

(I) a public facility that is open on all sides and functionally related to a designated open space;

(II) a rest room; or

(III) a structure that the Director approves in writing before the commencement of the construction of the structure; and

(iii) after receipt of the assistance, with respect to any property acquired, accepted or from which a structure was removed under the acquisition or relocation program--

(I) no subsequent application for additional disaster assistance for any purpose will be made by the recipient to any Federal entity; and

(II) no assistance referred to in subclause (I) will be provided to the applicant by any Federal source.

(c) The President is authorized to publish regulations to establish criteria or standards and to provide incentives for 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.

(Pub. L. 93-288, title IV, § 404, as added Pub. L. 100-707, title I, § 106(a)(3), Nov. 23, 1988, 102 Stat. 4698; Pub. L. 103-181, § 2(a).)

Note: The changes made by Pub. L. 103-181, apply to major disasters declared on or after June 10, 1993. See Pub. L. 103-181, §2(b). The prior 50 percent and 10 percent limits continue to apply to disasters declared before that date.

Note: Pub. L. 103-181, sec. 4, provides:

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

"(b) DEFINITION OF 'QUALIFIED BUYOUT PROGRAM'.--For purposes of this section, the term 'qualified buyout program' means any program that--

"(1) provides for the purchase of only property damages by the major, widespread flooding in the Midwest during 1993;

"(2) provides for such purchase solely as a result of such flooding;

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

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

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

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

"(B) other Federal financial assistance programs."

§ 5171. FEDERAL FACILITIES

{Sec. 405}

(a) Repair, reconstruction, restoration or replacement of United States facilities

The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he the President determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes, or the obtaining of congressional committee approval.

(b) Availability of funds appropriated to agency for repair, reconstruction, restoration, or replacement of agency facilities

In order to carry out the provisions of this section, such repair, reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated to that agency for another purpose.

(c) Steps for mitigation of hazards

In implementing this section, Federal agencies shall evaluate the natural hazards to which these facilities are exposed and shall take appropriate action to mitigate such hazards, including safe land-use and construction practices, in accordance with standards prescribed by the President.

(Pub. L. 93-288, title IV, formerly § 405, May 22, 1974, 88 Stat. 153; renumbered § 405, Pub. L. 100-707, title I, § 106(a)(2), Nov. 23, 1988, 102 Stat. 4696.)

§ 5172. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES

{Sec. 406}

1 (a) Contributions

2
3 The President may make contributions--

4
5 (1) to a State or local government for the repair, restoration,
6 reconstruction, or replacement of a public facility which is
7 damaged or destroyed by a major disaster and for associated
8 expenses incurred by such government; and

9
10 (2) to a person who owns or operates a private nonprofit
11 facility damaged or destroyed by a major disaster for the repair,
12 restoration, reconstruction, or replacement of such facility and
13 for associated expenses incurred by such person.

14
15 (b) Minimum Federal share

16
17 ~~The Federal share of assistance under this section shall be not~~
18 ~~less than--~~

19
20 ~~(1) 75 percent of the net eligible cost of repair, restoration,~~
21 ~~reconstruction, or replacement carried out under this section;~~

22
23 ~~(2) 100 percent of associated expenses described in subsections~~
24 ~~(f)(1) and (f)(2); and~~

25
26 ~~(3) 75 percent of associated expenses described in subsections~~
27 ~~(f)(3), (f)(4), and (f)(5);~~

28
29 (1) The Federal share of assistance under ~~this~~ sections 403,
30 406, and 407 shall be adjusted according to actual program costs
31 (Federal and nonfederal) under this Act. Per capita costs shall be
32 calculated by dividing the actual program costs (Federal and
33 nonfederal) under this Act by the total population of the State at
34 the most recent decennial census of the State, but shall not
35 include administrative costs of the disaster. The Federal share of
36 assistance shall be adjusted as follows:

37
38 (A) 75 percent Federal share up to \$10 per capita;

39
40 (B) 80 percent Federal share from \$10.01 to \$50 per capita;

41 and

42
43 (C) 90 percent Federal share above \$50 per capita.

44
45 (2) Credits for actions under incentive programs under
46 subsection (c) of this section shall not be included in determining
47 per capita costs, but shall be available in addition to the Federal
48 share of assistance under this section.

49
50 (3) Each presidentially-declared major disaster shall be
51 reviewed independently to determine adjustments to the Federal

1 share of assistance, Provided, That where multiple major disasters
2 in any State's fiscal year cumulatively result in expenditures
3 above \$10 per capita, the President may authorize exceptions to
4 paragraphs (b)(1)(A) and (b)(1)(B) of this section for such
5 subsequent major disasters, Provided further, That no exception may
6 be made greater than the Federal share authorized in paragraph
7 (b)(1)(C) of this section.

8
9 (c) Credits for actions under incentive programs

10 In making contributions to any State or local government or to
11 any private nonprofit organization under paragraph (a) of this
12 section, the President may give credits for actions taken under
13 incentive programs established under title II or title III of this
14 Act, which credits shall adjust the federal share of assistance for
15 a project or group of projects under paragraph (b) of this section.
16

17
18 ~~(c)~~(d) Large in lieu contributions

19
20 (1) For public facilities

21 In any case where a State or local government determines that
22 the public welfare would not be best served by repairing, restor-
23 ing, reconstructing, or replacing any public facility owned or
24 controlled by such State or local government, it may elect to
25 receive, in lieu of a contribution under subsection (a)(1), a
26 contribution of not to exceed 90 percent of the Federal share of
27 the Federal estimate of the cost of repairing, restoring, recon-
28 structing, or replacing such facility and of associated expenses.
29 Funds contributed under this subsection may be used to repair,
30 restore, or expand other selected public facilities, to construct
31 new facilities, or to fund hazard mitigation measures which the
32 State or local government determines to be necessary to meet a need
33 for governmental services and functions in the area affected by the
34 major disaster.
35

36
37 (2) For private nonprofit facilities

38 In any case where a person who owns or operates a private
39 nonprofit facility determines that the public welfare would not be
40 best served by repairing, restoring, reconstructing, or replacing
41 such facility, such person may elect to receive, in lieu of a
42 contribution under subsection (a)(2), a contribution of not to
43 exceed 90 percent of the Federal share of the Federal estimate of
44 the cost of repairing, restoring, reconstructing, or replacing such
45 facility and of associated expenses. Funds contributed under this
46 subsection may be used to repair, restore, or expand other selected
47 private nonprofit facilities owned or operated by such person, to
48 construct new private nonprofit facilities to be owned or operated
49 by such person, or to fund hazard mitigation measures which such
50

1 person determines to be necessary to meet a need for its services
2 and functions in the area affected by the major disaster.

3
4 (3) Restriction on use for State or local contribution

5
6 Funds provided under this subsection shall not be used for any
7 State or local government cost-sharing contribution required under
8 this Act.

