

tion, and (E) such other factors as the President shall prescribe: Provided, That the President may reallocate the excess of any allocation not utilized by a State in an approvable plan submitted hereunder: Provided further, That amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth herein: Provided, further, That every State that complies with this section shall be eligible under this section for a minimum contribution of \$50,000, subject to the availability of appropriations.

"(4) Failure to submit plan; reallocation.--If a State fails to submit an approvable plan as required by this section within sixty days after the President notifies the States of the allocations hereunder, the President may reallocate such funds, or portions thereof, among the other States in such amounts as, in the President's judgment, will best assure the adequate development of the emergency management capability of the Nation.

"(d) Financial aid to States for emergency management activities--The President is authorized to grant financial assistance, on the basis of approved programs or projects, to the States for emergency management purposes, including, but not limited to, procurement, construction, leasing, or renovating of materials and facilities. Such assistance shall be made on such terms or conditions as the President shall prescribe, including,

1 but not limited to, the method of purchase, the quantity, quality,
2 or specifications of the materials or facilities, and such other
3 factors or care or treatment to assure the uniformity, availabili-
4 ty, and good condition of such materials or facilities: Provided,
5 That no assistance shall be granted for the procurement of land:
6 Provided further, That no assistance shall be granted for the
7 purchase of personal equipment for State or local emergency
8 management workers: Provided further, That the amounts authorized
9 to be granted by the President to each State for organizational
10 equipment shall be equally matched by such State from any source it
11 determines is consistent with its laws: Provided further, That the
12 value of any land contributed by any State or political subdivision
13 thereof shall be excluded from the computation of the State share:
14 Provided further, That the amounts paid to any State under this
15 subsection shall be expended solely in carrying out the purposes
16 set forth herein and in accordance with State emergency management
17 programs or projects approved by the President: Provided further,
18 That the President shall grant no assistance toward the cost of any
19 program or project for the procurement, construction, or leasing of
20 any facility that (1) is intended for use, in whole or in part, for
21 any purpose other than emergency management and (2) is of such kind
22 that upon completion it will, in the President's judgment, be
23 capable of producing sufficient revenue to provide reasonable
24 assurance of the retirement or repayment of such cost, except that
25 (subject to the foregoing provisos of this subsection) the

1 President may assist any State toward that portion of the cost of
2 the construction, reconstruction, or enlargement of any facility
3 that the President shall determine to be directly attributable to
4 the incorporation in such facility of any feature of construction
5 or design not necessary for the principal intended purpose thereof
6 but that is, in the President's judgment, necessary for the use of
7 such facility for emergency management purposes: Provided further,
8 That all laborers and mechanics employed by contractors or
9 subcontractors in the performance of construction work financed
10 with the assistance of any Federal funds granted by the President
11 under the provisions of this section shall be paid wages at rates
12 not less than those prevailing on similar construction in the
13 locality as determined by the Secretary of Labor in accordance with
14 the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and every
15 such employee shall receive compensation at a rate not less than
16 one and one-half times the employee's basic rate of pay for all
17 hours worked in any workweek in excess of eight hours in any
18 workday or forty hours in the workweek, as the case may be. The
19 President shall grant no Federal funds without first obtaining
20 adequate assurance that these labor standards will be maintained
21 upon the construction work. The Secretary of Labor shall have,
22 with respect to the labor standards specified in this proviso, the
23 authority and functions set forth in section 2 of the Act of June
24 13, 1934, as amended, 48 Stat. 948, as amended, 40 U.S.C. 276c.

25 "(e) Financial aid to States for hazard mitigation--The

1 President is authorized to make annual grants to States to fund
2 State and local government hazard mitigation activities. The
3 amount of funding for such grants shall be limited to ten percent
4 of the aggregate amount of annual appropriations to the President's
5 Disaster Relief Fund in any given year, and, in the President's
6 discretion, shall be distributed to States under criteria for
7 reduction of damages from future disasters. All projects funded
8 under this grant program shall be cost-effective, shall be
9 consistent with the plans developed under section 201(c), and shall
10 be not less than one-half of the approved grant.

11 "(f) National hazard mitigation strategy--The President shall
12 incorporate the standards, criteria, and incentives established or
13 provided under section 404(b) [42 U.S.C. 5170c(b)] into a national
14 hazard mitigation strategy for the long-term prevention, reduction,
15 or mitigation of risk from natural and other disasters. The
16 President shall solicit and incorporate to the extent practicable
17 the views of States and other interested parties in the development
18 of the national hazard mitigation strategy. The national hazard
19 mitigation strategy may be used in lieu of the hazard evaluation
20 required by section 409 [42 U.S.C. 5175] of this Act, as a basis
21 for awarding hazard mitigation grants under this section.

22 "(g) Interstate mutual aid agreements--The President is
23 authorized to assist and encourage the States to negotiate and
24 enter into interstate emergency management mutual aid agreements;
25 review the terms and conditions of such proposed mutual aid

1 agreements in order to assist to the extent feasible in obtaining
2 uniformity therein and consistency with federal response plans and
3 programs; assist and coordinate the activities thereunder; aid
4 and assist in encouraging reciprocal emergency management legisla-
5 tion by the States that will permit the furnishing of mutual aid in
6 the event of an emergency or major disaster that cannot be
7 adequately met or controlled by a State or political subdivision
8 thereof threatened with or undergoing an emergency or major
9 disaster.

10 "(h) Acquisition of necessary materials and facilities--The
11 President is authorized to procure, construct, lease, transport,
12 store, maintain, renovate or sell, lend, or donate materials and
13 facilities for emergency management, with the right to take
14 immediate possession thereof: Provided, That facilities acquired
15 by purchase, donation, or other means of transfer may be occupied,
16 used, and improved for the purposes of this Act, prior to the
17 approval of title by the Attorney General as required by section
18 355 of the Revised Statutes, as amended (40 U.S.C. 255): Provided
19 further, That the President is authorized to lease real property
20 required for the purpose of carrying out the provisions of this
21 subsection, but shall not acquire fee title to property unless
22 specifically authorized by Act of Congress: Provided further, That
23 the President is authorized to procure and maintain equipment,
24 supplies, and materials, and to sell, lend, or donate the same to
25 the States for emergency management purposes, under such terms and

1 conditions as the President shall prescribe.

2 "(i) Acceptance, sale, and disposition of surplus property--

3 "(1) Notwithstanding any other provisions of law, the
4 President may accept gifts of equipment, supplies, materials,
5 and facilities; and may utilize or sell, lend, or donate same
6 for emergency management purposes under the provisions of this
7 Act.

8 "(2) The President is authorized to sell, donate, or loan
9 to State and local governments, or to transfer to other
10 Federal departments and agencies, Federal equipment, supplies,
11 materials, and facilities the President finds unnecessary or
12 unsuitable for emergency management purposes, notwithstanding
13 any other provisions of law. Any funds received as proceeds
14 from the sale or other disposition of such equipment,
15 supplies, materials, and facilities shall be paid into the
16 Disaster Relief Fund.

17 "(j) Training programs; establishment of a college and
18 technical training schools--The President is authorized to conduct
19 or arrange, by contract or otherwise, for training programs for the
20 instruction of emergency management officials and other persons in
21 the organization, operation, and techniques of emergency
22 management; conduct or operate schools or classes, including the
23 payment of travel expenses, in accordance with the Travel Expense
24 Act of 1949, as amended, and the Standardized Government Travel
25 Regulations, and per diem allowances, in lieu of subsistence for

1 trainees in attendance or the furnishing of subsistence and
2 quarters for trainees and instructors on terms prescribed by the
3 President; and provide instructors and training aids as deemed
4 necessary: Provided, That the terms prescribed by the President
5 for the payment of travel expenses and per diem allowances
6 authorized by this subsection shall include a provision that such
7 payment shall be not less than one-half of the total cost of such
8 expenses: Provided further, That emergency management colleges and
9 emergency management technical training schools may be established
10 under the authority of this subsection.

11 "(k) Mutual emergency management aid--The President shall give
12 all practicable assistance to States in arranging, through the
13 Department of State, mutual emergency management aid between and
14 among the States and neighboring countries.

15 "(l) Expenditure of funds--If the President finds, after
16 reasonable notice and opportunity for hearing to the State, or
17 other person, that there is a failure to expend funds in accordance
18 with the regulations, terms, and conditions established under this
19 title for approved plans, programs, or projects, the President is
20 authorized to notify such State or person that further payments
21 will not be made to the State or person from appropriations under
22 this title (or from funds otherwise available for the purposes of
23 this title for any approved plan, program, or project with respect
24 to that there is such failure to comply) until the President is
25 satisfied that there will no longer be any such failure. Until so

1 satisfied, the President shall either withhold the payment of any
2 financial contribution to such State or person, or limit payments
3 to those programs or projects with respect to which there is
4 substantial compliance with the regulations, terms, and conditions
5 governing plans, programs, or projects hereunder: Provided, That
6 'person' as used in this section, means the political subdivision
7 of any State or combination or group thereof; or any person,
8 corporation, association, or other entity of any nature whatsoever,
9 including, but not limited to, instrumentalities of States and
10 political subdivisions."

11 **SEC. 7. DISASTER WARNINGS.**

12 Section 202(c) of the Robert T. Stafford Disaster Relief and
13 Emergency Assistance Act, as amended, 42 U.S.C. 5132(c), is amended
14 by striking "the facilities of the civil defense communications
15 system established and maintained pursuant to section 201(c) of the
16 Federal Civil Defense Act of 1950, as amended (50 U.S.C. App.
17 2281(c)), or", and by striking "other" between "any" and "Federal".

18 **SEC. 8. NATIONAL EMERGENCIES; AUTHORIZATION OF APPROPRIATIONS.**

19 The Robert T. Stafford Disaster Relief and Emergency
20 Assistance Act, as amended, 42 U.S.C. 5121 et seq., is amended by
21 adding new sections 203 and 204, as follows--

22 **"SEC. 203. NATIONAL EMERGENCIES**

23 "(a) All authority vested in the President or delegated by
24 the President pursuant to this Act may be utilized in any

25 "(1) national emergency subject to the National

Emergencies Act, as amended, or

"(2) major disaster or emergency that seriously degrades or threatens the national security of the United States.

"(b) The President is authorized to make available to State and local governments, for the purposes of this Act, communications systems of the Federal Government.

"SEC. 204. AUTHORIZATION OF APPROPRIATIONS

"There are authorized to be appropriated to the Director, to carry out this title, \$000,000,000 for the fiscal year ending September 30, 1995, and \$000,000,000 for the fiscal year ending September 30, 1996."

SEC. 9. WAIVER OF ADMINISTRATIVE CONDITIONS

Section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5141, is amended--

(a) by striking "a" between "for" and "major", and inserting "an emergency or"; and

(b) by inserting "emergency or" between "result of the" and "major disaster".

SEC. 10. COORDINATING OFFICERS

Section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5143, is amended--

(a) by striking subsection (a) and inserting--

"(a) The President is authorized to appoint a Federal coordinating officer in anticipation of the occurrence of a major disaster or emergency, and immediately upon the President's

1 declaration of a major disaster or emergency the President shall
2 appoint a Federal coordinating officer to operate in the affected
3 area.";

4 (b) by striking paragraph (b)(1) and inserting new paragraph
5 (b)(1), as follows--

6 "(1) make (A) a damage assessment in conjunction with
7 State and local governments affected, where practicable, and
8 (B) an initial appraisal of the types of relief most urgently
9 needed;"

10 (c) in paragraph (b)(3) by striking "his" and inserting "the
11 Federal coordinating officer's";

12 (d) by renumbering paragraph (b)(4) as (b)(5), by striking
13 the paragraph, and by inserting new paragraph (b)(5), as
14 renumbered, as follows--

15 "(5) take such other action, consistent with authority
16 delegated by the President, and consistent with the provisions
17 of this Act, including pre-declaration deployment of Federal
18 personnel and resources, as the Federal coordinating officer
19 may deem necessary to assist local citizens and public
20 officials in promptly obtaining assistance to which they are
21 entitled."

22 (e) by inserting new paragraph (b)(4), as follows--

23 "(4) carry out public information and community relations
24 activities that inform disaster victims, government officials,
25 business and other affected groups and individuals about the

1 federal disaster assistance available in a major disaster or
2 emergency and the means for obtaining such assistance."; and
3 (f) in section 302(c) by striking "he" and inserting "the
4 President".

5 SEC. 11. EMERGENCY RESPONSE TEAMS

6 Section 303 of the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act, as amended, 42 U.S.C. 5144, is amended

8 (1) by inserting "threatened or" between "an area" and
9 "affected by"; and

10 (2) by striking "his" and inserting "that officer's"
11 between "carrying out" and "responsibilities".

