

Public Law 100-707
100th Congress

An Act

To amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies, and for other purposes.

Nov. 23, 1988
[H.R. 2707]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—DISASTER RELIEF AND
EMERGENCY ASSISTANCE AMENDMENTS**

Safety.
State and local
governments.
The Disaster
Relief and
Emergency
Assistance
Amendments of
1988.
42 USC 5121
note.

SEC. 101. SHORT TITLE; AMENDMENTS TO DISASTER RELIEF ACT OF 1974.

(a) **SHORT TITLE.**—This title may be cited as “The Disaster Relief and Emergency Assistance Amendments of 1988.”

(b) **AMENDMENTS TO DISASTER RELIEF ACT OF 1974.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Disaster Relief Act of 1974 (42 U.S.C. 5121-5202).

SEC. 102. AMENDMENT TO SHORT TITLE.

(a) **AMENDMENT TO SHORT TITLE.**—The first section is amended by striking out “Disaster Relief Act of 1974” and inserting in lieu thereof “The Robert T. Stafford Disaster Relief and Emergency Assistance Act.”

The Robert T.
Stafford Disaster
Relief and
Emergency
Assistance Act.
42 USC 5121
note.
42 USC 5121
note.

(b) **REFERENCES.**—Whenever any reference is made in any law (other than this Act), regulation, document, rule, record, or other paper of the United States to a section or provision of the Disaster Relief Act of 1974, such reference shall be deemed to be a reference to such section or provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

SEC. 103. AMENDMENTS TO TITLE I.

(a) **FINDINGS AND DECLARATIONS.**—Section 101(b) (42 U.S.C. 5121(b)) is amended—

- (1) by striking out paragraph (7);
- (2) by striking out “; and” at the end of paragraph (6); and
- (3) by inserting “and” at the end of paragraph (5).

(b) **DEFINITION OF EMERGENCY.**—Section 102(1) is amended to read as follows:

42 USC 5122.

“(1) **EMERGENCY.**—‘Emergency’ means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.”

(c) **DEFINITION OF MAJOR DISASTER.**—Section 102(2) is amended to read as follows:

"(2) MAJOR DISASTER.—'Major disaster' means any natural catastrophe (including 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, 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 Act 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."

(d) TECHNICAL AMENDMENTS.—Paragraphs (3) and (4) of section 102 are each amended by striking out "the Canal Zone,".

(e) LOCAL GOVERNMENT.—

(1) IN GENERAL.—The term "local government" is deemed to have the same meaning in the Disaster Relief and Emergency Assistance Act, as amended by this Act, as that term had on October 1, 1988, under section 102(6) of the Disaster Relief Act of 1974 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.

(f) DEFINITIONS OF PUBLIC AND PRIVATE NONPROFIT FACILITIES.—Section 102 is amended by adding at the end thereof the following new paragraphs:

"(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 private nonprofit educational, utility, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled), 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."

SEC. 104. DISASTER PREPAREDNESS ASSISTANCE.

(a) MAXIMUM AMOUNT OF STATE DISASTER ASSISTANCE PLANNING GRANTS.—Section 201(d) is amended by striking out "\$25,000" and inserting in lieu thereof "\$50,000".

(b) TECHNICAL AMENDMENTS.—Section 201 is amended—

(1) in subsection (a) by striking out "(including the Defense Civil Preparedness Agency)"; and

42 USC 5122.
42 USC 5122
note.

President of U.S.
Reports.

42 USC 5131.

(2) in subsection (d) by inserting "including evaluations of natural hazards and development of the programs and actions required to mitigate such hazards;" after "plans,".

SEC. 105. DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION.

(a) **WAIVER OF CONDITIONS.**—Title III is amended—

(1) by striking out the heading for such title and inserting in lieu thereof:

"TITLE III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION";

and

(2) by striking out sections 301 and 302 and inserting in lieu thereof the following new section:

42 USC 5141,
5142.

"SEC. 301. WAIVER OF ADMINISTRATIVE CONDITIONS.