9
10 ~~(d)~~(e) Flood insurance

11
12 (1) Reduction of Federal assistance

13
14 If a public facility or private nonprofit facility located in a
15 special flood hazard area identified for more than 1 year by the
16 Director pursuant to the National Flood Insurance Act of 1968 (42
17 U.S.C. 4001 et seq.) is damaged or destroyed, after the 180th day
18 following the date of the enactment of the Disaster Relief and
19 Emergency Assistance Amendments of 1988 [enacted Nov. 23, 1988], by
20 flooding in a major disaster and such facility is not covered on
21 the date of such flooding by flood insurance, the Federal assis-
22 tance which would otherwise be available under this section with
23 respect to repair, restoration, reconstruction, and replacement of
24 such facility and associated expenses shall be reduced in accor-
25 dance with paragraph (2).

26
27 (2) Amount of reduction

28
29 The amount of a reduction in Federal assistance under this
30 section with respect to a facility shall be the lesser of--

31
32 (A) the value of such facility on the date of the flood damage
33 or destruction, or

34
35 (B) the maximum amount of insurance proceeds which would have
36 been payable with respect to such facility if such facility
37 had been covered by flood insurance under the National Flood
38 Insurance Act of 1968 on such date.

39
40 (3) Exception

41
42 Paragraphs (1) and (2) shall not apply to a private nonprofit
43 facility which is not covered by flood insurance solely because of
44 the local government's failure to participate in the flood
45 insurance program established by the National Flood Insurance Act.

46
47 (4) Dissemination of information

48
49 The President shall disseminate information regarding the
50 reduction in Federal assistance provided for by this subsection to

1 State and local governments and the owners and operators of private
2 nonprofit facilities who may be affected by such a reduction.

3
4 ~~(e)~~(f) Net eligible cost

5
6 (1) General rule

7
8 For purposes of this section, the cost of repairing, restoring,
9 reconstructing, or replacing a public facility or private nonprofit
10 facility on the basis of the design of such facility as it existed
11 immediately prior to the major disaster and in conformity with
12 current applicable codes, specifications, and standards (including
13 floodplain management and hazard mitigation criteria required by
14 the President or by the Coastal Barrier Resources Act (16 U.S.C.
15 3501 et seq.)) shall, at a minimum, be treated as the net eligible
16 cost of such repair, restoration, reconstruction, or replacement.

17
18 (2) Special rule

19
20 In any case in which the facility being repaired, restored,
21 reconstructed, or replaced under this section was under construc-
22 tion on the date of the major disaster, the cost of repairing,
23 restoring, reconstructing, or replacing such facility shall
24 include, for purposes of this section, only those costs which,
25 under the contract for such construction, are the owner's responsi-
26 bility and not the contractor's responsibility.

27
28 ~~(f)~~(g) Associated expenses

29
30 For purposes of this section, associated expenses include the
31 following:

32
33 (1) Necessary costs

34
35 Necessary costs of requesting, obtaining, and administering
36 Federal assistance based on a percentage of assistance provided as
37 follows:

38
39 (A) For an applicant whose net eligible costs equal less than
40 \$100,000, 3 percent of such net eligible costs,

41
42 (B) For an applicant whose net eligible costs equal \$100,000
43 or more but less than \$1,000,000, \$3,000 plus 2 percent of
44 such net eligible costs in excess of \$100,000,

45
46 (C) For an applicant whose net eligible costs equal \$1,000,000
47 or more but less than \$5,000,000, \$21,000 plus 1 percent of
48 such net eligible costs in excess of \$1,000,000,
49

(D) For an applicant whose net eligible costs equal \$5,000,000 or more, \$61,000 plus $\frac{1}{2}$ percent of such net eligible costs in excess of \$5,000,000.

(2) Extraordinary costs

Extraordinary costs incurred by a State for preparation of damage survey reports, final inspection reports, project applications, final audits, and related field inspections by State employees, including overtime pay and per diem and travel expenses of such employees, but not including pay for regular time of such employees, based on the ~~total amount of assistance~~ net eligible cost provided under sections 403, 404, 406, 407, 502, and 503 [42 U.S.C. §§ 5170b, 5170c, 5172, 5173, 5192, 5193] in such State in connection with the major disaster as follows:

(A) If such ~~total amount~~ net eligible cost is less than \$100,000, 3 percent of such ~~total amount~~ net eligible cost,

(B) If such ~~total amount~~ net eligible cost is \$100,000 or more but less than \$1,000,000, \$3,000 plus 2 percent of such ~~total amount~~ net eligible cost in excess of \$100,000,

(C) If such ~~total amount~~ net eligible cost is \$1,000,000 or more but less than \$5,000,000, \$21,000 plus 1 percent of such ~~total amount~~ net eligible cost in excess of \$1,000,000,

(D) If such ~~total amount~~ net eligible cost is \$5,000,000 or more, \$61,000 plus $\frac{1}{2}$ percent of such ~~total amount~~ net eligible cost in excess of \$5,000,000.

(3) Costs of National Guard

The costs of mobilizing and employing the National Guard for performance of eligible work.

(4) Costs of prison labor

The costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging.

(5) Other labor costs

Base and overtime wages for an applicant's employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the disaster.

(Pub. L. 93-288, title IV, § 406, as added Pub. L. 100-707, title I, § 106(b), Nov. 23, 1988, 102 Stat. 4699.)

§ 5173. DEBRIS REMOVAL

{Sec. 407}

(a) Authorization for use of Federal assistance and grants to State or local government

The President, whenever ~~he determines it~~ it is determined to be in the public interest, is authorized--

(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters; and

(2) to make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

(b) State or local government authorization; indemnification of Federal government

No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, ~~in the case of removal of debris or wreckage from private property,~~ shall first agree to indemnify the Federal Government against any claim arising from such removal.

(c) Rules relating to large lots

The President shall issue rules which provide for recognition of differences existing among urban, suburban, and rural lands in implementation of this section so as to facilitate adequate removal of debris and wreckage from large lots.

(d) Federal share

The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of debris and wreckage removal carried out under this section.

(Pub. L. 93-288, title IV, § 407, formerly § 403, May 22, 1974, 88 Stat. 154; renumbered § 407 and amended, Pub. L. 100-707, title I, § 106(c), Nov. 23, 1988, 102 Stat. 4701.)

[Note on § 408: §§ 408 and 411 have been deleted and their substance merged into a single new § 408 in this draft].