12 SEC. 12. NONLIABILITY OF FEDERAL GOVERNMENT

13 Section 305 of the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act, as amended, 42 U.S.C. 5149(b), is amended
15 by inserting "an emergency or disaster response or mitigation
16 activity, or" between "perform" and "a discretionary function".

17 SEC. 13. PERFORMANCE OF SERVICES

18 (a) Section 306(a) of the Robert T. Stafford Disaster Relief
19 and Emergency Assistance Act, as amended, 42 U.S.C. 5149(a), is
20 amended by inserting a new sentence at the end of the subsection,
21 as follows: "For purposes of the Federal Tort Claims Act (28
22 U.S.C. 2671 et seq.) and the Federal Employees' Compensation Act (5
23 U.S.C. 8101 et seq.), State or local government employees whose
24 services are accepted and used under the authority of this Act
25 shall be considered Federal employees as defined in those Acts.".

1 (b) Section 306(b) of the Robert T. Stafford Disaster Relief
2 and Emergency Assistance Act, as amended, 42 U.S.C. 5149(b), is
3 amended --

4 (1) by inserting a semicolon after "Code" in paragraph
5 (1), and striking ", governing appointments in competitive
6 service;"

7 (2) by renumbering paragraphs (2) and (3) as (4) and
8 (6), respectively, and inserting new paragraphs (2), (3), and
9 (5) as follows-

10 "(2) to reemploy annuitants, and to fix their
11 compensation, as temporary personnel, who, with respect to any
12 period of service in such position (but not thereafter), shall
13 be exempt from sections 8344 or 8468 of title 5, United States
14 Code, as applicable, and whose service under the authority of
15 this section shall not be creditable service for the purposes
16 of chapter 83 or 84 of title 5, United States Code;

17 "(3) to employ members or former members of uniformed
18 services as temporary personnel, whose retired or retainer pay
19 with respect to any period of service in such position (but
20 not thereafter) shall be exempt from section 5532 of title 5,
21 United States Code;

22 "(5) to employ members of the executive reserve
23 authorized under section 710(e) of the Defense Production Act
24 of 1950 (50 U.S.C. App. 2160(e), in accordance with §
25 308(b)(1), (2), (3), or (4) (42 U.S.C. 5151(b)(1), (2), (3),

or (4)); and".

(3) by striking in paragraph (6), as renumbered, "and" between "travel," and "communications,", and inserting "stockpiling of equipment, materials and supplies, or for other disaster-related purposes," between "communications," and "and for the supervision".

(c) Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5149(b), is amended by inserting new subsection (c), as follows--

"(c) Utilization of services or facilities of volunteers.

"In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any volunteer, State or local government, or of any agency, office, or employee thereof. For purposes of the Federal Tort Claims Act (28 U.S.C. 2671 et seq.) and the Federal Employees' Compensation Act (5 U.S.C. 8101 et seq.), volunteers, or any agency, office or employee thereof, whose services are accepted and used under the authority of this Act shall be considered Federal employees as defined in those Acts."

SEC. 14. NONDISCRIMINATION IN DISASTER ASSISTANCE

Section 308(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5151(b), is amended by striking "he" and inserting "the President".

SEC. 15. INSURANCE

Section 311(a)(2) of the Robert T. Stafford Disaster Relief

1 and Emergency Assistance Act, as amended, 42 U.S.C. 5151(a)(2), is
2 amended by striking "him" and inserting "the President".

3 **SEC. 16. DUPLICATION OF BENEFITS**

4 Section 312 of the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act, as amended, 42 U.S.C. 5155, is amended--

6 (a) by striking paragraphs (a), (b), and (c), and inserting
7 new paragraphs (a) and (b), as follows--

8 **"(a) General prohibition**

9 "The President shall establish such procedures as the
10 President deems appropriate and in the best interests of the
11 Federal Government to avoid duplications of benefits between
12 Federal disaster assistance that is provided under this Act and
13 benefits that are received from other sources.

14 **"(b) Recovery of duplicative benefits**

15 "When the President determines that it is in the best interest
16 of the Federal Government to recover duplicative benefits that are
17 prohibited by subsection (a), recoveries will be accomplished in
18 accordance with chapter 37 of title 31, United States Code,
19 relating to debt collection."; and

20 (b) by redesignating paragraph (d) as paragraph (c).

21 **SEC. 17. AVAILABILITY OF MATERIALS**

22 Section 315 of the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act, as amended, 42 U.S.C. 5158, is amended by
24 striking the comma after "State", and inserting "in the event of an
25 emergency or major disaster," between "State" and "to provide".

SEC. 18. PROTECTION OF ENVIRONMENT

Section 316 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5159, is amended--

(a) by inserting "404," after "403,", and by inserting "(a)" after "406"; and

(b) by striking "including such assistance provided pursuant to the procedures provided for in section 422, which has the effect of restoring a facility substantially to its condition prior to the disaster or emergency," and inserting "or that has the effect of causing a facility to comply with the elevation, substantial improvement, and other requirements of the National Flood Insurance Act of 1968, as amended,".

SEC. 19. RECOVERY OF ASSISTANCE

Section 317(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5160a, is amended--

(a) by inserting "or negligently" between "intentionally" and "causes"; and

(b) by inserting "or negligent" between "intentional" and "act or omission".

SEC. 20. ADVANCE OF NON-FEDERAL SHARE

Section 319(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5162, is amended--

(a) by inserting "or applicant" between "State" and "is responsible";

(b) in paragraph (a)(1) by inserting "or applicant" between

1 "State" and "is unable".

2 **SEC. 21. ISSUANCE OF NOTES; ASSISTANCE IN ANTICIPATION OF A MAJOR**
3 **DISASTER; GIFTS AND SERVICES**

4 Subchapter II of the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act, as amended, 42 U.S.C. 5141 - 5164, is
6 amended by adding new sections 322, 323, and 324 at the end of the
7 subchapter, as follows--

8 **"SEC. 322. ISSUANCE OF NOTES; FORM, TERMS AND CONDITIONS; PURCHASE**
9 **AND SALE BY SECRETARY OF THE TREASURY; PUBLIC DEBT TRANSACTIONS**

10 "(a) The President or the President's delegate is authorized
11 to issue to the Secretary of the Treasury from time to time and
12 have outstanding at any one time, in an amount not exceeding one
13 billion dollars (or such greater amount as may be approved by the
14 President) notes or other obligations in such forms and
15 denominations, bearing such maturities, and subject to such terms
16 and conditions as may be prescribed by the President or the
17 President's delegate, with the approval of the Secretary of the
18 Treasury. Such notes or other obligations shall bear interest at
19 a rate determined by the Secretary of the Treasury, taking into
20 consideration the current average market yield on outstanding
21 marketable obligations of the United States of comparable maturi-
22 ties during the month preceding the issuance of such notes or other
23 obligations. The Secretary of the Treasury is authorized and
24 directed to purchase any notes and other obligations to be issued
25 under this subsection and for such purpose the Secretary is

1 authorized to use as a public debt transaction the proceeds from
2 the sale of any securities issued under chapter 31 of Title 31, and
3 the purposes for which securities may be issued under such chapter
4 are extended to include any purchases of such notes and obliga-
5 tions.

6 "(b) The total amount of notes and obligations that may be
7 issued by the President's delegate pursuant to such authority (1)
8 without the approval of the President, may not exceed one billion
9 dollars, and (2) with the approval of the President, may not exceed
10 two billion dollars. The President's delegate shall report to the
11 Committee on Appropriations of the House of Representatives and the
12 Committee on Appropriations of the Senate at any time when the
13 President's delegate requests the approval of the President in ac-
14 cordance with the preceding sentence.

15 "(c) Any funds borrowed by the President or the President's
16 delegate under this authority shall be deposited from time to time
17 in the Disaster Relief Fund.

18 "(d) The Secretary of the Treasury may at any time sell any
19 of the notes or other obligations acquired by the Secretary under
20 this section. All redemptions, purchases, and sales by the
21 Secretary of the Treasury of such notes or other obligations shall
22 be treated as public debt transactions of the United States.

23 **"SEC. 323. ASSISTANCE IN ANTICIPATION OF A MAJOR DISASTER**

24 "(a) Upon a determination by the President that a major
25 disaster or emergency is imminent, the President is authorized to

1 use Federal departments, agencies, and instrumentalities, their
2 equipment, supplies, materials, facilities, personnel, and all
3 other resources of the Federal Government to avert, lessen, or
4 prepare for the effects of such disaster before its actual
5 occurrence and before the Governor of the affected State makes a
6 request for a major disaster or emergency declaration under section
7 401 [§ 5170] or section 501 [§ 5191] of this Act.

8 "(b) The President is authorized to enter into agreements
9 with States to stipulate the criteria and conditions that may
10 require Federal assistance in anticipation of a major disaster or
11 emergency, including the types of Federal assistance that may be
12 required, and the use of State or local property or facilities
13 needed to support the Federal activities.

14 "(c) The President is authorized to use, lend, or donate to
15 State and local governments Federal equipment, supplies, materials,
16 facilities, personnel, and other resources, other than the
17 extension of credit, for use or distribution by such governments in
18 accordance with the purposes of this Act.

19 "(d) The costs of any Federal assistance provided under this
20 section in anticipation of a major disaster or emergency shall be
21 funded entirely by the Federal Government.

22 "SEC. 324. GIFTS AND SERVICES

23 "(a) Acceptance, sale, and disposition of property

24 "(1) Notwithstanding any other provisions of law, the
25 President or the President's delegate may accept and use

1 bequests, gifts, or donations of money or property, real,
2 personal, or mixed, tangible, or intangible. All sums received
3 under this subsection shall be deposited in a separate fund on
4 the books of the Treasury and shall be available for
5 expenditure upon the certification of the President or
6 delegate. At the request of the President or delegate, the
7 Secretary of the Treasury may invest and reinvest excess
8 monies in the fund. Such investments shall be in public debt
9 securities with maturities suitable for the needs of the fund
10 and shall bear interest at rates determined by the Secretary
11 of the Treasury, taking into consideration current market
12 yields on outstanding marketable obligations of the United
13 States of comparable maturities. The interest on such
14 investments shall be credited to, and form a part of, the
15 fund.

16 "(2) The President is authorized to sell, donate, or loan
17 to State and local governments, or to transfer to other
18 Federal departments and agencies, Federal equipment, supplies,
19 materials, and facilities the President finds unnecessary or
20 unsuitable for emergency management purposes, notwithstanding
21 any other provisions of law. Any funds received as proceeds
22 from the sale or other disposition of such materials and
23 facilities shall be deposited, available for expenditure,
24 invested, reinvested, and credited with any interest earned,
25 as provided in subsection (1).

1 "(b) Gifts of services

2 "In performing any services under this Act, any Federal agency
3 is authorized--

4 "(1) notwithstanding the provisions of any other law, to
5 accept and use gifts of services from voluntary and
6 uncompensated individuals and public or private organizations
7 involving the safety of human life, the protection of
8 property, or other emergency management activities during an
9 emergency or major disaster declared by the President.

10 "(2) Any Federal agency using voluntary and uncompensated
11 personnel under this section may provide transportation,
12 shelter, and subsistence for such persons during the period
13 their services are being used.

14 "(3) Any individual who provides voluntary or
15 contractual service under this section shall not be considered
16 a Federal employee for any purpose other than for purposes of
17 chapter 81 of title 5, United States Code (relating to
18 compensation for injury) and sections 2671 through 2680 of
19 title 28, United States Code (relating to tort claims).".

20 SEC. 22. DISASTER ASSISTANCE FOR CABIN SITES, PARK, AND
21 RECREATIONAL FACILITIES AT WATER RESOURCE DEVELOPMENT PROJECTS.

22 Subchapter II of the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act, as amended, 42 U.S.C. 5141 - 5164, is
24 amended further by adding new section 325 at the end of the
25 subchapter, as follows--

1 "Sec. 325. Disaster assistance for cabin site, park, and
2 recreational facilities at water resource development projects.

3 "No assistance under this Act may be provided to any individual,
4 leaseholder, lessee, or any other legal entity for repair, substan-
5 tial improvement, or reconstruction of structures or facilities
6 damaged by flooding at a site subject to the provisions of section
7 1134(a) - (d) of Pub. L. 99-662, 16 U.S.C. 460d note, or of 16
8 U.S.C. 460d."

9 **SEC. 23. GENERAL FEDERAL ASSISTANCE**

10 Section 402 of the Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act, as amended, 42 U.S.C. 5170a, is amended
12 by striking the semicolon after "efforts", and inserting ", and, in
13 anticipation of a major disaster, to deploy such resources, where
14 practicable, before a request of a Governor under section 401 of
15 this Act;".