42 USC 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."

(b) **COORDINATING OFFICERS.**—

(1) **REDESIGNATION.**—Section 303, and any reference thereto, is redesignated as section 302.

42 USC 5143.

(2) **INCLUSION OF EMERGENCIES.**—Such section is amended in subsection (a) by inserting "or emergency" after "major disaster".

(c) **REDESIGNATION OF SECTION 304.**—Section 304, and any reference thereto, is redesignated as section 303.

42 USC 5144.

(d) **REMOVAL OF EMERGENCY ASSISTANCE AND COOPERATION PROVISIONS FROM TITLE III; REDESIGNATION OF SECTIONS 307, 308, AND 309.**—Title III is further amended by striking out sections 305 and 306 and by redesignating sections 307, 308, and 309, and any references thereto, as sections 304, 305, and 306, respectively.

42 USC 5145,
5146.

(e) **USE OF LOCAL FIRMS AND INDIVIDUALS.**—

(1) **REDESIGNATION.**—Section 310, and any reference thereto, is redesignated as section 307.

42 USC 5147-
5149.

(2) **INCLUSION OF EMERGENCIES.**—Such section is amended by inserting "or emergency" after "major disaster" each place it appears.

42 USC 5150.

(3) **USE OF DEPARTMENT OF DEFENSE RESOURCES.**—Such section is further amended by adding at the end thereof the following new sentence: "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."

(f) **REDESIGNATION OF SECTIONS 311 AND 312; CONFORMING AMENDMENT.**—Sections 311 and 312, and any references thereto, are redesignated as sections 308 and 309, respectively. Such section 308, relating to nondiscrimination in disaster assistance, is amended by striking out "section 402 or 404 of" in subsection (b).

42 USC 5151,
5152.

(g) **PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE.**—Title III is amended by striking out section 313 and inserting in lieu thereof the following new section:

42 USC 5153.

"SEC. 310. PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE.

President of U.S.

"(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 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.

"(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 areas.

(h) INSURANCE.—Title III is further amended by striking out section 314 and inserting in lieu thereof the following new section:

Real property.

42 USC 5154.

President of U.S.

"SEC. 311. INSURANCE.

"(a) APPLICANTS FOR REPLACEMENT OF DAMAGED FACILITIES.—

"(1) COMPLIANCE WITH CERTAIN REGULATIONS.—An applicant for assistance under section 406 of this Act (relating to repair, restoration, and replacement of damaged facilities), section 422 of this Act (relating to simplified procedure) or section 803 of the Public Works and Economic Development Act of 1965 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 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 (relating to repair, restoration, and replacement of damaged facilities), section 422 of this Act (relating to simplified procedure), or section 803 of the Public Works and Economic Development Act of 1965 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 or section 803 of the Public Works and Economic Development Act of 1965 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 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.”

(i) **DUPLICATION OF BENEFITS.**—Title III is further amended by striking out section 315 and inserting in lieu thereof the following new section:

“SEC. 312. **DUPLICATION OF BENEFITS.**

42 USC 5155.

“(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.

President of U.S.

“(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.

President of U.S.

“(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 in accordance with chapter 37 of title 31, United States Code, relating to debt collection, when the head of such agency considers it to be in the best interest of the Federal Government.

“(d) **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.”

(j) **REVIEWS AND REPORTS.**—Title III is further amended by striking out section 316 and inserting in lieu thereof the following new section:

President of U.S.
42 USC 5156.

“SEC. 313. STANDARDS AND REVIEWS.

“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.”

(k) **PENALTIES.**—Title III is further amended by striking out section 317 and inserting in lieu thereof the following new section:

42 USC 5157.

“SEC. 314. PENALTIES.

“(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.

President of U.S.

“(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.”

42 USC 5158.

(l) **REDESIGNATION OF SECTION 318.**—Section 318, and any reference thereto, is redesignated as section 315.