~~§ 5174. TEMPORARY HOUSING ASSISTANCE~~ {Sec. 408}~~(a) Provision of temporary housing~~

~~— (1) In general —~~

~~— The President may —~~

~~(A) provide, by purchase or lease, temporary housing (including unoccupied habitable dwellings), suitable rental housing, mobile homes, or other readily fabricated dwellings to persons who, as a result of a major disaster, require temporary housing; and~~

~~(B) reimburse State and local governments in accordance with paragraph (4) for the cost of sites provided under paragraph (2).~~

~~— (2) Mobile home site —~~

~~(A) In general —~~

~~Any mobile home or other readily fabricated dwelling provided under this section shall whenever possible be located on a site which—~~

~~— (i) is provided by the State or local government; and~~

~~— (ii) has utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.~~

~~(B) Other sites —~~

~~Mobile homes and other readily fabricated dwellings may be located on sites provided by the President if the President determines that such sites would be more economical or accessible than sites described in subparagraph (A).~~

~~— (3) Period —~~

~~Federal financial and operational assistance under this section shall continue for not longer than 18 months after the date of the major disaster declaration by the President, unless the President determines that due to extraordinary circumstances it would be in the public interest to extend such 18-month period.~~

~~— (4) Federal share —~~

~~The Federal share of assistance under this section shall be 100 percent; 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 State or local government receiving assistance under this section shall pay any cost which is not paid for from the Federal share.~~

~~1 — (b) Temporary mortgage and rental payments —~~

~~2~~
~~3 The President is authorized to provide assistance on a temporary~~
~~4 basis in the form of mortgage or rental payments to or on behalf of~~
~~5 individuals and families who, as a result of financial hardship~~
~~6 caused by a major disaster, have received written notice of~~
~~7 dispossession or eviction from a residence by reason of a foreclo-~~
~~8 sure of any mortgage or lien, cancellation of any contract of sale,~~
~~9 or termination of any lease, entered into prior to such disaster.~~
~~10 Such assistance shall be provided for the duration of the period of~~
~~11 financial hardship but not to exceed 18 months.~~

~~12~~
~~13 — (c) In lieu expenditures —~~

~~14~~
~~15 In lieu of providing other types of temporary housing after a~~
~~16 major disaster, the President is authorized to make expenditures~~
~~17 for the purpose of repairing or restoring to a habitable condition~~
~~18 owner-occupied private residential structures made uninhabitable by~~
~~19 a major disaster which are capable of being restored quickly to a~~
~~20 habitable condition.~~

~~21~~
~~22 — (d) Transfer of temporary housing~~

~~23~~
~~24 — (1) Direct sale to occupants —~~

~~25~~
~~26 Notwithstanding any other provision of law, any temporary~~
~~27 housing acquired by purchase may be sold directly to individuals~~
~~28 and families who are occupants of temporary housing at prices that~~
~~29 are fair and equitable, as determined by the President.~~

~~30~~
~~31 — (2) Transfers to States, local governments, and voluntary~~
~~32 organizations —~~

~~33~~
~~34 The President may sell or otherwise make available temporary~~
~~35 housing units directly to States, other governmental entities, and~~
~~36 voluntary organizations. The President shall impose as a condition~~
~~37 of transfer under this paragraph a covenant to comply with the~~
~~38 provisions of section 308 [42 U.S.C. § 5151] requiring nondiscrimi-~~
~~39 nation in occupancy of such temporary housing units. Such disposi-~~
~~40 tion shall be limited to units purchased under the provisions of~~
~~41 subsection (a) and to the purposes of providing temporary housing~~
~~42 for disaster victims in major disasters or emergencies.~~

~~43~~
~~44 — (e) Notification~~

~~45~~
~~46 — (1) In general —~~

~~47~~
~~48 Each person who applies for assistance under this section shall~~
~~49 be notified regarding the type and amount of any assistance for~~
~~50 which such person qualifies. Whenever practicable, such notice~~

1 ~~shall be provided within 7 days after the date of submission of~~
2 ~~such application.~~

3
4 ~~(2) Information~~

5
6 ~~Notification under this subsection shall provide information~~
7 ~~regarding--~~

8
9 ~~(A) all forms of such assistance available;~~

10
11 ~~(B) any specific criteria which must be met to qualify for~~
12 ~~each type of assistance that is available;~~

13
14 ~~(C) any limitations which apply to each type of assistance;~~
15 ~~and~~

16
17 ~~(D) the address and telephone number of offices responsible~~
18 ~~for responding to--~~

19
20 ~~(i) appeals of determinations of eligibility for assistance;~~
21 ~~and~~

22
23 ~~(ii) requests for changes in the type or amount of assis-~~
24 ~~tance provided.~~

25
26 ~~(f) Location~~

27
28 ~~In providing assistance under this section, consideration shall~~
29 ~~be given to the location of and travel time to--~~

30
31 ~~(1) the applicant's home and place of business;~~

32
33 ~~(2) schools which the applicant or members of the applicant's~~
34 ~~family who reside with the applicant attend; and~~

35
36 ~~(3) crops or livestock which the applicant tends in the course~~
37 ~~of any involvement in farming which provides 25 percent or more of~~
38 ~~the applicant's annual income.~~

39
40 ~~(Pub. L. 93-288, title IV, § 408, as added Pub. L. 100-707, title~~
41 ~~I, § 106(d), Nov. 23, 1988, 102 Stat. 4702.)~~

42
43 § 5174. GRANTS FOR SERIOUS NEEDS

{Sec. 408}

44
45 (a) In general.

46
47 (1) The President is authorized to provide grants to individu-
48 als or households adversely affected by a major disaster to meet
49 disaster-related housing needs, medical and dental expenses,
50 funeral expenses, and to address other serious needs in those cases
51 where such individuals or households are unable to meet such needs

1 through insurance proceeds. In addition, the President may make
2 grants under this section to alleviate disaster-related personal
3 property losses and transportation needs that the President
4 determines to be necessary to alleviate hardship and suffering
5 resulting from a major disaster or emergency where such individuals
6 and households are unable to meet such needs through insurance
7 proceeds and are ineligible for Small Business Administration
8 disaster loans.

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

14
15 (3) No individual or family shall receive a grant of more than
16 \$25,000 under this section with respect to a single major disaster
17 or emergency. Such limit shall be adjusted annually to reflect
18 changes in the Consumer Price Index for all Urban Consumers
19 published by the Department of Labor.

20
21 (b) Disaster housing.

22
23 (1) The President may provide assistance under this
24 section to respond to disaster-related housing needs of individuals
25 and households who are displaced from their pre-disaster long-term
26 residences or whose pre-disaster long-term residences are rendered
27 uninhabitable as a result of damage caused by a major disaster. The
28 most appropriate form of disaster housing to be provided to
29 disaster victims shall be determined in the President's discretion
30 based upon considerations of cost effectiveness, convenience to
31 disaster victims, and such other factors as the President may deem
32 appropriate.