16 **SEC. 24. ESSENTIAL ASSISTANCE**

17 Section 403 of the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act, as amended, 42 U.S.C. 5170b, is amended--

19 (a) by striking paragraph (1);

20 (b) by renumbering paragraphs (2) through (4) as paragraphs
21 (1) through (3), respectively;

22 (c) in paragraph (2)(B), as renumbered, by striking
23 "emergency medical care,";

24 (d) in paragraph (2)(H), as renumbered, by striking "and" at
25 the end of the paragraph, and by striking the period at the end

1 paragraph (2)(I) and inserting "; and";

2 (e) in paragraph (2), as renumbered, by inserting new
3 subparagraph (J), as follows--

4 "(J) emergency medical care, and operating expenses of
5 private nonprofit medical facilities.";

6 (f) in paragraph (3), as renumbered, by inserting "(A)"
7 before "Making contributions" and by striking in paragraph (3) "or
8 owners or operators of private nonprofit facilities";

9 (g) in paragraph (3), as renumbered, by inserting new
10 paragraph (B) as follows--

11 "(B) Making contributions to owners or operators of private
12 nonprofit facilities for the purpose of carrying out the provisions
13 of paragraph (2)(I) of this subsection only with respect to their
14 own facilities and the provisions of paragraph (2)(D) only with
15 respect to primary and secondary educational, emergency, medical,
16 and custodial care facilities."

17 (h) by striking paragraph (c)(5); and

18 (i) by renumbering paragraph (c)(6) as paragraph (c)(5).

19 **SEC. 25. HAZARD MITIGATION**

20 Section 404 of the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act, as amended, 42 U.S.C. 5170c, is amended
22 by inserting new subsection (c), as follows--

23 "(c) The President is authorized to publish regulations to
24 establish criteria or standards and to provide incentives for
25 States and local governments to adopt and implement laws, codes,

ordinances, bylaws, regulations, or other measures to prevent or mitigate the effects of major disasters."

SEC. 26. FEDERAL FACILITIES

Section 405 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5171, is amended by striking "he", and inserting "the President".

SEC. 27. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES

Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5172, is amended--

(a) by striking subsection (b), and inserting a new subsection (b), as follows--

"(b) Minimum Federal share

"(1) The Federal share of assistance under sections 403, 406, and 407 shall be adjusted according to actual program costs (Federal and nonfederal) under this Act. Per capita costs shall be calculated by dividing the actual program costs (Federal and nonfederal) under this Act by the total population of the State at the most recent decennial census of the State, but shall not include administrative costs of the disaster. The Federal share of assistance shall be adjusted as follows:

"(A) 75 percent Federal share up to \$10 per capita;

"(B) 80 percent Federal share from \$10.01 to \$50 per capita; and

"(C) 90 percent Federal share above \$50 per capita.

"(2) Credits for actions under incentive programs under

subsection (c) of this section shall not be included in determining per capita costs, but shall be available in addition to the Federal share of assistance under this section.

"(3) Each presidentially-declared major disaster shall be reviewed independently to determine adjustments to the Federal share of assistance, Provided, That where multiple major disasters in any State's fiscal year cumulatively result in expenditures above \$10 per capita, the President may authorize exceptions to paragraphs (b)(1)(A) and (b)(1)(B) of this section for such subsequent major disasters, Provided further, That no exception may be made greater than the Federal share authorized in paragraph (b)(1)(C) of this section."

(b) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(c) by inserting new subsection (c), as follows--

"(c) Credits for actions under incentive programs

"In making contributions to any State or local government or to any private nonprofit organization under paragraph (a) of this section, the President may give credits for actions taken under incentive programs established under title II or title III of this Act, which credits shall adjust the federal share of assistance for a project or group of projects under paragraph (b) of this section.";

(d) by striking "total amount of assistance" in subsection (g)(2), as redesignated above, and inserting "net eligible cost";

1 and

2 (e) by striking "total amount" wherever it appears in
3 subsection (g)(2)(A) through (g)(2)(D), and inserting "net eligible
4 cost".

5 **SEC. 28. DEBRIS REMOVAL**

6 Section 407 of the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act, as amended, 42 U.S.C. 5173, is amended--

8 (a) by striking "he determines it" in section 407(a), and
9 inserting "it is determined"; and

10 (b) in section 407(b) by striking ", in the case of removal
11 of debris or wreckage from private property,".

12 **SEC. 29. GRANTS FOR SERIOUS NEEDS**

13 Section 408 of the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act, as amended, 42 U.S.C. 5174, is amended--

15 (a) by striking section 408 in its entirety; and

16 (b) by inserting new section 408, as follows--

17 **"SEC. 408 GRANTS FOR SERIOUS NEEDS**

18 **"(a) Grants for Serious Needs.**

19 "(1) The President is authorized to provide grants to
20 households adversely affected by a major disaster or emergency
21 to meet disaster-related housing needs, medical and dental
22 expenses, funeral expenses, and to address other serious needs
23 in those cases where such households are unable to meet such
24 needs through insurance proceeds. In addition, the President
25 may make grants under this section to alleviate disaster-

1 related personal property losses and transportation needs that
2 the President determines to be necessary to alleviate hardship
3 and suffering resulting from a major disaster or emergency
4 where such individuals and households are unable to meet such
5 needs through insurance proceeds and are ineligible for Small
6 Business Administration disaster loans.

7 "(2) The President shall promulgate regulations to carry
8 out this section, and such regulations shall include criteria,
9 standards, and procedures for determining eligibility for
10 grants under this section.

11 "(3) No individual or family shall receive a grant of
12 more than \$25,000 under this section with respect to a single
13 major disaster or emergency. Such limit shall be adjusted
14 annually to reflect changes in the Consumer Price Index for
15 all Urban Consumers published by the Department of Labor.

16 "(b) Disaster housing.

17 "(1) The President may provide assistance under this
18 section to respond to disaster-related housing needs of
19 individuals and households who are displaced from their
20 pre-disaster long-term residences or whose pre-disaster long-
21 term residences are rendered uninhabitable as a result of
22 damage caused by a major disaster or emergency. The most
23 appropriate form of disaster housing to be provided to
24 disaster victims shall be determined in the President's
25 discretion based upon considerations of cost effectiveness,

1 convenience to disaster victims, and such other factors as the
2 President may deem appropriate.

3 "(2) The President may provide disaster housing--

4 "(A) by providing financial assistance for use in
5 obtaining alternate housing or for use in repairing or
6 restoring to a habitable condition owner-occupied private
7 residential structures made uninhabitable by a major
8 disaster or emergency; or

9 "(B) by providing disaster housing through use of
10 unoccupied habitable dwellings, suitable rental housing,
11 mobile homes, or other readily-fabricated dwellings by
12 purchase or lease (the fair market value of which shall
13 be calculated in determining the amount of grant
14 assistance that disaster victims receive pursuant to this
15 section, provided that this calculation shall not include
16 the costs of transporting mobile homes or materials for
17 use in constructing readily-fabricated dwellings to
18 disaster sites); or

19 "(C) by constructing, or by providing grants for
20 the purposes of construction of, permanent housing to
21 address disaster-related housing needs where it is
22 neither feasible nor cost-effective to provide disaster
23 housing assistance under paragraphs (A) or (B) of this
24 subsection and where it is not feasible to repair
25 disaster damaged housing.

1 "(3) The President is authorized to construct housing as
2 disaster housing where manufactured housing is neither
3 feasible or cost effective, where no alternative housing
4 resources are available, and where it is not feasible or
5 economical to repair disaster damaged housing. Such housing
6 shall be considered to be decent, safe, and sanitary if it is
7 similar in nature and amenities to the predominant types of
8 housing that existed in the disaster area immediately prior to
9 the disaster.

10 "(4) Any mobile home or other readily-fabricated
11 dwellings provided to disaster victims under this section
12 shall be located on commercial or private sites obtained by
13 the Federal Government whenever it is feasible for the Federal
14 Government to obtain such sites. If group sites must be
15 developed to meet disaster-related housing needs, development
16 of the group sites shall be the responsibility of the affected
17 State.

18 "(5) Disaster housing assistance provided under this
19 section shall continue for no longer than 18 months after the
20 President's major disaster or emergency declaration, unless
21 the President determines that it would be in the public
22 interest to extend this period due to extraordinary
23 circumstances.

24 "(6) Pre-existent Chronic Housing Problems. Disaster
25 housing assistance provided under this section shall not be

1 used to alleviate chronic housing problems, such as a lack of
2 affordable housing, that existed in the disaster area before
3 a major disaster or emergency was declared.

4 "(7) Transfers of Disaster Housing.

5 "(A) Direct Sales to Occupants. Notwithstanding any
6 other provision of law, any disaster housing acquired by
7 purchase may be sold directly to individuals and
8 households who are occupants of disaster housing if such
9 individuals and households need such assistance as
10 permanent housing. Such sales shall be accomplished at
11 prices that are fair and equitable, as determined by the
12 President.

13 "(B) Transfers to States, Local Governments, and
14 Voluntary Organizations. The President may sell or
15 otherwise make available disaster housing units directly
16 to States, other governmental entities, and voluntary
17 organizations. The President shall impose as a condition
18 of transfer under this paragraph a covenant to comply
19 with the provisions of section 308, requiring
20 nondiscrimination in occupancy of such housing units.
21 Such disposition shall be limited to units purchased
22 under the authority of this section and to the purposes
23 of providing disaster housing to disaster victims in
24 emergencies or major disasters for two years after
25 donation by the President. As a condition of such

1 donation, the recipient must agree to obtain and maintain
2 reasonably available all hazard insurance on the donated
3 disaster housing units.

4 "(8) Mitigation. The costs of performing hazard
5 mitigation measures that are necessary to conform to local
6 codes or that the President determines are cost effective and
7 in the public interest are eligible for disaster housing
8 assistance under this subsection. More than one form of
9 disaster housing assistance may be provided to eligible
10 individuals or households when necessary to implement cost
11 effective mitigation initiatives by State and local govern-
12 ments.

13 "(9) Disaster housing assistance may be provided pursuant
14 to this section only to households who are displaced from
15 their long-term residences by a major disaster or emergency.
16 Individuals and households who have no pre-disaster long-term
17 residences or who are not afforded month-to-month tenancy
18 rights under the laws of the State in which the major disaster
19 or emergency occurred shall not be provided disaster housing
20 assistance under this section. Emergency shelter assistance
21 for such individuals and households may be provided pursuant
22 to the authority of paragraph 403(a)(3)(B) of this Act.

23 "(c) Cost Sharing.

24 "(1) The Federal share of assistance under this section
25 shall be 100 percent of the eligible costs of such assistance;

except that the Federal share of assistance under this section for construction and site development costs (including installation of utilities) at a mobile home group site shall be 75 percent of the eligible cost of such assistance, the balance to be paid from funds made available by the affected State.

"(2) The value of assistance provided under this section shall include the fair market value of disaster housing assistance provided pursuant to paragraph (b)(1)(B) of this section.

"(3) All administrative expenses associated with the provision of assistance under this section shall be borne by the Federal Government.

"(d) Federal Administration.

The President shall administer the grant program authorized by this section."

SEC. 30. UNEMPLOYMENT ASSISTANCE

Section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5177(a), is amended--

(a) in the first sentence by striking "he" and inserting "the President";

(b) in the second sentence by inserting after "26 weeks" the phrase "after an individual's eligibility for unemployment benefit assistance begins following the declaration of a";

(c) in the second sentence by striking "the" before "major disaster", by inserting a period after "disaster", and by striking "is declared."; and

(d) in the last sentence by striking "his" and inserting "the President's".

SEC. 31. REPEAL

Section 2281 of Public Law 101-624, 42 U.S.C. 5177a, is repealed.

SEC. 32. INDIVIDUAL AND FAMILY GRANT PROGRAMS

Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5178, is repealed.

SEC. 33. FOOD COUPONS AND DISTRIBUTION

Section 412 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5179, is amended--

(a) by striking "he" wherever it appears in subsections (a) and (b), and inserting "the President";

(b) by striking "he may prescribe" in subsection 412(a), and inserting "may be prescribed"; and

(c) by striking "as he deems" in subsection 412(b), and inserting "deemed".

SEC. 34. RELOCATION ASSISTANCE

Section 414 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5181, is amended--

(a) by inserting "(a)" before "Notwithstanding any other"; and

(b) in subsection (a), as redesignated, insert ", as amended"

1 after "1970" and before "(Pub. L. 91-646)";

2 (c) in subsection (a), as redesignated, strike "his" between
3 "result of" and "being unable,"; and

4 (d) by inserting new subsections (b) and (c), as follows--

5 "(b) The purchase of any real property under a qualified
6 buyout program shall not constitute the making of Federal financial
7 assistance available to pay all or part of the cost of a program or
8 project resulting in the acquisition of real property or in any
9 owner of real property being a displaced person (within the meaning
10 of the Uniform Relocation Assistance and Real Property Acquisition
11 Policies Act of 1970)."

