
12      Senate a report regarding the effectiveness of the  
13      pilot program under this section.

14          (2) CONTENTS.—The report submitted under  
15      paragraph (1) shall include—

16              (A) an assessment by the Administrator of  
17      any administrative or financial benefits of the  
18      pilot program;

19              (B) an assessment by the Administrator of  
20      the effect, including any savings in time and  
21      cost, of the pilot program;

22              (C) any other findings and conclusions of  
23      the Administration with respect to the pilot pro-  
24      gram; and



1 (D) any recommendations of the Adminis-  
2 trator for additional authority to continue or  
3 make permanent the pilot program.

4 (c) **DEADLINE FOR INITIATION OF IMPLEMENTA-**  
5 **TION.**—Not later than 90 days after the date of enactment  
6 of this Act, the Administrator shall begin implementation  
7 of the pilot program under this section.

8 (d) **PILOT PROGRAM DURATION.**—The Administrator  
9 may not approve a project under the pilot program under  
10 this section after December 31, 2014.

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11 **SEC. 213. PUBLIC ASSISTANCE DEBRIS REMOVAL PROCE-**  
12 **DURES.**

13 (a) **IN GENERAL.**—The President, acting through the  
14 Administrator of the Federal Emergency Management  
15 Agency, shall establish new procedures to administer as-  
16 sistance for debris and wreckage removal provided under  
17 sections 403(a)(3)(A), 407, and 502(a)(5) of the Robert  
18 T. Stafford Disaster Relief and Emergency Assistance Act  
19 (42 U.S.C. 5170b(a)(3)(A), 5173, and 5192(a)(5)).

20 (b) **NEW PROCEDURES.**—The new procedures estab-  
21 lished under paragraph (a) may include—

22 (1) making grants on the basis of fixed esti-  
23 mates to provide financial incentives and disincen-  
24 tives for the timely or cost effective completion of  
25 projects under sections 403(a)(3)(A), 407, and

1       502(a)(5) of such Act if the State, local government,  
2       or owner or operator of the private non-profit facility  
3       agrees to be responsible to pay for any actual costs  
4       that exceed the estimate;

5           (2) using a sliding scale for the Federal share  
6       for removal of debris and wreckage based on the  
7       time it takes to complete debris and wreckage re-  
8       moval;

9           (3) allowing utilization of program income from  
10      recycled debris without offset to grant amount;

11          (4) reimbursing base and overtime wages for  
12      employees and extra hires of a State, local govern-  
13      ment, or owner or operator of a private non-profit  
14      facility performing or administering debris and  
15      wreckage removal; and

16          (5) notwithstanding any other provision of law,  
17      if the actual costs of projects under subparagraph  
18      (b)(1) are less than the estimated costs thereof, the  
19      Administrator may permit a grantee or sub grantee  
20      to use all or part of the excess funds for any of the  
21      following purposes:

22           (A) Debris management planning.

23           (B) Acquisition of debris management  
24      equipment for current or future use.

1 (C) Other activities to improve future de-  
2 bris removal operations, as determined by the  
3 Administrator.

4 **SEC. 214. USE OF FUNDS.**

5 Unless otherwise specified in this Act, the Adminis-  
6 trator of the Federal Emergency Management Agency  
7 shall use amounts authorized pursuant to section 699 of  
8 the Post-Katrina Emergency Management Reform Act of  
9 2006 (6 U.S.C. 811) for reviews, reports, and studies in-  
10 cluded in this Act.

11 **SEC. 215. TECHNICAL CORRECTION.**

12 Section 202(c) of the Robert T. Stafford Disaster Re-  
13 lief and Emergency Assistance Act (42 U.S.C. 5132(c))  
14 is amended by striking “section 611(c)” and inserting  
15 “section 611(d)”.

16 **SEC. 216. NATIONAL DAM SAFETY PROGRAM ACT REAU-**  
17 **THORIZATION.**

18 (a) **SHORT TITLE.**—This section may be cited as the  
19 “Dam Safety Act of 2012”.

20 (b) **PURPOSE.**—The purpose of this section is to re-  
21 duce the risks to life and property from dam failure in  
22 the United States through the reauthorization of an effec-  
23 tive national dam safety program that brings together the  
24 expertise and resources of Federal and non-Federal com-