33
34 (2) The President may provide disaster housing--

35
36 (A) by providing financial assistance for use in obtaining
37 alternate housing or for use in repairing or restoring to a
38 habitable condition owner-occupied private residential structures
39 made uninhabitable by a major disaster; or

40
41 (B) by providing disaster housing through use of unoccupied
42 habitable dwellings, suitable rental housing, mobile homes, or
43 other readily-fabricated dwellings by purchase or lease (the fair
44 market value of that shall be calculated in determining the amount
45 of grant assistance that disaster victims receive pursuant to this
46 section, provided that this calculation shall not include the costs
47 of transporting mobile homes or materials for use in constructing
48 readily-fabricated dwellings to disaster sites); or

49
50 (C) by constructing, or by providing grants for the purposes
51 of construction of, permanent housing to address disaster-related

1 housing needs where it is neither feasible nor cost-effective to
2 provide disaster housing assistance under paragraphs (A) or (B) of
3 this subsection and where it is not feasible to repair disaster-
4 damaged housing.

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

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

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

28
29 (6) Pre-existent Chronic Housing Problems. Disaster housing
30 assistance provided under this section shall not be used to
31 alleviate chronic housing problems, such as a lack of affordable
32 housing, that existed in the disaster area before a major disaster
33 was declared.

34
35 ~~(6)~~(7) Transfers of Disaster Housing.

36
37 (A) Direct Sales to Occupants. Notwithstanding any other
38 provision of law, any disaster housing acquired by purchase may be
39 sold directly to individuals and households who are occupants of
40 disaster housing if such individuals and households need such
41 assistance as permanent housing. Such sales shall be accomplished
42 at prices that are fair and equitable, as determined by the
43 President.

44
45 (B) Transfers to States, Local Governments, and Voluntary
46 Organizations. The President may sell or otherwise make available
47 disaster housing units directly to States, other governmental
48 entities, and voluntary organizations. The President shall impose
49 as a condition of transfer under this paragraph a covenant to
50 comply with the provisions of section 308, requiring nondiscrimi-
51 nation in occupancy of such housing units. Such disposition shall

1 be limited to units purchased under the authority of this section
2 and to the purposes of providing disaster housing to disaster
3 victims in emergencies or major disasters for two years after
4 donation by the President. As a condition of such donation, the
5 recipient must agree to obtain and maintain reasonably available
6 all hazard insurance on the donated disaster housing units.

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

16
17 ~~(8)~~(9) Disaster housing assistance may be provided pursuant to
18 this section only to individuals or households who are displaced
19 from their long-term residences by a major disaster. Individuals
20 and households who have no pre-disaster long-term residences or who
21 are not afforded month-to-month tenancy rights under the laws of
22 the State in which the major disaster occurred shall not be
23 provided disaster housing assistance under this section.
24 Emergency shelter assistance for such individuals and households
25 may be provided pursuant to the authority of paragraph 403(a)(3)(B)
26 of this Act.

27
28 (c) Cost Sharing.

29
30 (1) The Federal share of assistance under this section shall be
31 100 percent of the eligible costs of such assistance; except that
32 the Federal share of assistance under this section for construction
33 and site development costs (including installation of utilities) at
34 a mobile home group site shall be 75 percent of the eligible cost
35 of such assistance, the balance to be paid from funds made
36 available by the affected State.

37
38 (2) The value of assistance provided under this section shall
39 include the fair market value of disaster housing assistance
40 provided pursuant to paragraph (b)(1)(B) of this section.

41
42 (3) All administrative expenses associated with the provision
43 of assistance under this section shall be borne by the Federal
44 Government.

45
46 (d) Federal Administration.

47
48 The President shall administer the grant program authorized by
49 this section.
50

~~(2) Grant amounts will vary based upon family composition, severity of need, nature of tenancy, and household income. An income test will be used in establishing the grant amount, and such test must be reasonably related to a legitimate government interest.~~

~~(2) Any mobile home, prefabricated, or other readily fabricated housing provided under this section shall, whenever possible, be located on sites which are provided and developed by the State or local government and which have utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.~~

~~(3) Disaster housing provided by the President under this section may be located on sites provided by the President if the President determines that such sites would be more economical or accessible than sites provided pursuant to paragraph (2).~~

§ 5175. REPEALED. Pub. L. 100-707, title I, § 105(m)(2), Nov. 23, 1988, 102 Stat. 4696.

§ 5176. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES
{Sec. 409}

As a condition of any disaster loan or grant made under the provisions of this Act, the recipient shall agree that any repair or construction to be financed therewith shall be in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards, and shall furnish such evidence of compliance with this section as may be required by regulation. As a further condition of any loan or grant made under the provisions of this Act, the State or local government shall agree that the natural hazards in the areas in which the proceeds of the grants or loans are to be used shall be evaluated and appropriate action shall be taken to mitigate such hazards, including safe land-use and construction practices, in accordance with standards prescribed or approved by the President after adequate consultation with the appropriate elected officials of general purpose local governments, and the State shall furnish such evidence of compliance with this section as may be required by regulation.

(Pub. L. 93-288, title IV, § 409, formerly § 406, May 22, 1974, 88 Stat. 155; renumbered § 409, Pub. L. 100-707, title I, § 106(e), Nov. 23, 1988, 102 Stat. 4703.)

§ 5177. UNEMPLOYMENT ASSISTANCE {Sec. 410}

(a) Unemployment benefit assistance

1 The President is authorized to provide to any individual
2 unemployed as a result of a major disaster such benefit assistance
3 as ~~he~~ the President deems appropriate while such individual is
4 unemployed for the weeks of such unemployment with respect to which
5 the individual is not entitled to any other unemployment compensa-
6 tion (as that term is defined in section 85(b) of the Internal
7 Revenue Code of 1986 [26 U.S.C. § 85(b)]) or waiting period credit.
8 Such assistance as the President shall provide shall be available
9 to an individual as long as the individual's unemployment caused by
10 the major disaster continues or until the individual is reemployed
11 in a suitable position, but no longer than 26 weeks after an
12 individual's eligibility for unemployment benefit assistance begins
13 following the declaration of a ~~the~~ major disaster. ~~is declared.~~
14 Such assistance for a week of unemployment shall not exceed the
15 maximum weekly amount authorized under the unemployment compensa-
16 tion law of the State in which the disaster occurred. The President
17 is directed to provide such assistance through agreements with
18 States which, in ~~his~~ the President's judgment, have an adequate
19 system for administering such assistance through existing State
20 agencies.

21
22 (b) Reemployment assistance

23
24 (1) State assistance

25
26 A State shall provide, without reimbursement from any funds
27 provided under this Act, reemployment assistance services
28 under any other law administered by the State to individuals
29 receiving benefits under this section.

30
31 (2) Federal assistance

32
33 The President may provide reemployment assistance services
34 under other laws to individuals who are unemployed as a result
35 of a major disaster and who reside in a State which does not
36 provide such services.

37
38 (Pub. L. 93-288, title IV, § 410, formerly § 407, May 22, 1974, 88 Stat. 156;
39 renumbered § 410 and amended Pub. L. 100-707, title I, § 106(e), (f), Nov. 23,
40 1988, 102 Stat. 4704.)