12 "(c) For purposes of this section, the term 'qualified buyout
13 program' means any program that--

14 "(1) provides for the purchase of only property damaged by
15 flooding and purchased solely as a result of such flooding;

16 "(2) provides for such acquisition without the use of the
17 power of eminent domain and notification to the seller that
18 acquisition is without the use of such power;

19 "(3) is carried out by or through a State or a unit of
20 general local government; and

21 "(4) is being assisted with amounts made available for--

22 "(A) disaster relief by the Federal Emergency Management
23 Agency; or

24 "(B) other Federal financial assistance programs."

25 SEC. 35. CRISIS COUNSELING ASSISTANCE AND TRAINING

1 Section 416 of the Robert T. Stafford Disaster Relief and
2 Emergency Assistance Act, as amended, 42 U.S.C. 5183, is amended
3 by--

4 (a) inserting "(a) at the beginning of the section; and

5 (b) inserting new paragraph (b), as follows--

6 "(b) The Federal share of assistance under this section shall
7 be 75 percent of the eligible cost of such assistance. The State
8 or local government receiving assistance under this section shall
9 pay any cost which is not paid from the Federal share."

10 **SEC. 36. COMMUNITY DISASTER PAYMENTS**

11 Section 417 of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act, as amended, 42 U.S.C. 5184, is amended by
13 striking the section in its entirety.

14 **SEC. 37. EMERGENCY COMMUNICATIONS**

15 Section 418 of the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act, as amended, 42 U.S.C. 5185, is amended by
17 striking "he" and inserting "the President".

18 **SEC. 38. TIMBER SALE CONTRACTS**

19 Section 421 of Public Law 93-288, as amended, 42 U.S.C. 5188,
20 is repealed.

21 **SEC. 39. PROCEDURE FOR DECLARATION**

22 Section 501(b) of the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act, as amended, 42 U.S.C. 5191(b), is
24 amended--

25 (a) by striking "him" and inserting "the Presidency"; and

1 (b) by striking "he" and inserting "the President" in the
2 first sentence.

3 **SEC. 40. FEDERAL EMERGENCY ASSISTANCE**

4 Section 502(a)(6) of the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act, as amended, 42 U.S.C. 5192(a)(6), is
6 amended by striking "temporary" and inserting "disaster".

7 **SEC. 41. RULES AND REGULATIONS; REPEAL**

8 Section 601 of the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act, as amended, 42 U.S.C. 5201, is repealed.

UNITED STATES CODE
Title 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 68. DISASTER RELIEF
FINDINGS, DECLARATIONS AND DEFINITIONS

1 § 5121. CONGRESSIONAL FINDINGS AND DECLARATIONS {Sec. 101}

2
3 (a) The Congress hereby finds and declares that--

4
5 (1) because disasters often cause loss of life, human suffering,
6 loss of income, and property loss and damage; and

7
8 (2) because disasters often disrupt the normal functioning of
9 governments and communities, and adversely affect individuals and
10 families with great severity;

11
12 special measures, designed to assist the efforts of the affected
13 States in expediting the rendering of aid, assistance, and
14 emergency services, and the reconstruction and rehabilitation of
15 devastated areas, are necessary.

16
17 (b) It is the intent of the Congress, by this Act, to provide an
18 orderly and continuing means of assistance by the Federal Govern-
19 ment to State and local governments in carrying out their responsi-
20 bilities to alleviate the suffering and damage which result from
21 such disasters by--

22
23 (1) revising and broadening the scope of existing disaster
24 relief programs;

25
26 (2) building and maintaining an all-hazards, domestic emergency
27 management system based on a Federal, State, and local partnership;

28
29 ~~(2)~~ (3) encouraging the development of comprehensive disaster
30 preparedness and assistance plans, training and exercise programs,
31 capabilities, and organizations by the States and by local
32 governments;

33
34 ~~(3)~~ (4) achieving greater coordination and responsiveness of
35 disaster preparedness and relief programs;

36
37 ~~(4)~~ (5) encouraging individuals, States, and local governments
38 to protect themselves by obtaining insurance coverage to supplement
39 or replace governmental assistance;

40
41 ~~(5)~~ (6) encouraging hazard mitigation measures to reduce losses
42 from disasters, including development of land use and construction
43 regulations; and

1 ~~(6)~~ (7) providing Federal assistance programs for both public
2 and private losses sustained in disasters- ; and

3
4 (8) providing for the initiation of federal response and
5 disaster relief assistance in emergencies and major disasters.

6
7 (Pub. L. 93-288, title I, § 101, May 22, 1974, 88 Stat. 143; Nov. 23, 1988, Pub.
8 L. 100-707, title I, § 103(a), 102 Stat. 4689.)

9
10 DELEGATION OF FUNCTIONS

11
12 Functions of the President under the Disaster Relief Acts of 1970 and 1974,
13 with certain exceptions, were delegated to the Director of the Federal Emergency
14 Management Agency, see sections 4-201 and 4-203 of Ex. Ord. No. 12148, July 20,
15 1979, 44 F.R. 43239, set out as a note under section 2251 of title 50 Appendix,
16 War and National Defense.

17
18 REFERENCES TO DISASTER RELIEF ACT OF 1974

19
20 Section 102(b) of title I of Pub. L. 100-707 provided that: "Whenever any
21 reference is made in any law (other than this Act [see Tables for classifica-
22 tion]), regulation, document, rule, record, or other paper of the United States
23 to a section or provision of the Disaster Relief Act of 1974 [former short title
24 of Pub. L. 93-288], such reference shall be deemed to be a reference to such
25 section or provision of the Robert T. Stafford Disaster Relief and Emergency
26 Assistance Act [Pub. L. 93-288, see Short title note above].

27
28 RECOMMENDATIONS CONCERNING IMPROVEMENT OF RELATIONSHIPS
29 AMONG DISASTER MANAGEMENT OFFICIALS

30
31 Section 110 of Pub. L. 100-707 provided that: "Not later than 1 year after the
32 date of the enactment of this Act [Nov. 23, 1988], the President shall recommend
33 to the Congress proposals to improve the operational and fiscal relationships
34 that exist among Federal, State, and local major disaster and emergency
35 management officials. Such proposals should include provisions which--

36
37 "(1) decrease the amount of time for processing requests for major
38 disaster and emergency declarations and providing Federal assistance for
39 major disasters and emergencies;

40
41 "(2) provide for more effective utilization of State and local resources
42 in major disaster and emergency relief efforts; and

43
44 "(3) improve the timeliness of reimbursement of State and local
45 governments after the submission of necessary documentation."

46
47 § 5122. DEFINITIONS

{Sec. 102}

48
49 As used in this chapter--

50
51 (1) EMERGENCY. "Emergency" means any occasion or instance for
52 which, in the determination of the President, Federal assistance is
53 needed to supplement State and local efforts and capabilities to
54 save lives and to protect property and public health and safety, or
55 to lessen or avert the threat of a ~~catastrophe~~ major disaster in
56 any part of the United States.

(2) MAJOR DISASTER. "Major disaster" means any event, ~~natural catastrophe, any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought~~ or, regardless of cause, any fire, flood, or explosion, regardless of cause, in any part of the United States, which in the determination of the President is of such ~~causes damage of sufficient~~ severity and magnitude to warrant major disaster assistance ~~under this Act~~ by the Federal Government to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(3) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and the Trust Territory of the Pacific Islands.

(4) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and the Trust Territory of the Pacific Islands.

(5) "Governor" means the chief executive of any State.

(6) "Local government" means (A) any county, city, village, town, district, or other political subdivision of any State, any Indian tribe or authorized tribal organization, or Alaska Native village or organization, and (B) includes any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by a State.

(7) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, including the United States Postal Service, but shall not include the American National Red Cross.

(8) PUBLIC FACILITY. "Public facility" means the following facilities owned by a State or local government:

(A) Any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility.

(B) Any non-Federal-aid street, road, or highway.

(C) Any other public building, structure, or system, including those used for educational, recreational, or cultural purposes.

(D) Any park.

(9) PRIVATE NONPROFIT FACILITY. "Private nonprofit facility" means a private nonprofit educational, ~~utility,~~ emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled, senior citizen centers, museums, zoos, community centers, libraries, homeless shelters, shelter workshops and facilities that provide health and safety services of a governmental nature)." ~~}, other private nonprofit facilities which provide essential services of a governmental nature to the general public, and facilities on Indian reservations as defined by the President.~~

(10) EMERGENCY MANAGEMENT. "Emergency management" means and includes all those preparedness, response, recovery, and mitigation activities and measures designed or undertaken (1) to prevent, minimize or mitigate the effects upon the population that are caused or that would be caused by an emergency or major disaster, (2) to respond to the immediate conditions that are created or would be created by any such emergency or major disaster, (3) to effectuate emergency repairs to, or the emergency restoration of, vital facilities destroyed or damaged by any such emergency or major disaster, and (4) to facilitate recovery from damages or destruction caused by an emergency or major disaster.

(11) "Current applicable codes, specifications, and standards" means codes, specifications, and standards in force at the time a major disaster is declared, or community-wide mitigation codes that may be adopted and enforced after a major disaster is declared.

(12) "Hazard mitigation" means and includes cost-effective plans, programs, and actions that reduce or prevent loss of life, and injury, damage or destruction of property from a disaster or emergency, whatever the cause. Hazard mitigation includes actions that: reduce the probability of losses from hazard occurrences; reduce the intensity and frequency of the risks associated with hazards; communicate the nature and extent of the risks; evaluate hazards and identify hazard-prone areas; develop and implement standards, criteria, and guidelines for reducing property losses; provide hazard warning and population protection; and provide hazard mitigation research, education, and training.

(13) "Comprehensive exercise program" means and includes any program that provides training of Federal, State, and local government, and private sector personnel; and includes development, testing, use and evaluation of plans and procedures to prepare for,

respond to, recover from, or mitigate any hazard, natural or manmade, whatever the cause.

(Pub. L. 93-288, title I, § 102, May 22, 1974, 88 Stat. 144; Pub. L. 100-707, title I, § 103(b)-(d), (f), Nov. 23, 1988, 102 Stat. 4689, 4690.) (As amended Feb. 24, 1992, Pub. L. 102-247, title II, § 205, 106 Stat. 38.)

AMENDMENTS

1988--Par. (1). Pub. L. 100-707, § 103(b), inserted heading and amended text generally. Prior to amendment, text read as follows: " 'Emergency' means any hurricane, tornado, storm, flood, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster."

Par. (2). Pub. L. 100-707, § 103(c), inserted heading and amended text generally. Prior to amendment, text read as follows: "'Major disaster' means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter, above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby."

Pars. (3), (4). Pub. L. 100-707, § 103(d), struck out "the Canal Zone," after "American Samoa,".

LOCAL GOVERNMENT

Section 103(e) of Pub. L. 100-707 provided that:

"(1) IN GENERAL.--The term 'local government' is deemed to have the same meaning in the Disaster Relief and Emergency Assistance Act [Pub. L. 93-288, see Short title note set out under section 5121 of this title], as amended by this Act [see Short title of 1988 Amendment note set out under section 5121 of this title], as that term had on October 1, 1988, under section 102(6) of the Disaster Relief Act of 1974 [par. (6) of this section] and regulations implementing the Disaster Relief Act of 1974.

"(2) 'TERMINATION OF EFFECTIVENESS.--Paragraph (1) shall not be effective on and after the 90th day after the President transmits to the Committee on Public Works and Transportation of the House of Representatives and to the Committee on Environment and Public Works of the Senate a report which includes an interpretation of the term 'local government' for purposes of the Disaster Relief and Emergency Assistance Act, as amended by this Act."

SUBCHAPTER II--EMERGENCY MANAGEMENT ASSISTANCE

§ 5131. FEDERAL AND STATE EMERGENCY MANAGEMENT PROGRAMS

{Sec. 201}

(a) Utilization of services of other agencies.

1 The President is authorized to establish a program of emergency
2 management that utilizes services of all appropriate agencies and
3 includes--

4
5 (1) preparation and implementation of emergency management plans
6 and programs for mitigation, stockpiling of resources, warning and
7 communications, advance and post-declaration deployment of Federal
8 resources, emergency response, emergency operations, rehabilita-
9 tion, and recovery;

10
11 (2) negotiation and execution of Federal interagency agreements
12 to support emergency management activities among and between
13 Federal departments and agencies to implement emergency management
14 plans;

15
16 (3) delegation to the several departments and agencies of the
17 Federal Government appropriate emergency management responsibili-
18 ties, and review and coordination of the emergency management
19 activities of the departments and agencies with each other and with
20 the activities of the States and neighboring countries;

21
22 ~~(2)~~ (4) training and comprehensive exercise programs;

23
24 ~~(3)~~ (5) postdisaster critiques and evaluations and appropriate
25 corrective actions;

26
27 ~~(4)~~ (6) annual review of programs;

28
29 ~~(5)~~ (7) coordination of Federal, State, and local emergency
30 management programs;

31
32 ~~(6)~~ (8) application of science and technology;

33
34 ~~(7)~~ (9) research.