(m) **PROTECTION OF ENVIRONMENT; RECOVERY OF ASSISTANCE; AUDITS AND INVESTIGATIONS.**—

(1) **ADDITIONS TO TITLE III.**—Title III is further amended by adding at the end thereof the following new sections:

42 USC 5159.

“SEC. 316. PROTECTION OF ENVIRONMENT.

“An action which is taken or assistance which is provided pursuant to section 402, 403, 406, 407, or 502, 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, 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). Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 to other Federal actions taken under this Act or under any other provisions of law.

“SEC. 317. RECOVERY OF ASSISTANCE.

42 USC 5160.

“(a) **PARTY LIABLE.**—Any person who intentionally causes a condition for which Federal assistance is provided under this Act or under any other Federal law as a result of a declaration of a major disaster or emergency under this Act shall be liable to the United States for the reasonable costs incurred by the United States in responding to such disaster or emergency to the extent that such costs are attributable to the intentional act or omission of such person which caused such condition. Such action for reasonable costs shall be brought in an appropriate United States district court.

“(b) **RENDERING OF CARE.**—A person shall not be liable under this section for costs incurred by the United States as a result of actions taken or omitted by such person in the course of rendering care or assistance in response to a major disaster or emergency.

“SEC. 318. AUDITS AND INVESTIGATIONS.

42 USC 5161.

President of U.S.

“(a) **IN GENERAL.**—Subject to the provisions of chapter 75 of title 31, United States Code, relating to requirements for single audits, the President shall conduct audits and investigations as necessary to assure compliance with this Act, and in connection therewith may question such persons as may be necessary to carry out such audits and investigations.

“(b) **ACCESS TO RECORDS.**—For purposes of audits and investigations under this section, the President and Comptroller General may inspect any books, documents, papers, and records of any person relating to any activity undertaken or funded under this Act.

“(c) **STATE AND LOCAL AUDITS.**—The President may require audits by State and local governments in connection with assistance under this Act when necessary to assure compliance with this Act or related regulations.

“SEC. 319. ADVANCE OF NON-FEDERAL SHARE.

42 USC 5162.

“(a) **IN GENERAL.**—The President may lend or advance to an eligible applicant or a State the portion of assistance for which the State is responsible under the cost-sharing provisions of this Act in any case in which—

“(1) the State is unable to assume its financial responsibility under such cost-sharing provisions—

“(A) with respect to concurrent, multiple major disasters in a jurisdiction, or

“(B) after incurring extraordinary costs as a result of a particular disaster; and

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

“(b) **TERMS OF LOANS AND ADVANCES.**—

“(1) **IN GENERAL.**—Any loan or advance under this section shall be repaid to the United States.

“(2) **INTEREST.**—Loans and advances under this section shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the loan or advance.

President of U.S. Loans. “(c) **REGULATIONS.**—The President shall issue regulations describing the terms and conditions under which any loan or advance authorized by this section may be made.

42 USC 5163. “**SEC. 320. LIMITATION ON USE OF SLIDING SCALES.**

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

42 USC 5164. “**SEC. 321. RULES AND REGULATIONS.**

“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.”.

42 USC 5175. (2) **CONFORMING AMENDMENT TO TITLE IV.**—Title IV is amended by striking out section 405, relating to protection of the environment.

SEC. 106. MAJOR DISASTER ASSISTANCE PROGRAMS.

(a) **PROCEDURE FOR DECLARATION; GENERAL FEDERAL ASSISTANCE; ESSENTIAL ASSISTANCE; AND HAZARD MITIGATION.**—Title IV is amended—

(1) by striking out the heading for such title and inserting in lieu thereof:

**“TITLE IV—MAJOR DISASTER
ASSISTANCE PROGRAMS”;**

42 USC 5171. (2) by redesignating section 401 (relating to Federal facilities), and any reference thereto, as section 405; and

(3) by inserting before such section 405 the following new sections:

President of U.S. 42 USC 5170. “**SEC. 401. PROCEDURE FOR DECLARATION.**

“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.