41
42 ~~§ 5177A. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND~~
43 ~~SEASONAL FARMWORKERS~~

44 {Note on § 5177A: not part of Stafford
45 Act; misplaced in the U.S. Code by the
46 codifiers}

47 ~~(a) In general~~

48
49 ~~The Secretary of Agriculture may make grants, not to exceed~~
50 ~~\$20,000,000 annually, to public agencies or private organizations~~
51 ~~with tax exempt status under section 501(c)(3) of the Internal~~

~~Revenue Code of 1986 [26 U.S.C. 501(c)(3)], that have experience in providing emergency services to low-income migrant and seasonal farmworkers where the Secretary determines that a local, State or national emergency or disaster has caused low-income migrant or seasonal farmworkers to lose income, to be unable to work, or to stay home or return home in anticipation of work shortages. Emergency services to be provided with assistance received under this section may include such types of assistance as the Secretary of Agriculture determines to be necessary and appropriate.~~

~~—(b) Definition—~~

~~For the purposes of this section, the term "low-income migrant or seasonal farmworker" means an individual--~~

~~(1) who has, during any consecutive 12 month period within the preceding 24 month period, performed farm work for wages;~~

~~(2) who has received not less than one-half of such individual's total income, or been employed at least one-half of total work time in farm work; and~~

~~(3) whose annual family income within the 12 month period referred to in paragraph (1) does not exceed the higher of the poverty level or 70 percent of the lower living standard income level.~~

~~—(c) Authorization of appropriations—~~

~~There are authorized to be appropriated such sums as may be necessary to carry out this section.~~

(Pub. L. 101-624, title XXII, Subtitle C, § 2281, Nov. 28, 1990, 104 Stat. 3978.)

~~§ 5178. INDIVIDUAL AND FAMILY GRANT PROGRAMS (Sec. 411)~~

~~{Note on § 411: merged into § 408 in this draft}.~~

~~—(a) In general—~~

~~The President is authorized to make a grant to a State for the purpose of making grants to individuals or families adversely affected by a major disaster for meeting disaster-related necessary expenses or serious needs of such individuals or families in those cases where such individuals or families are unable to meet such expenses or needs through assistance under other provisions of this Act or through other means.~~

~~—(b) Cost sharing~~

~~—(1) Federal share—~~

~~The Federal share of a grant to an individual or a family under this section shall be equal to 75 percent of the actual cost incurred.~~

~~(2) State contribution~~

~~The Federal share of a grant under this section shall be paid only on condition that the remaining 25 percent of the cost is paid to an individual or family from funds made available by a State.~~

~~(c) Regulations~~

~~The President shall promulgate regulations to carry out this section and such regulations shall include national criteria, standards, and procedures for the determination of eligibility for grants and the administration of grants under this section.~~

~~(d) Administrative expenses~~

~~A State may expend not to exceed 5 percent of any grant made by the President to it under subsection (a) for expenses of administering grants to individuals and families under this section.~~

~~(e) Administration through Governor~~

~~The Governor of a State shall administer the grant program authorized by this section in the State.~~

~~(f) Limit on grants to individual~~

~~No individual or family shall receive grants under this section aggregating more than \$10,000 with respect to any single major disaster. Such \$10,000 limit shall annually be adjusted to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.~~

~~(Pub. L. 93-288, title IV, § 411, as added Pub. L. 100-707, title I, § 106(g), Nov. 23, 1988, 102 Stat. 4704.)~~

§ 5179. Food coupons and distribution

{Sec. 412}

(a) Persons eligible; terms and conditions

Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he the President is authorized, under such terms and conditions as he may be prescribe may be prescribed, to distribute through the Secretary of Agriculture or other appropriate agencies coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964 (Pub. L. 91-671; 84

Stat. 2048) [7 U.S.C. §§ 2011 et seq.] and to make surplus commodities available pursuant to the provisions of this Act.

(b) Duration of assistance; factors considered

The President, through the Secretary of Agriculture or other appropriate agencies, is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as the President determines necessary, taking into consideration such factors as ~~he deems~~ deemed appropriate, including the consequences of the major disaster on the earning power of the households, to which assistance is made available under this section.

(c) Food Stamp Act [7 U.S.C. §§ 2011 et seq.] provisions unaffected,

Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 [7 U.S.C. §§ 2011 et seq.] except as they relate to the availability of food stamps in an area affected by a major disaster.

(Pub. L. 93-288, title IV, § 412, formerly § 409, May 22, 1974, 88 Stat. 157; renumbered § 412, Pub. L. 100-707, title I, § 106(h), Nov. 23, 1988, 102 Stat. 4705.)

§ 5180. Food commodities

{Sec. 413}

(a) Emergency mass feeding

The President is authorized and directed to assure that adequate stocks of food will be ready and conveniently available for emergency mass feeding or distribution in any area of the United States which suffers a major disaster or emergency.

(b) Funds for purchase of food commodities

The Secretary of Agriculture shall utilize funds appropriated under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to purchase food commodities necessary to provide adequate supplies for use in any area of the United States in the event of a major disaster or emergency in such area.

(Pub. L. 93-288, title IV, § 413, formerly § 410, May 22, 1974, 88 Stat. 157; renumbered § 413, Pub. L. 100-707, title I, § 106(h), Nov. 23, 1988, 102 Stat. 4705.)

§ 5181. Relocation assistance

{Sec. 414}

(a) Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment

1 under the Uniform Relocation Assistance and Real Property Acquisi-
2 tion Policies Act of 1970, as amended (Pub. L. 91-646), shall be
3 denied such eligibility as a result of his being unable, because of
4 a major disaster as determined by the President, to meet the
5 occupancy requirements set by such Act.

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

14
15 (c) For purposes of this section, the term "qualified buyout
16 program" means any program that--

17
18 (1) provides for the purchase of only property damaged by
19 flooding and purchased solely as a result of such flooding;

20
21 (2) provides for such acquisition without the use of the
22 power of eminent domain and notification to the seller that
23 acquisition is without the use of such power;

24
25 (3) is carried out by or through a State or a unit of general
26 local government; and

27
28 (4) is being assisted with amount made available for--

29
30 (A) disaster relief by the Federal Emergency Management
31 Agency; or

32
33 (B) other Federal financial assistance programs.

34
35 (Pub. L. 93-288, title IV, § 414, formerly § 411, May 22, 1974, 88 Stat. 157;
36 renumbered § 414, Pub. L. 100-707, title I, § 106(h), Nov. 23, 1988, 102 Stat.
37 4705.)

38
39
40 § 5182. Legal services

{Sec. 415}

41
42 Whenever the President determines that low-income individuals are
43 unable to secure legal services adequate to meet their needs as a
44 consequence of a major disaster, consistent with the goals of the
45 programs authorized by this Act, the President shall assure that
46 such programs are conducted with the advice and assistance of
47 appropriate Federal agencies and State and local bar associations.