35
36 (10) public dissemination of emergency management and emergency
37 public information by all appropriate means.

38
39 (b) Technical assistance for the development of plans and
40 programs

41
42 The President shall provide technical assistance to the States in
43 developing comprehensive plans and practicable programs for
44 ~~preparation against disasters,~~ emergency management, including
45 hazard reduction, avoidance, and mitigation, and emergency response
46 capability assessment; for assistance to individuals, businesses,
47 and State and local governments following such disasters; and for
48 recovery of damaged or destroyed public and eligible private
49 nonprofit facilities.

50
51 ~~(c) Grants to States for development of plans and programs~~

~~Upon application by a State, the President is authorized to make grants, not to exceed in the aggregate to such State \$250,000, for the development of plans, programs, and capabilities for disaster preparedness and prevention. Such grants shall be applied for within one year from the date of enactment of this Act [enacted May 22, 1974]. Any State desiring financial assistance under this section shall designate or create an agency to plan and administer such a disaster preparedness program, and shall, through such agency, submit a State plan to the President, which shall--~~

~~(1) set forth a comprehensive and detailed State program for preparation against and assistance following disasters, including provisions for assistance to individuals, businesses, and local governments; and~~

~~(2) include provisions for appointment and training of appropriate staffs, formulation of necessary regulations and procedures and conduct of required exercises.~~

~~(d) Grants for improvement, maintenance, and updating of State plans~~

~~The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining and updating State disaster assistance plans, including evaluations of natural hazards and development of the programs and actions required to mitigate such hazards; except that no such grant shall exceed \$50,000 per annum to any State.~~

~~(c) Financial assistance to States for plans, programs, capabilities, personnel and administrative expenses~~

Upon application by a State, the President is authorized to make grant financial assistance to the States for the development of plans, programs, and capabilities for emergency management for emergencies and major disasters, prevention, and mitigation, and for necessary and essential State and local emergency management personnel and administrative expenses, on the basis of approved plans for the management of emergencies by the States. The President is further authorized to make grant financial assistance for the cost of improving, maintaining and updating State disaster assistance plans, including evaluations of hazards regardless of cause and development of the programs and actions required to mitigate such hazards. Financial assistance to the States for the purposes of this section shall be not exceed less than one-half of the total cost of such plans, programs, capabilities, of such necessary and essential State and local emergency management personnel and administrative expenses, and of the improvements, maintenance, and updating of such plans, programs, and capabilities.

(1) Requirements of plans and exercises

Any State desiring financial assistance under this section shall designate or create an agency to plan and administer such an emergency management program, and shall, through such agency, submit a State plan to the President, which shall--

(A) provide a comprehensive and detailed State program for emergencies and major disasters, including provisions for assistance to individuals, businesses, local governments, and eligible nonprofit institutions and organizations;

(B) provide for mitigation planning by State and local governments, businesses, and eligible nonprofit institutions and organizations;

(C) provide for appointment and training of appropriate staffs;

(D) provide for the formulation of necessary regulations and procedures;

(E) provide for the conduct of and participation in required comprehensive exercises programs;

(F) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them, and be administered, supervised or coordinated by a single State agency;

(G) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

(H) provide for the development of State and local emergency management operational plans, pursuant to standards approved by the President;

(I) provide for the employment of emergency management personnel or other emergency management personnel, by the State, and for such other methods of administration, including methods relating to the establishment and maintenance of personnel standards on the merit basis (except that the President shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as the President shall find to be necessary and proper for the operation of the plan;

(J) provide that the State shall make such reports in such form and content as the President may require;

(K) make available to duly authorized representatives of the President and the Comptroller General of the United States, books, records, and papers necessary to conduct audits for the purposes of this section.

(2) Establishment of other terms, conditions, and incentives by the President

In the implementation of this section the President shall establish such other terms, conditions, and incentives as the President may deem necessary and proper, including preparedness standards and mitigation measures to reduce or prevent loss of life and damage to property from major disasters.

(3) Allocation to States

For each fiscal year concerned, the President shall allocate to each State, in accordance with regulations and the total sum appropriated hereunder, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States shall give due regard to ~~(1) the criticality of the target and support areas and the areas that may be affected by natural emergencies and major disasters with respect to the~~ (A) hazards and risks of States, (B) development of the total emergency management readiness of the Nation, ~~(2)~~ (C) the relative state of development of emergency management readiness of the State, ~~(3)~~ (D) population, and ~~(4)~~ (E) such other factors as the President shall prescribe: Provided, That the President may reallocate the excess of any allocation not utilized by a State in an approvable plan submitted hereunder: Provided further, That amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth herein: Provided, further, That every State that complies with this section shall be eligible under this section for a minimum contribution of \$50,000, subject to the availability of appropriations.

(4) Failure to submit plan; reallocation

If a State fails to submit an approvable plan as required by this section within sixty days after the President notifies the States of the allocations hereunder, the President may reallocate such funds, or portions thereof, among the other States in such amounts as, in the President's judgment, will best assure the adequate development of the emergency management capability of the Nation.

(d) Financial aid to States for ~~preparedness and planning~~ emergency management activities

The President is authorized to make grant financial contributions assistance, on the basis of approved programs or projects, to

the States for emergency management purposes, including, but not limited to, the procurement, construction, leasing, or renovating of materials and facilities. Such assistance shall be made on such terms or conditions as the President shall prescribe, including, but not limited to, the method of purchase, the quantity, quality, or specifications of the materials or facilities, and such other factors or care or treatment to assure the uniformity, availability, and good condition of such materials or facilities: Provided, That no ~~contributions~~ assistance shall be made for the procurement of land: Provided further, That no ~~contribution~~ assistance shall be made for the purchase of personal equipment for State or local emergency management workers: Provided further, That the amounts authorized to be ~~contributed~~ granted by the President to each State for organizational equipment shall be equally matched by such State from any source it determines is consistent with its laws: Provided further, That the value of any land contributed by any State or political subdivision thereof shall be excluded from the computation of the State share: Provided further, That the amounts paid to any State under this subsection shall be expended solely in carrying out the purposes set forth herein and in accordance with State emergency management programs or projects approved by the President: Provided further, That the President shall make no ~~contributions~~ assistance toward the cost of any program or project for the procurement, construction, or leasing of any facility that (1) is intended for use, in whole or in part, for any purpose other than emergency management and (2) is of such kind that upon completion it will, in the President's judgment, be capable of producing sufficient revenue to provide reasonable assurance of the retirement or repayment of such cost, except that (subject to the foregoing provisos of this subsection) the President may ~~make contribution to~~ assist any State toward that portion of the cost of the construction, reconstruction, or enlargement of any facility that the President shall determine to be directly attributable to the incorporation in such facility of any feature of construction or design not necessary for the principal intended purpose thereof but which is, in the President's judgment, necessary for the use of such facility for emergency management purposes: ~~Provided, That the President shall report annually to the Congress all contributions made pursuant to this subsection.~~ Provided further, That all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any ~~contribution of~~ Federal funds ~~made~~ granted by the President under the provisions of this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and every such employee shall receive compensation at a rate not less than one and one-half times the employee's basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be. The President shall ~~make grant no contributions of~~ Federal funds

without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this proviso, the authority and functions set forth in section 2 of the Act of June 13, 1934, as amended, 48 Stat. 948, as amended, 40 U.S.C. 276c.

(e) Financial aid to States for hazard mitigation

The President is authorized to make annual grants to States to fund State and local government hazard mitigation activities. The amount of funding for such grants shall be limited to ten percent of the aggregate amount of annual appropriations to the President's Disaster Relief Fund or any other funds that may become available, in any given year, and, in the President's discretion, shall be distributed to States under criteria for reduction of damages from future disasters. All projects funded under this grant program shall be cost-effective, and shall be consistent with the plans developed under section 201(c), and shall be not less than one-half of the approved grant.

(f) National hazard mitigation strategy

The President shall incorporate the standards, criteria, and incentives established or provided under section 404(b) [42 U.S.C. 5170c(b)] into a national hazard mitigation strategy for the long-term prevention, reduction, or mitigation of risk from natural and other disasters. The President shall solicit and incorporate to the extent practicable the views of States and other interested parties in the development of the national hazard mitigation strategy. The national hazard mitigation strategy may be used in lieu of the hazard evaluation required by section 409 [42 U.S.C. 5176] of this Act, as a basis for awarding hazard mitigation grants under this section.

(g) Interstate mutual aid agreements

The President is authorized to assist and encourage the States to negotiate and enter into interstate emergency management mutual aid agreements; review the terms and conditions of such proposed mutual aid agreements in order to assist to the extent feasible in obtaining uniformity therein and consistency with federal response plans and programs; assist and coordinate the activities thereunder; aid and assist in encouraging reciprocal emergency management legislation by the States that will permit the furnishing of mutual aid in the event of an emergency or major disaster that cannot be adequately met or controlled by a State or political subdivision thereof threatened with or undergoing an emergency or major disaster.

(h) Acquisition of necessary materials and facilities

The President is authorized to procure, construct, lease, transport, store, maintain, renovate or sell, lend, or donate materials and facilities for emergency management, with the right to take immediate possession thereof: Provided, That facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this Act, prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended (40 U.S.C. 255): Provided further, That the President is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by Act of Congress: Provided further, That the President is authorized to procure and maintain equipment, supplies, materials, and facilities, and to sell, lend, or donate the same to the States for emergency management purposes, under such terms and conditions as the President shall prescribe.

(i) Acceptance, sale, and disposition of surplus property

(1) Notwithstanding any other provisions of law, the President may accept gifts of equipment, supplies, materials, and facilities; and may utilize or sell, lend, or donate same for emergency management purposes under the provisions of this Act.

(2) The President is authorized to sell, donate, or loan to State and local governments, or to transfer to other Federal departments and agencies, Federal equipment, supplies, materials, and facilities the President finds unnecessary or unsuitable for Federal emergency management purposes, notwithstanding any other provisions of law. Any funds received as proceeds from the sale or other disposition of such equipment, supplies, materials, and facilities shall be covered into the Treasury as miscellaneous receipts, paid into the Disaster Relief Fund.

(j) Training programs; establishment of a college and technical training schools

The President is authorized to conduct or arrange, by contract or otherwise, for training programs for the instruction of emergency management officials and other persons in the organization, operation, and techniques of emergency management; conduct or operate schools or classes, including the payment of travel expenses, in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the President; and provide instructors and training aids as deemed necessary: Provided, That the terms prescribed by the President for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall

1 be not exceed less than one-half of the total cost of such
2 expenses: Provided further, That emergency management colleges and
3 emergency management technical training schools may be established
4 under the authority of this subsection.

5
6 (k) Mutual emergency management aid

7
8 The President shall give all practicable assistance to States in
9 arranging, through the Department of State, mutual emergency
10 management aid between the States and neighboring countries.

11
12 (l) Expenditure of funds

13
14 If the President finds, after reasonable notice and opportunity
15 for hearing to the State, or other person, that there is a failure
16 to expend funds in accordance with the regulations, terms, and
17 conditions established under this title for approved plans,
18 programs, or projects, the President is authorized to notify such
19 State or person that further payments will not be made to the State
20 or person from appropriations under this title (or from funds
21 otherwise available for the purposes of this title for any approved
22 plan, program, or project with respect to which there is such
23 failure to comply) until the President is satisfied that there will
24 no longer be any such failure. Until so satisfied, the President
25 shall either withhold the payment of any financial contribution to
26 such State or person, or limit payments to those programs or
27 projects with respect to which there is substantial compliance with
28 the regulations, terms, and conditions governing plans, programs,
29 or projects hereunder: Provided, That "person" as used in this
30 section, means the political subdivision of any State or combina-
31 tion or group thereof; or any person, corporation, association, or
32 other entity of any nature whatsoever, including, but not limited
33 to, instrumentalities of States and political subdivisions.

34
35 (Pub. L. 93-288, title II, § 201, May 22, 1974, 88 Stat. 145; Pub. L. 100-707,
36 title I, § 104, Nov. 23, 1988, 102 Stat. 4690.)

37
38 § 5132. DISASTER WARNINGS

{Sec. 202}

39
40 (a) Readiness of Federal agencies to issue warnings to state and
41 local officials

42
43 The President shall insure that all appropriate Federal agencies
44 are prepared to issue warnings of disasters to State and local
45 officials.

46
47 (b) Technical assistance to State and local governments for
48 effective warnings
49

1 The President shall direct appropriate Federal agencies to
2 provide technical assistance to State and local governments to
3 insure that timely and effective disaster warning is provided.