42 USC 5170a. “**SEC. 402. GENERAL FEDERAL ASSISTANCE.**

“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;

"(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.

Public
information.

"SEC. 403. ESSENTIAL ASSISTANCE.

42 USC 5170b.

"(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:

Real property.

"(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.

Gifts and
property.

"(2) **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) **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—

Public lands.
Waters.

"(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;

Public
information.

"(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.

“(4) CONTRIBUTIONS.—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) 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.—

Public lands.
Real property.

“(1) GENERAL RULE.—During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act, the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property. If the President determines that such work is essential for the preservation of life and property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days.

President of U.S.

“(2) RULES APPLICABLE TO DEBRIS REMOVAL.—Any removal of debris and wreckage carried out under this subsection shall be subject to section 407(b), relating to unconditional authorization and indemnification for debris removal.

“(3) EXPENDITURES OUT OF DISASTER RELIEF FUNDS.—The cost of any assistance provided pursuant to this subsection shall be reimbursed out of funds made available to carry out this Act.

“(4) FEDERAL SHARE.—The Federal share of assistance under this subsection shall be not less than 75 percent.

President of U.S.

“(5) GUIDELINES.—Not later than 180 days after the date of the enactment of the Disaster Relief and Emergency Assistance Amendments of 1988, the President shall issue guidelines for carrying out this subsection. Such guidelines shall consider any likely effect assistance under this subsection will have on the availability of other forms of assistance under this Act.

“(6) DEFINITIONS.—For purposes of this section—

“(A) DEPARTMENT OF DEFENSE.—The term ‘Department of Defense’ has the meaning the term ‘department’ has under section 101 of title 10, United States Code.

“(B) EMERGENCY WORK.—The term ‘emergency work’ includes clearance and removal of debris and wreckage and temporary restoration of essential public facilities and services.

42 USC 5170c.

“SEC. 404. HAZARD MITIGATION.

President of U.S.

“The President may contribute up to 50 percent of the cost of hazard mitigation measures which the President has determined are cost-effective and which substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster. Such measures shall be identified following the evaluation of natural hazards under section 409 and shall be subject to approval by the President. The total of contributions under this section for a major disaster shall not exceed 10 percent of the estimated aggre-

gate amounts of grants to be made under section 406 with respect to such major disaster.”.

(b) **REPAIR AND RESTORATION OF DAMAGED FACILITIES.**—Title IV is further amended by striking out section 402, relating to repair and restoration of damaged facilities, and inserting in lieu thereof the following new section:

“**SEC. 406. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.** 42 USC 5172.

“(a) **CONTRIBUTIONS.**—The President may make contributions—

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

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

“(b) **MINIMUM FEDERAL SHARE.**—The Federal share of assistance under this section shall be not less than—

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

“(2) 100 percent of associated expenses described in subsections (f)(1) and (f)(2); and

“(3) 75 percent of associated expenses described in subsections (f)(3), (f)(4), and (f)(5).

“(c) **LARGE IN LIEU CONTRIBUTIONS.**—

“(1) **FOR PUBLIC FACILITIES.**—In any case where a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by such State or local government, it may elect to receive, in lieu of a contribution under subsection (a)(1), a contribution of not to exceed 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of associated expenses. Funds contributed under this subsection may be used to repair, restore, or expand other selected public facilities, to construct new facilities, or to fund hazard mitigation measures which the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

“(2) **FOR PRIVATE NONPROFIT FACILITIES.**—In any case where a person who owns or operates a private nonprofit facility determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing such facility, such person may elect to receive, in lieu of a contribution under subsection (a)(2), a contribution of not to exceed 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of associated expenses. Funds contributed under this subsection may be used to repair, restore, or expand other selected private nonprofit facilities owned or operated by such person, to construct new private nonprofit facilities to be owned or operated by such person, or to fund hazard mitigation measures which such person determines to be necessary to meet a need for its

services and functions in the area affected by the major disaster.

