

# Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and Related Authorities

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to State and local governments to insure that timely and effective disaster warning is provided.

- (c) Warnings to governmental authorities and public endangered by disaster - The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 5196(c) of this title or any other Federal communications system for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters.
- (d) Agreements with commercial communications systems for use of facilities - The President is authorized to enter into agreements with the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable or nonreimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by disasters.

### **Sec. 203. Predisaster Hazard Mitigation (42 U.S.C. 5133)**

- (a) Definition of Small Impoverished Community - In this section, the term "small impoverished community" means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.
- (b) Establishment of Program - The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.
- (c) Approval by President - If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the "Fund"), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).
- (d) State Recommendations -
  - (1) In general -
    - (A) Recommendations -The Governor of each State may recommend to the President not fewer than five local governments to receive assistance under this section.

(B) Deadline for submission - The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

(C) Criteria - In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

(2) Use -

(A) In general - Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

(B) Extraordinary circumstances - In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

(3) Effect of failure to nominate - If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

(e) Uses of Technical and Financial Assistance -

(1) In general - Technical and financial assistance provided under this section

(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

(B) may be used -

(i) to support effective public-private natural disaster hazard mitigation partnerships;

(ii) to improve the assessment of a community's vulnerability to natural hazards; or

(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community

(2) Dissemination - A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

(f) Allocation of Funds - The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year -

(1) shall be not less than the lesser of -

(A) \$500,000; or

(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

(3) shall be subject to the criteria specified in subsection (g).

(g) Criteria for Assistance Awards - In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account -

(1) the extent and nature of the hazards to be mitigated;

(2) the degree of commitment by the State or local government to reduce damages from future natural disasters;

(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

(7) if the State or local government has submitted a mitigation plan under section 5165 of this title, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

(8) the opportunity to fund activities that maximize net benefits to society;

(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

(10) such other criteria as the President establishes in consultation with State and local governments.

(h) Federal Share -

- (1) In general - Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.
- (2) Small impoverished communities - Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

(i) National Predisaster Mitigation Fund -

- (1) Establishment - The President may establish in the Treasury of the United States a fund to be known as the "National Predisaster Mitigation Fund", to be used in carrying out this section.
- (2) Transfers to fund - There shall be deposited in the Fund -
  - (A) amounts appropriated to carry out this section, which shall remain available until expended; and
  - (B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.
- (3) Expenditures from fund - Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.
- (4) Investment of amounts -
  - (A) In general - The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.
  - (B) Acquisition of obligations - For the purpose of investments under subparagraph (A), obligations may be acquired -
    - (i) on original issue at the issue price; or
    - (ii) by purchase of outstanding obligations at the market price.
  - (C) Sale of obligations - Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.
  - (D) Credits to fund - The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

- (E) Transfers of amounts -
  - (i) In general - The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.
  - (ii) Adjustments - Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.
  
- (j) Limitation on Total Amount of Financial Assistance - The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.
  
- (k) Multihazard Advisory Maps -
  - (1) Definition of multihazard advisory map - In this subsection, the term "multihazard advisory map" means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.
  - (2) Development of maps - In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than five States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).
  - (3) Use of technology - In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.
  - (4) Use of maps -
    - (A) Advisory nature - The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.
    - (B) Availability of maps - The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of -
      - (i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);
      - (ii) supporting the activities described in subsection (e); and
      - (iii) other public uses.

(l) Report on Federal and State Administration - Not later than Oct. 30, 2000, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

(m) Termination of Authority - The authority provided by this section terminates September 30, 2008.

#### **Sec. 204. Interagency Task Force (42 U.S.C. 5134)**

(a) In General - The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

(b) Chairperson - The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

(c) Membership - The membership of the task force shall include representatives of

(1) relevant Federal agencies;

(2) State and local government organizations (including Indian tribes); and

(3) the American Red Cross.

### **Title III -- Major Disaster and Emergency Assistance Administration**

#### **Sec. 301. Waiver of Administrative Conditions (42 U.S.C. 5141)**

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 a 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 major disaster.

#### **Sec. 302. Coordinating Officers (42 U.S.C. 5143)\***

(a) Appointment of Federal coordinating officer - Immediately upon his declaration of a major disaster or emergency, the President shall appoint a Federal coordinating officer to operate in the affected area.