4
5 (c) Warnings to governmental authorities and public endangered by
6 disaster

7
8 The President is authorized to utilize or to make available to
9 Federal, State, and local agencies ~~the facilities of the civil~~
10 ~~defense communications system established and maintained pursuant~~
11 ~~to section 201(c) of the Federal Civil Defense Act of 1950, as~~
12 ~~amended (50 U.S.C. App 2281(c))~~, or any other Federal communica-
13 tions system for the purpose of providing warning to governmental
14 authorities and the civilian population in areas endangered by
15 disasters.

16
17 (d) Agreements with commercial communications systems for use of
18 facilities

19
20 The President is authorized to enter into agreements with the
21 officers or agents of any private or commercial communications
22 systems who volunteer the use of their systems on a reimbursable or
23 nonreimbursable basis for the purpose of providing warning to
24 governmental authorities and the civilian population endangered by
25 disasters.

26
27 § 5133 NATIONAL EMERGENCIES {203}

28
29 (a) All authority vested in the President or delegated by the
30 President pursuant to this Act may be utilized in any

31
32 (1) national emergency subject to the National Emergencies Act,
33 as amended, or

34
35 (2) major disaster or emergency that seriously degrades or
36 threatens the national security of the United States.

37
38 (b) The President is authorized to make available to State and
39 local governments, for the purposes of this Act, communications
40 systems of the Federal Government.

41
42 § 5134 AUTHORIZATION OF APPROPRIATIONS {204}

43
44 There are authorized to be appropriated ~~to the Director, to carry~~
45 out this title, \$000,000,000 for the fiscal year ending September
46 30, 1994, and \$000,000,000 for the fiscal year ending September 30,
47 1995.

48
49 (Pub. L. 93-288, title II, § 202, May 22, 1974, 88 Stat. 145.)
50
51

SUBCHAPTER III--MAJOR DISASTER AND
EMERGENCY ASSISTANCE ADMINISTRATION

§ 5141. WAIVER OF ADMINISTRATIVE CONDITIONS {Sec. 301}

Any Federal agency charged with the administration of a Federal assistance program may, if so requested by the applicant State or local authorities, modify or waive, for an emergency or major disaster, such administrative conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the emergency or major disaster.

(Pub. L. 93-288, title III, § 301, as added Pub. L. 100-707, title I, § 105(a)-(2), Nov. 23, 1988, 102 Stat. 4691.)

§ 5143. COORDINATING OFFICERS {Sec. 302}

(a) Appointment of Federal coordinating officer

The President is authorized to appoint a Federal coordinating officer in anticipation of the occurrence of a major disaster or emergency, and immediately upon his the President's declaration of a major disaster or emergency, the President shall appoint a Federal coordinating officer to operate in the affected area.

(b) Functions of Federal coordinating officer

In order to effectuate the purposes of this Act, the Federal coordinating officer, within the affected area, shall--

(1) make (A) a damage assessment in conjunction with State and local governments affected, where practicable, and (B) an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as deemed necessary and as are authorized by the President;

(3) coordinate the administration of relief, including activities of the State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, which agree to operate under his the Federal coordinating officer's advice or direction, except that nothing contained in this Act shall limit or in any way affect the responsibilities of the American National Red Cross under the Act of January 5, 1905, as amended (36 U.S.C. §§ 1 et seq.); and

(4) carry out public information and community relations activities that inform disaster victims, government officials, business and other affected groups and individuals about the

1 federal disaster assistance available in a major disaster or
2 emergency and the means for obtaining such assistance.
3

4 (4) (5) take such other action, consistent with authority
5 delegated to him by the President, and consistent with the
6 provisions of this Act, including pre-declaration deployment of
7 Federal personnel and resources, as he the Federal coordinating
8 officer may deem necessary to assist local citizens and public
9 officials in promptly obtaining assistance to which they are
10 entitled.

11
12 (c) State coordinating officer

13
14 When the President determines assistance under this Act is
15 necessary, he the President shall request that the Governor of the
16 affected State designate a State coordinating officer for the
17 purpose of coordinating State and local disaster assistance efforts
18 with those of the Federal Government.

19
20 (Pub. L. 93-288, title III, § 302, formerly § 303, May 22, 1974, 88 Stat. 147;
21 renumbered § 302 and amended Pub. L. 100-707, title I, § 105(b), Nov. 23, 1988,
22 102 Stat. 4691.)

23
24 § 5144. EMERGENCY RESPONSE TEAMS {Sec. 303}

25
26 The President shall form emergency response teams of Federal
27 personnel to be deployed in an area threatened or affected by a
28 major disaster or emergency. Such emergency response teams shall
29 assist the Federal coordinating officer in carrying out his that
30 officer's responsibilities pursuant to this Act. Upon request of
31 the President, the head of any Federal agency is directed to detail
32 to temporary duty with the emergency response teams on either a
33 reimbursable or nonreimbursable basis, as is determined necessary
34 by the President, such personnel within the administrative
35 jurisdiction of the head of the Federal agency as the President may
36 need or believe to be useful for carrying out the functions of the
37 emergency response teams, each such detail to be without loss of
38 seniority, pay, or other employee status.

39
40 (Pub. L. 93-288, title III, § 303, formerly § 304, May 22, 1974, 88 Stat. 147;
41 renumbered § 303 and amended Pub. L. 100-707, title I, § 105(c), Nov. 23, 1988,
42 102 Stat. 4691.)

43
44 §§ 5145, 5146. REPEALED. Pub. L. 100-707, title I, § 105(d), Nov.
45 23, 1988, 102 Stat. 4691

46
47 Section 5145, Pub. L. 93-288, title III, § 305, May 22, 1974, 88
48 Stat. 148, related to authority of President to provide assistance
49 in an emergency.
50

Section 5146, Pub. L. 93-288, title III, § 306, May 22, 1974, 88 Stat. 148, related to cooperation of Federal agencies in rendering disaster assistance.

§ 5147. REIMBURSEMENT OF FEDERAL AGENCIES {Sec. 304}

Federal agencies may be reimbursed for expenditures under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this Act shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(Pub. L. 93-288, title III, § 304, formerly § 307, May 22, 1974, 88 Stat. 149; renumbered § 304 and amended Pub. L. 100-707, title I, § 105(d), Nov. 23, 1988, 102 Stat. 4691.)

§ 5148. NONLIABILITY OF FEDERAL GOVERNMENT {Sec. 305}

The Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform an emergency or disaster response or mitigation activity, or a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this Act.

(Pub. L. 93-288, title III, § 305, formerly § 308, May 22, 1974, 88 Stat. 149; renumbered § 305 and amended Pub. L. 100-707, title I, § 105(d), Nov. 23, 1988, 102 Stat. 4691.)

§ 5149. PERFORMANCE OF SERVICES {Sec. 306}

(a) Utilization of services or facilities of State and local governments

In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. For purposes of the Federal Tort Claims Act (28 U.S.C. 2671 et seq.) and the Federal Employees' Compensation Act (5 U.S.C. 8101 et seq.), State or local government employees whose services are accepted and used under the authority of this Act shall be considered Federal employees as defined in those Acts.

(b) Appointment of temporary personnel, experts, and consultants; acquisition, rental, or hire of equipment, services, materials and supplies

1 In performing any services under this Act, any Federal agency is
2 authorized--

3
4 (1) to appoint and fix the compensation of such temporary
5 personnel as may be necessary, without regard to the provisions of
6 title 5, United States Code; ~~governing appointments in competi-~~
7 ~~tive service;~~

8
9 (2) to reemploy annuitants, and to fix their compensation, as
10 temporary personnel, who, with respect to any period of service in
11 such position (but not thereafter), shall be exempt from sections
12 8344 or 8468 of title 5, United States Code, as applicable, and
13 whose service under the authority of this section shall not be
14 creditable service for the purposes of chapter 83 or 84 of title 5,
15 United States Code;

16
17 (3) to employ members or former members of uniformed services as
18 temporary personnel, whose retired or retainer pay with respect to
19 any period of service in such position (but not thereafter) shall
20 be exempt from section 5532 of title 5, United States Code;

21
22 ~~(2)~~ (4) to employ experts and consultants in accordance with the
23 provisions of section 3109 of such title [5 U.S.C. § 3109], without
24 regard to the provisions of chapter 51 and subchapter III of
25 chapter 53 of such title [5 U.S.C. §§ 5101 et seq. and 5331 et
26 seq.] relating to classification and General Schedule pay rates;

27
28 (5) to employ members of the executive reserve authorized under
29 section 710(e) of the Defense Production Act of 1950 (50 U.S.C.
30 App. 2160(e)), in accordance with § 308(b)(1), (2), (3), or (4) (42
31 U.S.C. 5151(b)(1), (2), (3), or (4)); and

32
33 ~~(3)~~ (6) to incur obligations on behalf of the United States by
34 contract or otherwise for the acquisition, rental, or hire of
35 equipment, services, materials, and supplies for shipping, drayage,
36 travel, and communications, stockpiling of equipment, materials and
37 supplies, or for other disaster-related purposes, and for the
38 supervision and administration of such activities. Such obliga-
39 tions, including obligations arising out of the temporary employ-
40 ment of additional personnel, may be incurred by an agency in such
41 amount as may be made available to it by the President.

42
43 (c) Utilization of services or facilities of volunteers.

44
45 In carrying out the purposes of this Act, any Federal agency is
46 authorized to accept and utilize the services or facilities of any
47 volunteer, State or local government, or of any agency, office, or
48 employee thereof. For purposes of the Federal Tort Claims Act (28
49 U.S.C. 2671 et seq.) and the Federal Employees' Compensation Act (5
50 U.S.C. 8101 et seq.), volunteers, or any agency, office or employee
51 thereof, whose services are accepted and used under the authority

of this Act shall be considered Federal employees as defined in those Acts.

(Pub. L. 93-288, title III, § 306, formerly § 309, May 22, 1974, 88 Stat. 149; renumbered § 306 and amended Pub. L. 100-707, title I, § 105(d), Nov. 23, 1988, 102 Stat. 4691.)

§ 5150. USE OF LOCAL FIRMS AND INDIVIDUALS {Sec. 307}

In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster or emergency. This section shall not be considered to restrict the use of Department of Defense resources in the provision of major disaster assistance under this Act.

(Pub. L. 93-288, title III, § 307, formerly § 310, May 22, 1974, 88 Stat. 150; renumbered § 307 and amended Pub. L. 100-707, title I, § 105(e), Nov. 23, 1988, 102 Stat. 4691.)

§ 5151. NONDISCRIMINATION IN DISASTER ASSISTANCE {Sec. 308}

(a) Regulations for equitable and impartial relief operations

The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

(b) Compliance with regulations as prerequisite to participation by other bodies in relief operations

As a condition of participation in the distribution of assistance or supplies under this Act or of receiving assistance under this Act, governmental bodies and other organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the President, and such other regulations applicable to activities within an area affected by a major disaster or emergency as the President deems necessary for the effective coordination of relief efforts.

(Pub. L. 93-288, title III, § 308, formerly § 311, May 22, 1974, 88 Stat. 150; renumbered § 308 and amended Pub. L. 100-707, title I, § 105(f), Nov. 23, 1988, 102 Stat. 4691.)

§ 5152. USE AND COORDINATION OF RELIEF ORGANIZATIONS
{Sec. 309}

(a) In providing relief and assistance under this Act, the President may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services housing and essential facilities, whenever the President finds that such utilization is necessary.

(b) The President is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster or emergency. Any such agreement shall include provisions assuring that use of Federal facilities, supplies, and services will be in compliance with regulations prohibiting duplication of benefits and guaranteeing nondiscrimination promulgated by the President under this Act, and such other regulation as the President may require.

(Pub. L. 93-288, title III, § 309, formerly § 312, May 22, 1974, 88 Stat. 150; renumbered § 309 and amended Pub. L. 100-707, title I, § 105(f), Nov. 23, 1988, 102 Stat. 4691.)

§ 5153. PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE
{Sec. 310}

(a) Priority

In the processing of applications for assistance, priority and immediate consideration shall be given by the head of the appropriate Federal agency, during such period as the President shall prescribe, to applications from public bodies situated in areas affected by major disasters under the following Acts:

(1) The United States Housing Act of 1937 for the provision of low-income housing,

(2) Section 702 of the Housing Act of 1954 [40 U.S.C. § 462] for assistance in public works planning,

(3) The Community Development Block Grant Program under title I of the Housing and Community Development Act of 1974,

(4) Section 306 of the Consolidated Farm and Rural Development Act [7 U.S.C. § 1926],

(5) The Public Works and Economic Development Act of 1965,

(6) The Appalachian Regional Development Act of 1965,

(7) The Federal Water Pollution Control Act.

(b) Obligation of certain discretionary funds

In the obligation of discretionary funds or funds which are not allocated among the States or political subdivisions of a State, the Secretary of Housing and Urban Development and the Secretary of Commerce shall give priority to applications for projects for major disaster.