“(3) **RESTRICTION ON USE FOR STATE OR LOCAL CONTRIBUTION.**—Funds provided under this subsection shall not be used for any State or local government cost-sharing contribution required under this Act.

“(d) **FLOOD INSURANCE.**—

“(1) **REDUCTION OF FEDERAL ASSISTANCE.**—If a public facility or private nonprofit facility located in a special flood hazard area identified for more than 1 year by the Director pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is damaged or destroyed, after the 180th day following the date of the enactment of the Disaster Relief and Emergency Assistance Amendments of 1988, by flooding in a major disaster and such facility is not covered on the date of such flooding by flood insurance, the Federal assistance which would otherwise be available under this section with respect to repair, restoration, reconstruction, and replacement of such facility and associated expenses shall be reduced in accordance with paragraph (2).

“(2) **AMOUNT OF REDUCTION.**—The amount of a reduction in Federal assistance under this section with respect to a facility shall be the lesser of—

“(A) the value of such facility on the date of the flood damage or destruction, or

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

“(3) **EXCEPTION.**—Paragraphs (1) and (2) shall not apply to a private nonprofit facility which is not covered by flood insurance solely because of the local government’s failure to participate in the flood insurance program established by the National Flood Insurance Act.

“(4) **DISSEMINATION OF INFORMATION.**—The President shall disseminate information regarding the reduction in Federal assistance provided for by this subsection to State and local governments and the owners and operators of private nonprofit facilities who may be affected by such a reduction.

“(e) **NET ELIGIBLE COST.**—

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

“(2) **SPECIAL RULE.**—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing such facility shall include, for purposes of this section, only those costs which, under the contract for such construction, are the owner’s responsibility and not the contractor’s responsibility.

“(f) ASSOCIATED EXPENSES.—For purposes of this section, associated expenses include the following:

“(1) NECESSARY COSTS.—Necessary costs of requesting, obtaining, and administering Federal assistance based on a percentage of assistance provided as follows:

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

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

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

“(D) For an applicant whose net eligible costs equal \$5,000,000 or more, \$61,000 plus ½ 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 provided under sections 403, 404, 406, 407, 502, and 503 in such State in connection with the major disaster as follows:

“(A) If such total amount is less than \$100,000, 3 percent of such total amount.

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

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

“(D) If such total amount is \$5,000,000 or more, \$61,000 plus ½ percent of such total amount 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.”

Wages.

(c) DEBRIS REMOVAL.—

(1) REDESIGNATION.—Section 403 (relating to debris removal) and any reference thereto, is redesignated as section 407.

42 USC 5173.

(2) INCLUSION OF NONPROFIT FACILITIES.—Subsection (a)(2) of such section 407 is amended by inserting after “local government” the following: “or owner or operator of a private non-profit facility”.

(3) RULES RELATING TO LARGE LOTS; FEDERAL SHARE.—Such section 407 is further amended by adding at the end thereof the following new subsections:

“(c) RULES RELATING TO LARGE LOTS.—The President shall issue rules which provide for recognition of differences existing among

President of U.S.

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.”

(d) **TEMPORARY HOUSING ASSISTANCE.**—Title IV is further amended by striking out section 404, relating to temporary housing assistance, and inserting in lieu thereof the following new section:

42 USC 5174.

“**SEC. 408. TEMPORARY HOUSING ASSISTANCE.**

“(a) **PROVISION OF TEMPORARY HOUSING.**—

Contracts.

“(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.**—

Utilities.

“(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).

President of U.S.

“(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.

President of U.S.

“(b) **TEMPORARY MORTGAGE AND RENTAL PAYMENTS.**—The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of a foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to such disaster. Such assistance shall be provided

for the duration of the period of financial hardship but not to exceed 18 months.