48
49 (Pub. L. 93-288, title IV, § 415, formerly § 412, May 22, 1974, 88 Stat. 157;
50 renumbered § 415, Pub. L. 100-707, title I, § 106(h), Nov. 23, 1988, 102 Stat.
51 4705.)

1 § 5183. Crisis counseling assistance and training {Sec. 416}

2
3 (a) The President is authorized to provide professional
4 counseling services, including financial assistance to State or
5 local agencies or private mental health organizations to provide
6 such services or training of disaster workers, to victims of major
7 disasters in order to relieve mental health problems caused or
8 aggravated by such major disaster or its aftermath.

9
10 (b) The Federal share of assistance under this section shall be
11 75 percent of the eligible cost of such assistance. The State or
12 local government receiving assistance under this section shall pay
13 any cost that is not paid from the Federal share.

14
15 (Pub. L. 93-288, title IV, § 416, formerly § 413, May 22, 1974, 88 Stat. 157;
16 renumbered § 416, Pub. L. 100-707, title I, § 106(i), Nov. 23, 1988, 102 Stat.
17 4705.)

18
19 ~~§ 5184. Community disaster loans~~ {Sec. 417}

20
21 ~~—(a) The President is authorized to make loans to any local~~
22 ~~government which may suffer a substantial loss of tax and other~~
23 ~~revenues as a result of a major disaster, and has demonstrated a~~
24 ~~need for financial assistance in order to perform its governmental~~
25 ~~functions. The amount of any such loan shall be based on need, and~~
26 ~~shall not exceed 25 per centum of the annual operating budget of~~
27 ~~that local government for the fiscal year in which the major~~
28 ~~disaster occurs and for each of the following two tax years.~~
29 ~~Repayment of all or any part of such loan to the extent that~~
30 ~~revenues of the local government during the three full fiscal year~~
31 ~~period following the major disaster are insufficient to meet the~~
32 ~~operating budget of the local government, including additional~~
33 ~~disaster-related expenses of a municipal operation character shall~~
34 ~~be canceled.~~

35
36 ~~—(b) Any loans made under this section shall not reduce or~~
37 ~~otherwise affect any grants or other assistance under this Act.~~

38
39 ~~—(c) For purposes of this section, community disaster loans shall~~
40 ~~be exempt from the provisions of the Federal Credit Reform Act of~~
41 ~~1990.~~

42
43
44 (Pub. L. 93-288, title IV, § 417, formerly § 414(a), (b), May 22, 1974, 88 Stat.
45 157; renumbered § 417(a), (b), Pub. L. 100-707, title I, § 106(j), Nov. 23, 1988,
46 102 Stat. 4705.)

47
48 COMMUNITY EMERGENCY DROUGHT RELIEF

49
50 Pub. L. 95-31, title I, May 23, 1977, 91 Stat. 169, provided: "That this Act be
51 cited as the 'Community Emergency Drought Relief Act of 1977'".
52

1 Sec. 101. (a) Upon the application of any State, political subdivision of a
2 State, Indian tribe, or public or private nonprofit organization, the Secretary
3 of Commerce is authorized to make grants and loans to applicants in drought
4 impacted areas for projects that implement short-term actions to augment
5 community water supplies where there are severe problems due to water shortages.
6 Such assistance may be for the improvement, expansion, or construction of water
7 supplies, and purchase and transportation of water, which in the opinion of the
8 Secretary of Commerce will make a substantial contribution to the relief of an
9 existing or threatened drought condition in a designated area.

10
11 "(b) The Secretary of Commerce may designate any area in the United States as
12 an emergency drought impact area if he or she finds that a major and continuing
13 adverse drought condition exists and is expected to continue, and such condition
14 is causing significant hardships on the affected areas.

15
16 "(c) Eligible applicants shall be those States or political subdivisions of
17 States with a population of ten thousand or more. Indian tribes, or public or
18 private nonprofit organizations within areas designated pursuant to subsection
19 (b) of this section.

20
21 "(d) Projects assisted under this Act shall be only those with respect to which
22 assurances can be given to the satisfaction of the Secretary of Commerce that the
23 work can be completed by April 30, 1978, or within such extended time as the
24 Secretary may approve in exceptional circumstances.

25
26 "Sec. 102. Grants hereunder shall be in an amount not to exceed 50 per centum
27 of allowable project costs. Loans shall be for a term not to exceed 40 years at
28 a per annum interest rate of 5 per centum and shall be on such terms and
29 conditions as the Secretary of Commerce shall determine. In determining the
30 amount of a grant assistance for any project, the Secretary of Commerce may take
31 into consideration such factors as are established by regulation and are
32 consistent with the purposes of this Act.

33
34 "Sec. 103. In extending assistance under this Act the Secretary shall take into
35 consideration the relative needs of applicant areas for the projects for which
36 assistance is requested, and the appropriateness of the project for relieving the
37 conditions intended to be alleviated by this Act.

38
39 "Sec. 104. The Secretary of Commerce shall have such powers and authorities
40 under this Act as are vested in the Secretary by sections 701 and 708 of the
41 Public Works and Economic Development Act of 1965, as amended [sections 3211 and
42 3218 of this title], with respect to that Act [section 3121 et seq. of this
43 title].

44
45 "Sec. 105. The National Environmental Protection Act of 1969, as amended
46 [section 4321 et seq. of this title], shall be implemented to the fullest extent
47 consistent with but subject to the time constraints imposed by this Act, and the
48 Secretary of Commerce when making the final determination regarding an ap-
49 plication for assistance hereunder shall give consideration to the environmental
50 consequences determined within that period.

51
52 "Sec. 106. (a) There is hereby authorized to be appropriated for the fiscal
53 year ending September 30, 1977, \$225,000,000 of which sum \$150,000,000 is to be
54 for the loan program herein, including administration thereof, and \$75,000,000
55 of which is to be used for the grant program herein, including administration
56 thereof, and such additional amounts for the fiscal year ending September 30,
57 1978, as may be reasonably needed for administrative expenses in monitoring and
58 closing out the program authorized by the Act. Funds authorized by this Act shall
59 be obligated by December 31, 1977.
60

"(b) Funds available to the Secretary for this Act shall be available for expenditure for drought impact projects conducted heretofore by eligible applicants during fiscal year 1977 if such projects are found to be compatible with the broad purposes of this Act."

§ 5185. Emergency communications {Sec. 418}

The President is authorized during, or in anticipation of an emergency or major disaster to establish temporary communications systems and to make such communications available to State and local government officials and other persons as he the President deems appropriate.

(Pub. L. 93-288, title IV, § 418, formerly § 415, May 22, 1974, 88 Stat. 158; renumbered § 418, Pub. L. 100-707, title I, § 106(j), Nov. 23, 1988, 102 Stat. 4705.)