(Pub. L. 93-288, title III, § 310, as added Nov. 23, 1988, Pub. L. 100-707, title I, § 105(g), Nov. 23, 1988, 102 Stat. 4691.)

§ 5154. INSURANCE

{Sec. 311}

(a) Applicants for replacement of damaged facilities

(1) Compliance with certain regulations

An applicant for assistance under section 406 of this Act [42 U.S.C. § 5172] (relating to repair, restoration, and replacement of damaged facilities), section 422 of this Act [42 U.S.C. § 5189] (relating to simplified procedure) or section 803 of the Public Works and Economic Development Act of 1965 [42 U.S.C. § 3233] shall comply with regulations prescribed by the President to assure that, with respect to any property to be replaced, restored, repaired, or constructed with such assistance, such types and extent of insurance will be obtained and maintained as may be reasonably available, adequate, and necessary, to protect against future loss to such property.

(2) Determination

In making a determination with respect to availability, adequacy, and necessity under paragraph (1), the President shall not require greater types and extent of insurance than are certified to him the President as reasonable by the appropriate State insurance commissioner responsible for regulation of such insurance.

(b) Maintenance of insurance

No applicant for assistance under section 406 of this Act [42 U.S.C. § 5172] (relating to repair, restoration, and replacement of damaged facilities), section 422 of this Act [42 U.S.C. § 5189] (relating to simplified procedure), or section 803 of the Public Works and Economic Development Act of 1965 [42 U.S.C. § 3233] may receive such assistance for any property or part thereof for which the applicant has previously received assistance under this Act unless all insurance required pursuant to this section has been obtained and maintained with respect to such property.

(c) State acting as self-insurer

A State may elect to act as a self-insurer with respect to any or all of the facilities owned by the State. Such an election, if declared in writing at the time of acceptance of assistance under section 406 or 422 of this Act [42 U.S.C. § 5172 or 5189] or section 803 of the Public Works and Economic Development Act of 1965 [42 U.S.C. § 3233] or subsequently and accompanied by a plan for self-insurance which is satisfactory to the President, shall be deemed compliance with subsection (a). No such self-insurer may receive assistance under section 406 or 422 of this Act [42 U.S.C. § 5172 or 5189] for any property or part thereof for which it has previously received assistance under this Act, to the extent that insurance for such property or part thereof would have been reasonably available.

Pub. L. 93-288, title III, § 311, as added Pub. L. 100-707, title I, § 105(h), Nov. 23, 1988, 102 Stat. 4692.)

§ 5155. DUPLICATION OF BENEFITS {Sec. 312}

(a) General prohibition

~~The President, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as a result of a major disaster or emergency, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program or from insurance or any other source.~~

The President shall establish such procedures as the President deems appropriate and in the best interests of the Federal Government to avoid duplications of benefits between Federal disaster assistance that is provided under this Act and benefits that are received from other sources.

~~(b) Special rules~~

~~(1) Limitation~~

~~This section shall not prohibit the provision of Federal assistance to a person who is or may be entitled to receive benefits for the same purposes from another source if such person has not received such other benefits by the time of application for Federal assistance and if such person agrees to repay all duplicative assistance to the agency providing the Federal assistance.~~

~~(2) Procedures~~

~~The President shall establish such procedures as the President considers necessary to ensure uniformity in preventing duplication of benefits.~~

~~(3) Effect of partial benefits~~

~~Receipt of partial benefits for a major disaster or emergency shall not preclude provision of additional Federal assistance for any part of a loss or need for which benefits have not been provided.~~

~~(c) Recovery of duplicative benefits~~

~~A person receiving Federal assistance for a major disaster or emergency shall be liable to the United States to the extent that such assistance duplicates benefits available to the person for the same purpose from another source. The agency which provided the duplicative assistance shall collect such duplicative assistance from the recipient, or take other appropriate action, in accordance with chapter 37 of title 31, United States Code [31 U.S.C. §§ 3701 et seq.], relating to debt collection, when the head of such agency considers it to be in the best interest of the Federal Government.~~

~~(b) Recovery of duplicative benefits~~

~~When the President determines that it is in the best interest of the Federal Government to recover duplicative benefits that are prohibited by subsection (a), recoveries will be accomplished in accordance with chapter 37 of title 31, United States Code, relating to debt collection.~~

~~(d)(c) Assistance not income~~

~~Federal major disaster and emergency assistance provided to individuals and families under this Act, and comparable disaster assistance provided by States, local governments, and disaster assistance organizations, shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs.~~

(Pub. L. 93-288, title III, § 312, as added Pub. L. 100-707, title I, § 105(i), Nov. 23, 1988, 102 Stat. 4693.)

§ 5156. STANDARDS AND REVIEWS

{Sec. 313}

The President shall establish comprehensive standards which shall be used to assess the efficiency and effectiveness of Federal major disaster and emergency assistance programs administered under this Act. The President shall conduct annual reviews of the activities of Federal agencies and State and local governments in major disaster and emergency preparedness and in providing major disaster and emergency assistance in order to assure maximum coordination and effectiveness of such programs and consistency in policies for reimbursement of States under this Act.

Pub. L. 93-288, title III, § 313, as added Pub. L. 100-707, title I, § 105(j), Nov. 23, 1988, 102 Stat. 4694.)

§ 5157. PENALTIES

{Sec. 314}

(a) Misuse of funds.

Any person who knowingly misapplies the proceeds of a loan or other cash benefit obtained under this Act shall be fined an amount equal to one and one-half times the misapplied amount of the proceeds or cash benefit.

(b) Civil enforcement.

Whenever it appears that any person has violated or is about to violate any provision of this Act, including any civil penalty imposed under this Act, the Attorney General may bring a civil action for such relief as may be appropriate. Such action may be brought in an appropriate United States district court.

(c) Referral to Attorney General.

The President shall expeditiously refer to the Attorney General for appropriate action any evidence developed in the performance of functions under this Act that may warrant consideration for criminal prosecution.

(d) Civil penalty.

Any individual who knowingly violates any order or regulation issued under this Act shall be subject to a civil penalty of not more than \$5,000 for each violation.

Pub. L. 93-288, title III, § 314, as added Pub. L. 100-707, title I, § 105(k), Nov. 23, 1988, 102 Stat. 4694.)

§ 5158. AVAILABILITY OF MATERIALS

{Sec. 315}

The President is authorized, at the request of the Governor of an affected State, in the event of an emergency or major disaster, to provide for a survey of construction materials needed in the area affected by a major disaster on an emergency basis for housing repairs, replacement housing, public facilities repairs and replacement, farming operations, and business enterprises and to take appropriate action to assure the availability and fair distribution of needed materials, including, where possible, the allocation of such materials for a period of not more than one hundred and eighty days after such major disaster. Any allocation program shall be implemented by the President to the extent possible, by working with and through those companies which traditionally supply construction materials in the affected area. For the purposes of this section "construction materials" shall include building materials and materials required for repairing housing, replacement housing, public facilities repairs and replacement, and for normal farm and business operations.

(Pub. L. 93-288, title III, § 315, formerly § 318, May 22, 1974, 88 Stat. 152; renumbered § 315, Pub. L. 100-707, title I, § 105(l), Nov. 23, 1988, 102 Stat. 4694.)

§ 5159. PROTECTION OF ENVIRONMENT

{Sec. 316}

An action which is taken or assistance which is provided pursuant to section 402, 403, 404, 406(a), 407, 422, or 502 [42 U.S.C. § 5170a, 5170b, 5170c, 5172(a), 5173, 5189, or 5192], ~~including such assistance provided pursuant to the procedures provided for in section 422 [42 U.S.C. § 5189], which has the effect of restoring a facility substantially to its condition prior to the disaster or emergency,~~ or that has the effect of causing a facility to comply with the elevation, substantial improvement, and other requirements of the National Flood Insurance Act of 1968, as amended [42 U.S.C. §§ 4001, et seq.], shall not be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C. §§ 4321 et seq.]. Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 [42 U.S.C. §§ 4321 et seq.] to other Federal actions taken under this Act or under any other provisions of law.

(Pub. L. 93-288, title III, § 316, as added Pub. L. 100-707, title I, § 105(m)-(1), Nov. 23, 1988, 102 Stat. 4694.)

§ 5160. RECOVERY OF ASSISTANCE

{Sec. 317}

(a) Party liable.

1 Any person who intentionally or negligently causes a condition
2 for which Federal assistance is provided under this Act or under
3 any other Federal law as a result of a declaration of a major
4 disaster or emergency under this Act shall be liable to the United
5 States for the reasonable costs incurred by the United States in
6 responding to such disaster or emergency to the extent that such
7 costs are attributable to the intentional or negligent act or
8 omission of such person which caused such condition. Such action
9 for reasonable costs shall be brought in an appropriate United
10 States district court.

11
12 (b) Rendering of care.

13
14 A person shall not be liable under this section for costs
15 incurred by the United States as a result of actions taken or
16 omitted by such person in the course of rendering care or assis-
17 tance in response to a major disaster or emergency.

18
19 (Pub. L. 93-288, title III, § 317, as added Pub. L. 100-707, title I, § 105(m)-
20 (1), Nov. 23, 1988, 102 Stat. 4695.)

21
22 § 5161. AUDITS AND INVESTIGATIONS

{Sec. 318}

23
24 (a) In general

25
26 Subject to the provisions of chapter 75 of title 31, United
27 States Code [31 U.S.C. §§ 7501 et seq.], relating to requirements
28 for single audits, the President shall conduct audits and investi-
29 gations as necessary to assure compliance with this Act, and in
30 connection therewith may question such persons as may be necessary
31 to carry out such audits and investigations.

32
33 (b) Access to records

34
35 For purposes of audits and investigations under this section, the
36 President and Comptroller General may inspect any books, documents,
37 papers, and records of any person relating to any activity
38 undertaken or funded under this Act.

39
40 (c) State and local audits

41
42 The President may require audits by State and local governments
43 in connection with assistance under this Act when necessary to
44 assure compliance with this Act or related regulations.

45
46 (Pub. L. 93-288, title III, § 318, as added Pub. L. 100-707, title I, § 105(m)-
47 (1), Nov. 23, 1988, 102 Stat. 4695.)

48
49 § 5162. ADVANCE OF NON-FEDERAL SHARE

{Sec. 319}

50
51 (a) In general

1 The President may lend or advance to an eligible applicant or a
2 State, the portion of assistance for which the State or applicant
3 is responsible under the cost-sharing provisions of this Act in any
4 case in which--

5
6 (1) the State or applicant is unable to assume its financial
7 responsibility under such cost-sharing provisions--

8
9 (A) with respect to concurrent, multiple major disasters in a
10 jurisdiction, or

11
12 (B) after incurring extraordinary costs as a result of a
13 particular disaster; and

14
15 (2) the damages caused by such disasters or disaster are so
16 overwhelming and severe that it is not possible for the applicant
17 or the State to assume immediately their financial responsibility
18 under this Act.

19
20 (b) Terms of loans and advances

21
22 (1) In general

23
24 Any loan or advance under this section shall be repaid to the
25 United States.

26
27 (2) Interest

28
29 Loans and advances under this section shall bear interest at a
30 rate determined by the Secretary of the Treasury, taking into
31 consideration the current market yields on outstanding marketable
32 obligations of the United States with remaining periods to maturity
33 comparable to the reimbursement period of the loan or advance.

34
35 (c) Regulations

36
37 The President shall issue regulations describing the terms and
38 conditions under which any loan or advance authorized by this
39 section may be made.

40
41 (Pub. L. 93-288, title III, § 319, as added Pub. L. 100-707, title I, § 105(m)-
42 (1), Nov. 23, 1988, 102 Stat. 4695.)

43
44 § 5163. LIMITATION ON USE OF SLIDING SCALES {Sec. 320}

45
46 No geographic area shall be precluded from receiving assistance
47 under this Act solely by virtue of an arithmetic formula or sliding
48 scale based on income or population.

49
50 (Pub. L. 93-288, title III, § 320, as added Pub. L. 100-707, title I, § 105(m)-
51 (1), Nov. 23, 1988, 102 Stat. 4696.)

§ 5164. RULES AND REGULATIONS

{Sec. 321}

The President may prescribe such rules and regulations as may be necessary and proper to carry out the provisions of this Act, and may exercise, either directly or through such Federal agency as the President may designate, any power or authority conferred to the President by this Act.

(Pub. L. 93-288, title III, § 321, as added Pub. L. 100-707, title I, § 105(m)-(1), Nov. 23, 1988, 102 Stat. 4696.)