“(c) **IN LIEU EXPENDITURES.**—In lieu of providing other types of temporary housing after a major disaster, the President is authorized to make expenditures for the purpose of repairing or restoring to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly to a habitable condition.

President of U.S.

“(d) **TRANSFER OF TEMPORARY HOUSING.**—

President of U.S.

“(1) **DIRECT SALE TO OCCUPANTS.**—Notwithstanding any other provision of law, any temporary housing acquired by purchase may be sold directly to individuals and families who are occupants of temporary housing at prices that are fair and equitable, as determined by the President.

“(2) **TRANSFERS TO STATES, LOCAL GOVERNMENTS, AND VOLUNTARY ORGANIZATIONS.**—The President may sell or otherwise make available temporary housing units directly to States, other governmental entities, and voluntary organizations. The President shall impose as a condition of transfer under this paragraph a covenant to comply with the provisions of section 308 requiring nondiscrimination in occupancy of such temporary housing units. Such disposition shall be limited to units purchased under the provisions of subsection (a) and to the purposes of providing temporary housing for disaster victims in major disasters or emergencies.

Discrimination,
prohibition.

“(e) **NOTIFICATION.**—

“(1) **IN GENERAL.**—Each person who applies for assistance under this section shall be notified regarding the type and amount of any assistance for which such person qualifies. Whenever practicable, such notice shall be provided within 7 days after the date of submission of such application.

“(2) **INFORMATION.**—Notification under this subsection shall provide information regarding—

“(A) all forms of such assistance available;

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

“(C) any limitations which apply to each type of assistance; and

“(D) the address and telephone number of offices responsible for responding to—

“(i) appeals of determinations of eligibility for assistance; and

“(ii) requests for changes in the type or amount of assistance provided.

“(f) **LOCATION.**—In providing assistance under this section, consideration shall be given to the location of and travel time to—

“(1) the applicant's home and place of business;

“(2) schools which the applicant or members of the applicant's family who reside with the applicant attend; and

“(3) crops or livestock which the applicant tends in the course of any involvement in farming which provides 25 percent or more of the applicant's annual income.”

(e) **REDESIGNATION OF SECTIONS 406 AND 407.**—Sections 406 (relating to minimum standards for public and private structures) and 407 (relating to unemployment assistance), and any references thereto, are redesignated as sections 409 and 410, respectively.

42 USC 5176,
5177.

42 USC 5177.

(f) UNEMPLOYMENT ASSISTANCE LIMITATIONS.—Section 410 (as so redesignated) is amended as follows:

(1) ENTITLEMENT TO OTHER COMPENSATION.—The first sentence of subsection (a) is amended by inserting “for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of the Internal Revenue Code of 1986) or waiting period credit” after “is unemployed”.

(2) TERM OF ASSISTANCE.—The second sentence of subsection (a) is amended by striking out “one year” and inserting in lieu thereof “26 weeks”.

(3) REPEAL OF REDUCTION IN COMPENSATION.—The third sentence of subsection (a) is amended by striking out “occurred,” and all that follows through the end of the sentence and inserting in lieu thereof “occurred.”.

(4) REEMPLOYMENT ASSISTANCE.—Subsection (b) is amended to read as follows:

“(b) REEMPLOYMENT ASSISTANCE.—

“(1) STATE ASSISTANCE.—A State shall provide, without reimbursement from any funds provided under this Act, reemployment assistance services under any other law administered by the State to individuals receiving benefits under this section.

“(2) FEDERAL ASSISTANCE.—The President may provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster and who reside in a State which does not provide such services.”.

42 USC 5178 and note.

(g) INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Title IV is amended by striking out section 408 (relating to individual and family grant programs) and inserting in lieu thereof the following new section:

42 USC 5178.

“SEC. 411. INDIVIDUAL AND FAMILY GRANT PROGRAMS.

President of U.S.

“(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.

President of U.S.

“(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.”