§ 5186. Emergency public transportation {Sec. 419}

The President is authorized to provide temporary public transportation service in an area affected by a major disaster to meet emergency needs and to provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

(Pub. L. 93-288, title IV, § 419, formerly § 416, May 22, 1974, 88 Stat. 158; renumbered § 419, Pub. L. 100-707, title I, § 106(j), Nov. 23, 1988, 102 Stat. 4705.)

§ 5187. Fire suppression grants {Sec. 420}

The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.

(Pub. L. 93-288, title IV, § 420, formerly § 417, May 22, 1974, 88 Stat. 158; renumbered § 420, Pub. L. 100-707, title I, § 106(j), Nov. 23, 1988, 102 Stat. 4705.)

~~§ 5188. Timber sale contracts~~ {Sec. 421}

~~(a) Cost-sharing arrangement~~

~~Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical~~

~~change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than \$1,000 for sales under one million board feet, (2) of more than \$1 per thousand board feet for sales of one to three million board feet, or (3) of more than \$3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.~~

~~—(b) Cancellation of authority~~

~~If the appropriate Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, he may allow cancellation of a contract entered into by his Department notwithstanding contrary provisions therein.~~

~~—(c) Public notice of sale~~

~~The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.~~

~~—(d) State grants for removal of damaged timber; reimbursement of expenses limited to salvage value of removed timber.~~

~~The President, when he determines it to be in the public interest, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.~~

(Pub. L. 93-288, title IV, § 421, formerly § 418, May 22, 1974, 88 Stat. 158; renumbered § 421, Pub. L. 100-707, title I, § 106(j), Nov. 23, 1988, 102 Stat. 4705.)

§ 5189. Simplified procedure

{Sec. 422}

If the Federal estimate of the cost of--

(1) repairing, restoring, reconstructing, or replacing under section 406 [42 U.S.C. § 5172] any damaged or destroyed public facility or private nonprofit facility,

(2) emergency assistance under section 403 or 502 [42 U.S.C. § 5170b or 5192], or

(3) debris removed under section 407 [42 U.S.C. § 5173],

is less than \$35,000, the President (on application of the State or local government or the owner or operator of the private nonprofit facility) may make the contribution to such State or local government or owner or operator under section 403, 406, 407, or 502 [42 U.S.C. § 5170b, 5172, 5173 or 5192], as the case may be, on the basis of such Federal estimate. Such \$35,000 amount shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

(Pub. L. 93-288, title IV, § 422, as added Pub. L. 100-707, title I, § 106(k), Nov. 23, 1988, 102 Stat. 4705.)

§ 5189A. APPEALS OF ASSISTANCE DECISIONS {Sec. 423}

(a) Right of appeal

Any decision regarding eligibility for, from, or amount of assistance under this title [42 U.S.C. §§ 5170 et seq.] may be appealed within 60 days after the date on which the applicant for such assistance is notified of the award or denial of award of such assistance.

(b) Period for decision

A decision regarding an appeal under subsection (a) shall be rendered within 90 days after the date on which the Federal official designated to administer such appeals receives notice of such appeal.

(c) Rules

The President shall issue rules which provide for the fair and impartial consideration of appeals under this section.

(Pub. L. 93-288, title IV, § 423, as added Pub. L. 100-707, title I, § 106(l), Nov. 23, 1988, 102 Stat. 4705.)

§ 5189B. DATE OF ELIGIBILITY; EXPENSES INCURRED BEFORE DATE OF DISASTER {Sec. 424}

Eligibility for Federal assistance under this subchapter shall begin on the date of the occurrence of the event which results in

1 a declaration by the President that a major disaster exists; except
2 that reasonable expenses which are incurred in anticipation of and
3 immediately preceding such event may be eligible for Federal
4 assistance under this Act.

5
6 (Pub. L. 93-288, title IV, § 424, as added Pub. L. 100-707, title I, § 106(1),
7 Nov. 23, 1988, 102 Stat. 4706.)

8
9 SUBCHAPTER IV-A--EMERGENCY ASSISTANCE PROGRAMS

10
11 SUBCHAPTER REFERRED TO IN OTHER SECTIONS

12
13 § 5191. PROCEDURE FOR DECLARATION {Sec. 501}

14
15 (a) Request and declaration

16
17 All requests for a declaration by the President that an emergency
18 exists shall be made by the Governor of the affected State. Such a
19 request shall be based on a finding that the situation is of such
20 severity and magnitude that effective response is beyond the
21 capabilities of the State and the affected local governments and
22 that Federal assistance is necessary. As a part of such request,
23 and as a prerequisite to emergency assistance under this Act, the
24 Governor shall take appropriate action under State law and direct
25 execution of the State's emergency plan. The Governor shall furnish
26 information describing the State and local efforts and resources
27 which have been or will be used to alleviate the emergency, and
28 will define the type and extent of Federal aid required. Based upon
29 such Governor's request, the President may declare that an
30 emergency exists.

31
32 (b) Certain emergencies involving Federal primary responsibility

33
34 The President may exercise any authority vested in him the
35 Presidency by section 502 or section 503 [42 U.S.C. § 5192 or
36 § 5193] with respect to an emergency when he the President
37 determines that an emergency exists for which the primary responsi-
38 bility for response rests with the United States because the
39 emergency involves a subject area for which, under the Constitution
40 or laws of the United States, the United States exercises exclusive
41 or preeminent responsibility and authority. In determining whether
42 or not such an emergency exists, the President shall consult the
43 Governor of any affected State, if practicable. The President's
44 determination may be made without regard to subsection (a).

45
46 (Pub. L. 93-288, title V, § 501, as added Pub. L. 100-707, title I, § 107(a),
47 Nov. 23, 1988, 102 Stat. 4706.)

48
49 § 5192. Federal emergency assistance {Sec. 502}

50
51 (a) Specified

1 In any emergency, the President may--

2
3 (1) direct any Federal agency, with or without reimbursement, to
4 utilize its authorities and the resources granted to it under
5 Federal law (including personnel, equipment, supplies, facilities,
6 and managerial, technical and advisory services) in support of
7 State and local emergency assistance efforts to save lives, protect
8 property and public health and safety, and lessen or avert the
9 threat of a catastrophe;

10
11 (2) coordinate all disaster relief assistance (including
12 voluntary assistance) provided by Federal agencies, private
13 organizations, and State and local governments;

14
15 (3) provide technical and advisory assistance to affected State
16 and local governments for--

17
18 (A) the performance of essential community services;

19
20 (B) issuance of warnings of risks or hazards;

21
22 (C) public health and safety information, including dissemina-
23 tion of such information;

24
25 (D) provision of health and safety measures; and

26
27 (E) management, control, and reduction of immediate threats to
28 public health and safety;

29
30 (4) provide emergency assistance through Federal agencies;

31
32 (5) remove debris in accordance with the terms and conditions of
33 section 407 [42 U.S.C. § 5173];

34
35 (6) provide ~~temporary~~ disaster housing assistance in accordance
36 with section 408 [42 U.S.C. § 5174]; and

37
38 (7) assist State and local governments in the distribution of
39 medicine, food, and other consumable supplies, and emergency
40 assistance.