§ 5165. ISSUANCE OF NOTES; FORM, TERMS AND CONDITIONS; PURCHASE AND SALE BY SECRETARY OF THE TREASURY; PUBLIC DEBT TRANSACTIONS

{Sec. 322}

(a) The President is authorized to issue to the Secretary of the Treasury from time to time and have outstanding at any one time, in an amount not exceeding one billion dollars (or such greater amount as may be approved by the President) notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the President or the President's delegate, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued under this subsection and for such purpose the Secretary is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of Title 31, and the purposes for which securities may be issued under such chapter are extended to include any purchases of such notes and obligations.

(b) The total amount of notes and obligations that may be issued by the President pursuant to such authority (1) without the approval of the President, may not exceed one billion dollars, and (2) with the approval of the President, may not exceed two billion dollars. The President shall report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate at any time when the President's delegate requests the approval of the President in accordance with the preceding sentence.

(c) Any funds borrowed by the President under this authority shall be deposited from time to time in the Disaster Relief Fund.

(d) The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by the Secretary under this

1 section. All redemptions, purchases, and sales by the Secretary of
2 the Treasury of such notes or other obligations shall be treated as
3 public debt transactions of the United States.

4
5 [Note on § 5165. Adapted from the National Flood Insurance Act, as
6 amended].

7
8 **§5166. ASSISTANCE IN ANTICIPATION OF A MAJOR DISASTER {Sec. 323}**

9
10 (a) Upon a determination by the President that a major disaster
11 or emergency is imminent, the President is authorized to use
12 Federal departments, agencies, and instrumentalities, their
13 equipment, supplies, materials, facilities, personnel, and all
14 other resources of the Federal Government to avert, lessen, or
15 prepare for the effects of such disaster before its actual
16 occurrence and before the Governor of the affected State makes a
17 request for a major disaster or emergency declaration under section
18 401 [§ 5170] or section 501 [§ 5191] of this Act.

19
20 (b) The President is authorized to enter into agreements with
21 States to stipulate the criteria and conditions that may require
22 Federal assistance in anticipation of a major disaster or emergen-
23 cy, including the types of Federal assistance that may be required,
24 and the use of State or local property or facilities needed to
25 support the Federal activities.

26
27 (c) The President is authorized to use, lend, or donate to State
28 and local governments Federal equipment, supplies, materials,
29 facilities, personnel, and other resources, other than the
30 extension of credit, for use or distribution by such governments in
31 accordance with the purposes of this Act.

32
33 (d) The costs of any Federal assistance provided under this
34 section in anticipation of a major disaster or emergency shall be
35 funded entirely by the Federal Government.

36
37 **§ 5167 GIFTS AND SERVICES {Sec. 324}**

38
39 (a) Acceptance, sale, and disposition of property

40
41 (1) Notwithstanding any other provisions of law, the President
42 or the President's delegate may accept and use bequests, gifts, or
43 donations of money or property, real, personal, or mixed, tangible,
44 or intangible. All sums received under this subsection shall be
45 deposited in a separate fund on the books of the Treasury and shall
46 be available for expenditure upon the certification of the
47 President or delegate. At the request of the President or delegate,
48 the Secretary of the Treasury may invest and reinvest excess monies
49 in the fund. Such investments shall be in public debt securities
50 with maturities suitable for the needs of the fund and shall bear
51 interest at rates determined by the Secretary of the Treasury,

1 taking into consideration current market yields on outstanding
2 marketable obligations of the United States of comparable maturi-
3 ties. The interest on such investments shall be credited to, and
4 form a part of, the fund. [Note on § 5167(a)(1): Formerly §
5 601(b)].

6
7 (2) The President is authorized to sell, donate, or loan to
8 State and local governments, or to transfer to other Federal
9 departments and agencies, Federal equipment, supplies, materials,
10 and facilities the President finds unnecessary or unsuitable for
11 emergency management purposes, notwithstanding any other provisions
12 of law. Any funds received as proceeds from the sale or other
13 disposition of such materials and facilities shall be deposited,
14 available for expenditure, invested, reinvested, and credited with
15 any interest earned, as provided in subsection (1).

16
17 (b) Gifts of services

18 In performing any services under this Act, any Federal agency is
19 authorized--
20

21
22 (1) notwithstanding the provisions of any other law, to accept
23 and use gifts of services from voluntary and uncompensated
24 individuals and public or private organizations involving the
25 safety of human life, the protection of property, or other
26 emergency management activities during an emergency or major
27 disaster declared by the President.

28
29 (2) Any Federal agency using voluntary and uncompensated
30 personnel under this section may provide transportation, shelter,
31 and subsistence for such persons during the period their services
32 are being used.

33
34 (3) Any individual who provides voluntary or contractual
35 service under this section shall not be considered a Federal
36 employee for any purpose other than for purposes of chapter 81 of
37 title 5, United States Code (relating to compensation for injury)
38 and sections 2671 through 2680 of title 28, United States Code
39 (relating to tort claims).

40
41 Sec. 325. Disaster assistance for cabin sites, park, and recre-
42 ational facilities at water resource development projects.

43
44 No assistance under this Act may be provided to any individual,
45 leaseholder, lessee, or any other legal entity for repair, substan-
46 tial improvement, or reconstruction of structures or facilities
47 damaged by flooding at a site subject to the provisions of section
48 1134(a) - (d) of Publ. L. 99-662, 16 U.S.C. 460d note, or of 16
49 U.S.C. 460d.

~~SEC. 326. Administrative expenses under the Disaster Relief Fund~~

~~The President is authorized to expend for administrative expenses not to exceed 3 per centum of the amounts appropriated under this Act.~~

SUBCHAPTER IV--MAJOR DISASTER ASSISTANCE PROGRAMS

§ 5170. PROCEDURE FOR DECLARATION {Sec. 401}

All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As part of such request, and as a prerequisite to major disaster assistance under this Act, the Governor shall take appropriate response action under State law and direct execution of the State's emergency plan. The Governor shall furnish information on the nature and amount of State and local resources which have been or will be committed to alleviating the results of the disaster, and shall certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will comply with all applicable cost-sharing requirements of this Act. Based on the request of a Governor under this section, the President may declare under this Act that a major disaster or emergency exists.

(Pub. L. 93-288, title IV, § 401, as added Pub. L. 100-707, title I, § 106(a)(3), Nov. 23, 1988, 102 Stat. 4696.)

§ 5170A. GENERAL FEDERAL ASSISTANCE {Sec. 402}

In any major disaster, the President may--

(1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts, and, in anticipation of a major disaster, to deploy such resources, where practicable, before a request of a Governor under section 401 [§ 5170] of this Act.

(2) coordinate all disaster relief assistance (including voluntary assistance) provided by Federal agencies, private organizations, and State and local governments;

(3) provide technical and advisory assistance to affected State and local governments for--

(A) the performance of essential community services;

(B) issuance of warnings of risks and hazards;

(C) public health and safety information, including dissemination of such information;

(D) provision of health and safety measures; and

(E) management, control, and reduction of immediate threats to public health and safety; and

(4) assist State and local governments in the distribution of medicine, food, and other consumable supplies, and emergency assistance.

(Pub. L. 93-288, title IV, § 402, as added Pub. L. 100-707, title I, § 106(a)(3), Nov. 23, 1988, 102 Stat. 4696.)

§ 5170b. ESSENTIAL ASSISTANCE

{Sec. 403}

(a) In general

Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster, as follows:

~~(1) Federal resources, generally~~

~~Utilizing, lending, or donating to State and local governments Federal equipment, supplies, facilities, personnel, and other resources, other than the extension of credit, for use or distribution by such governments in accordance with the purposes of this Act.~~ [Note on § 5170B: becomes § 5167(a)(2)]

~~(2)(1) Medicine, food, and other consumables~~

Distributing or rendering through State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations medicine, food, and other consumable supplies, and other services and assistance to disaster victims.

~~(3)(2) Work and services to save lives and protect property~~

Performing on public or private lands or waters any work or services essential to saving lives and protecting and preserving property or public health and safety, including--

(A) debris removal;

(B) search and rescue, ~~emergency medical care~~, emergency mass care, emergency shelter, and provision of food, water, medicine, and other essential needs, including movement of supplies or persons;

(C) clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services;

(D) provision of temporary facilities for schools and other essential community services;

(E) demolition of unsafe structures which endanger the public;

(F) warning of further risks and hazards;

(G) dissemination of public information and assistance regarding health and safety measures;

(H) provision of technical advice to State and local governments on disaster management and control; ~~and~~

(I) reduction of immediate threats to life, property, and public health and safety; and

(J) emergency medical care, and operating expenses of private nonprofit medical facilities.

~~(4)~~(3) Contributions

(A) Making contributions to State or local governments ~~or owners or operators of private nonprofit facilities~~ for the purpose of carrying out the provisions of this subsection.

(B) Making contributions to owners or operators of private nonprofit facilities for the purpose of carrying out the provisions of paragraph (2)(I) of this subsection only with respect to their own facilities and the provisions of paragraph (2)(D) only with respect to educational, emergency, medical, and custodial care facilities.

(b) Federal share

The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.

(c) Utilization of DOD resources

(1) General rule

During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of

1 this Act [42 U.S.C. §§ 5170 et seq. or 5191 et seq.], the Governor
2 of the State in which such incident occurred may request the
3 President to direct the Secretary of Defense to utilize the
4 resources of the Department of Defense for the purpose of perform-
5 ing on public and private lands any emergency work which is made
6 necessary by such incident and which is essential for the preserva-
7 tion of life and property. If the President determines that such
8 work is essential for the preservation of life and property, the
9 President shall grant such request to the extent the President
10 determines practicable. Such emergency work may only be carried out
11 for a period not to exceed 10 days.

12
13 (2) Rules applicable to debris removal

14
15 Any removal of debris and wreckage carried out under this
16 subsection shall be subject to section 407(b) [42 U.S.C. §
17 5172(b)], relating to unconditional authorization and indemnifica-
18 tion for debris removal.

19
20 (3) Expenditures out of disaster relief funds

21
22 The cost of any assistance provided pursuant to this subsection
23 shall be reimbursed out of funds made available to carry out this
24 Act.

25
26 (4) Federal share

27
28 The Federal share of assistance under this subsection shall be
29 not less than 75 percent.

30
31 ~~(5) Guidelines~~

32
33 ~~Not later than 180 days after the date of the enactment of the~~
34 ~~Disaster Relief and Emergency Assistance Amendments of 1988~~
35 ~~{enacted Nov. 23, 1988}, the President shall issue guidelines for~~
36 ~~carrying out this subsection. Such guidelines shall consider any~~
37 ~~likely effect assistance under this subsection will have on the~~
38 ~~availability of other forms of assistance under this Act.~~

39
40 ~~(6)~~(5) Definitions

41
42 For purposes of this section--

43
44 (A) Department of Defense

45
46 The term 'Department of Defense' has the meaning the term
47 "department" has under section 101 of title 10, United States
48 Code.

49
50 (B) Emergency work

51

1 The term "emergency work" includes clearance and removal of
2 debris and wreckage and temporary restoration of essential
3 public facilities and services.

4
5 (Pub. L. 93-288, title IV, § 403, as added Pub. L. 100-707, title I, § 106(a)(3),
6 Nov. 23, 1988, 102 Stat. 4697.)

7
8 § 5170c. HAZARD MITIGATION

{Sec. 404}

9
10 (a) The President may contribute up to 75 percent of the cost of
11 hazard mitigation measures which the President has determined are
12 cost-effective and which substantially reduce the risk of future
13 damage, hardship, loss, or suffering in any area affected by a
14 major disaster. Such measures shall be identified following the
15 evaluation of natural hazards under section 409 [42 U.S.C. § 5176]
16 and shall be subject to approval by the President. The total of
17 contributions under this section for a major disaster shall not
18 exceed 15 percent of the estimated aggregate amount of grants to be
19 made (less any associated administrative costs) under this Act with
20 respect to the major disaster.

21
22 (b) Property acquisition and relocation assistance.--

23
24 (1) General authority. In providing hazard mitigation as-
25 sistance under this section in connection with flooding, the
26 Director of the Federal Emergency Management Agency may provide
27 property acquisition and relocation assistance for projects that
28 meet the requirements of paragraph (2).

29
30 (2) Terms and conditions. An acquisition or relocation
31 project shall be eligible to receive assistance pursuant to
32 paragraph (1) only if--

33
34 (A) the applicant for the assistance is otherwise
35 eligible to receive assistance under the hazard mitigation
36 grant program established under subsection (a); and

37
38 (B) on or after the date of enactment of this subsec-
39 tion, the applicant for the assistance enters into an agree-
40 ment with the Director that provides assurances that--

41
42 (i) any property acquired, accepted, or from which
43 a structure will be removed pursuant to the project will
44 be dedicated and maintained in perpetuity for a use that
45 is compatible with open space, recreational, or wetlands
46 management practices;

47
48 (ii) no new structure will be erected on property
49 acquired, accepted or from which a structure was removed
50 under the acquisition or relocation program other than--
51