(h) **REDESIGNATION OF SECTIONS 409 THROUGH 412.**—Sections 409 (relating to food coupons and distribution), 410 (relating to food commodities), 411 (relating to relocation assistance), and 412 (relating to legal services), and any references thereto, are redesignated as sections 412, 413, 414, and 415, respectively.

42 USC
5179-5182.

(i) **CRISIS COUNSELING.**—Section 413 (relating to crisis counseling assistance and training), and any reference thereto, is redesignated as section 416. Such section is amended by striking out “(through the National Institute of Mental Health)”.

42 USC 5183.

(j) **REDESIGNATION OF SECTIONS 414 THROUGH 418.**—Sections 414 (relating to community disaster loans), 415 (relating to emergency communications), 416 (relating to emergency public transportation), 417 (relating to fire suppression grants), and section 418 (relating to timber sale contracts), and any references thereto, are redesignated as sections 417, 418, 419, 420, and 421, respectively.

42 USC
5184-5188.

(k) **SIMPLIFIED PROCEDURE.**—Title IV is further amended by striking out section 419 (relating to in-lieu contribution) and inserting in lieu thereof the following new section:

42 USC 5189.

“**SEC. 422. SIMPLIFIED PROCEDURE.**

“If the Federal estimate of the cost of—

“(1) repairing, restoring, reconstructing, or replacing under section 406 any damaged or destroyed public facility or private nonprofit facility,

“(2) emergency assistance under section 403 or 502, or

“(3) debris removed under section 407,

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, 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.”

(l) **APPEALS; DATE OF ELIGIBILITY; EXPENSES INCURRED BEFORE DATE OF DISASTER; ADVANCE OF NON-FEDERAL SHARE; LIMITATION ON USE OF SLIDING SCALES.**—Title IV is further amended by adding at the end thereof the following new sections:

42 USC 5189a.

“**SEC. 423. APPEALS OF ASSISTANCE DECISIONS.**

“(a) **RIGHT OF APPEAL.**—Any decision regarding eligibility for, from, or amount of assistance under this title 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.

President of U.S.

“(c) RULES.—The President shall issue rules which provide for the fair and impartial consideration of appeals under this section.

42 USC 5189b.

“SEC. 424. DATE OF ELIGIBILITY; EXPENSES INCURRED BEFORE DATE OF DISASTER.

President of U.S.

“Eligibility for Federal assistance under this title shall begin on the date of the occurrence of the event which results in a declaration by the President that a major disaster exists; except that reasonable expenses which are incurred in anticipation of and immediately preceding such event may be eligible for Federal assistance under this Act.”.

SEC. 107. FEDERAL EMERGENCY ASSISTANCE PROGRAMS.

(a) FEDERAL EMERGENCY ASSISTANCE PROGRAMS.—Title V is amended to read as follows:

“TITLE V—EMERGENCY ASSISTANCE PROGRAMS

42 USC 5191.

“SEC. 501. PROCEDURE FOR DECLARATION.

“(a) REQUEST AND DECLARATION.—All requests for a declaration by the President that an emergency exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the situation 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 a part of such request, and as a prerequisite to emergency assistance under this Act, the Governor shall take appropriate action under State law and direct execution of the State’s emergency plan. The Governor shall furnish information describing the State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. Based upon such Governor’s request, the President may declare that an emergency exists.

President of U.S.

“(b) CERTAIN EMERGENCIES INVOLVING FEDERAL PRIMARY RESPONSIBILITY.—The President may exercise any authority vested in him by section 502 or section 503 with respect to an emergency when he determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority. In determining whether or not such an emergency exists, the President shall consult the Governor of any affected State, if practicable. The President’s determination may be made without regard to subsection (a).

42 USC 5192.

“SEC. 502. FEDERAL EMERGENCY ASSISTANCE.