41
42 (b) General

43
44 Whenever the Federal assistance provided under subsection (a)
45 with respect to an emergency is inadequate, the President may also
46 provide assistance with respect to efforts to save lives, protect
47 property and public health and safety, and lessen or avert the
48 threat of a catastrophe.

49
50 (Pub. L. 93-288, title V, § 502, as added Pub. L. 100-707, title I, § 107(a),
51 Nov. 23, 1988, 102 Stat. 4706.)

1 § 5193. Amount of assistance {Sec. 503}

2
3 (a) Federal share

4
5 The Federal share for assistance provided under this title [42
6 U.S.C. §§ 5191 et seq.] shall be equal to not less than 75 percent
7 of the eligible costs.

8
9 (b) Limit on amount of assistance

10
11 (1) In general

12
13 Except as provided in paragraph (2), total assistance provided
14 under this title [42 U.S.C. §§ 5191 et seq.] for a single emergency
15 shall not exceed \$5,000,000.

16
17 (2) Additional assistance

18
19 The limitation described in paragraph (1) may be exceeded when
20 the President determines that--

21
22 (A) continued emergency assistance is immediately required;

23
24 (B) there is a continuing and immediate risk to lives,
25 property, public health or safety; and

26
27 (C) necessary assistance will not otherwise be provided on a
28 timely basis.

29
30 (3) Report

31
32 Whenever the limitation described in paragraph (1) is exceeded,
33 the President shall report to the Congress on the nature and extent
34 of emergency assistance requirements and shall propose additional
35 legislation if necessary.

36
37 (Pub. L. 93-288, title V, § 503, as added Pub. L. 100-707, title I, § 107(a),
38 Nov. 23, 1988, 102 Stat. 4707.)
39

SUBCHAPTER V--MISCELLANEOUS

[Note for § 601: Rules and regulations authorized in Sec. 601(a)(1) were authorized in § 321 of the Act and do not need to be duplicated here; § 601(b) becomes § 324(a)(1).]

~~§ 5201. Rules and regulations~~ ~~(Sec. 601)~~

~~(a)(1) The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency or agencies as he may designate.~~

~~(2) Deadline for payment of assistance. Rules and regulations authorized by paragraph (1) shall provide that payment of any assistance under this Act to a State shall be completed within 60 days after the date of approval of such assistance.~~

~~(b) In furtherance of the purposes of this Act, the President or his delegate may accept and use bequests, gifts, or donations of service, money, or property, real, personal, or mixed, tangible, or intangible. All sums received under this subsection shall be deposited in a separate fund on the books of the Treasury and shall be available for expenditure upon the certification of the President or his delegate. At the request of the President or his delegate, the Secretary of the Treasury may invest and reinvest excess monies in the fund. Such investments shall be in public debt securities with maturities suitable for the needs of the fund and shall bear interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The interest on such investments shall be credited to, and form a part of, the fund.~~

(Pub. L. 93-288, title VI, § 601, May 22, 1974, 88 Stat. 163; Pub. L. 96-446, Oct. 13, 1980, 94 Stat. 1893; Pub. L. 100-707, title I, § 108(a), Nov. 23, 1988, 102 Stat. 4707.)

§ 5202. REPEALED. Pub. L. 100-707, title I, § 108(c), Nov. 23, 1988, 102 Stat. 4708

Section, Pub. L. 93-288, title VI, § 606, May 22, 1974, 88 Stat. 164; Pub. L. 95-51, § 1, June 20, 1977, 91 Stat. 233; Pub. L. 96-568, § 2, Dec. 22, 1980, 94 Stat. 3334, authorized the appropriations of such sums as necessary to carry out this chapter through the close of Sept. 30, 1981.

§ 5203. Reserved

§ 5204. DEFINITIONS.

1 As used in this title--

2
3 (1) the term "insular area" means any of the following: Amer-
4 ican Samoa, the Federated States of Micronesia, Guam, the Marshall
5 Islands, the Northern Mariana Islands, the Trust Territory of the
6 Pacific Islands, and the Virgin Islands;

7
8 (2) the term "disaster" means a declaration of a major
9 disaster by the President after September 1, 1989, pursuant to
10 section 401 of the Robert T. Stafford Disaster Relief and Emergency
11 Assistance Act (42 U.S.C. 5170); and

12
13 (3) the term "Secretary" means the Secretary of the Interior.

14
15 § 5204a. AUTHORIZATION.

16
17 There are hereby authorized to be appropriated to the Secretary
18 such sums as may be necessary to--

19
20 (1) reconstruct essential public facilities damaged by
21 disasters in the insular areas that occurred prior to the date of
22 the enactment of this Act; and

23
24 (2) enhance the survivability of essential public facilities
25 in the event of disasters in the insular areas, except that with
26 respect to the disaster declared by the President in the case of
27 Hurricane Hugo, September 1989, amounts for any fiscal year shall
28 not exceed 25 percent of the estimated aggregate amount of grants
29 to be made under sections 403 and 406 of The Robert T. Stafford
30 Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b,
31 5172) for such disaster. Such sums shall remain available until
32 expended.

33
34 § 5204b. TECHNICAL ASSISTANCE.

35
36 (a) Upon the declaration by the President of a disaster in an
37 insular area, the President, acting through the Director of the
38 Federal Emergency Management Agency, shall assess, in cooperation
39 with the Secretary and chief executive of such insular area, the
40 capability of the insular government to respond to the disaster,
41 including the capability to assess damage; coordinate activities
42 with Federal agencies, particularly the Federal Emergency Manage-
43 ment Agency; develop recovery plans, including recommendations for
44 enhancing the survivability of essential infrastructure; negotiate
45 and manage reconstruction contracts; and prevent the misuse of
46 funds. If the President finds that the insular government lacks
47 any of these or other capabilities essential to the recovery
48 effort, then the President shall provide technical assistance to
49 the insular area which the President deems necessary for the
50 recovery effort.

51

(b) One year following the declaration by the President of a disaster in an insular area, the Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall submit to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs a report on the status of the recovery effort, including an audit of Federal funds, expended in the recovery effort and recommendations on how to improve public health and safety, survivability of infrastructure, recovery efforts, and effective use of funds in the event of future disasters.

§ 5204c. HAZARD MITIGATION.

The total of contributions under the last sentence of section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for the insular areas shall not exceed 10 percent of the estimated aggregate amounts of grants to be made under sections 403, 406, 407, 408, and 411 of such Act for any disaster: Provided, That the President shall require a 50 percent local match for assistance in excess of 10 percent of the estimated aggregate amount of grants to be made under section 406 of such Act for any disaster.

Source: Feb. 24, 1992, Pub. L. 102-247, Title II, 106 Stat. 37.

§§ 5205 to 5300. Reserved.