“(a) SPECIFIED.—In any emergency, 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 emergency assistance efforts to save

lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe;

“(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 or 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;

“(4) provide emergency assistance through Federal agencies;

“(5) remove debris in accordance with the terms and conditions of section 407;

“(6) provide temporary housing assistance in accordance with section 408; and

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

“(b) GENERAL.—Whenever the Federal assistance provided under subsection (a) with respect to an emergency is inadequate, the President may also provide assistance with respect to efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe.

“SEC. 503. AMOUNT OF ASSISTANCE.

42 USC 5193.

“(a) FEDERAL SHARE.—The Federal share for assistance provided under this title shall be equal to not less than 75 percent of the eligible costs.

“(b) LIMIT ON AMOUNT OF ASSISTANCE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), total assistance provided under this title for a single emergency shall not exceed \$5,000,000.

“(2) ADDITIONAL ASSISTANCE.—The limitation described in paragraph (1) may be exceeded when the President determines that—

President of U.S.

“(A) continued emergency assistance is immediately required;

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

“(C) necessary assistance will not otherwise be provided on a timely basis.

“(3) REPORT.—Whenever the limitation described in paragraph (1) is exceeded, the President shall report to the Congress on the nature and extent of emergency assistance requirements and shall propose additional legislation if necessary.”

President of U.S.

(b) SAVINGS CLAUSE.—The amendment made by subsection (a) shall not be construed as having any effect on title VIII of the Public Works and Economic Development Act of 1965 which was added to such Act by section 501 of the Disaster Relief Act of 1974 on May 22, 1974.

42 USC 5231
note.

SEC. 108. AMENDMENTS TO TITLE VI.

(a) RULES.—Section 601(a) is amended—

42 USC 5201.

(1) by inserting "(1)" after "SEC. 601. (a)"; and

(2) by adding at the end the following new paragraph:

"(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) **EFFECTIVE DATE.**—Section 605 is repealed.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 606 is repealed.

42 USC 5121
note.
42 USC 5202.

SEC. 109. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) **AGRICULTURAL ACT OF 1949.**—(1) Section 401(c) of the Agricultural Act of 1949 (7 U.S.C. 1421(c)) is amended by striking out "Public Law 875, Eighty-first Congress" and inserting in lieu thereof "the Disaster Relief and Emergency Assistance Act".

(2) Section 407 of such Act (7 U.S.C. 1427) is amended by striking out "Public Law 875, Eighty-first Congress, as amended (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Relief and Emergency Assistance Act".

(b) **AGRICULTURAL ACT OF 1970.**—Section 813(d) of the Agricultural Act of 1970 (7 U.S.C. 1427a(d)) is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(c) **CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.**—(1) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended by striking out "Act of 1974" each place it appears and inserting in lieu thereof "and Emergency Assistance Act".

(2) Section 324(d) of such Act (7 U.S.C. 1964(d)) is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(d) **FOOD STAMP ACT OF 1977.**—Section 5(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)(1)) is amended by striking out "section 302(a) of the Disaster Relief Act of 1974" and inserting in lieu thereof "sections 402 and 502 of the Disaster Relief and Emergency Assistance Act".

(e) **NATIONAL HOUSING ACT.**—(1) Section 8(b)(2) of the National Housing Act (12 U.S.C. 1706c(b)(2)) is amended by striking out "102(2) and 301 of the Disaster Relief Act of 1974" and inserting in lieu thereof "102(2) and 401 of the Disaster Relief and Emergency Assistance Act".

(2) Section 203(h) of such Act (12 U.S.C. 1709(h)) is amended—

(A) by striking out "riot or civil disorder,"; and

(B) by striking out "102(2) and 301 of the Disaster Relief Act of 1974" and inserting in lieu thereof "102(2) and 401 of the Disaster Relief and Emergency Assistance Act".

(3) Section 221(f) of such Act (12 U.S.C. 1715l(f)) is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(f) **SMALL BUSINESS ACT.**—(1) Section 7(b)(2)(A) of the Small Business Act (15 U.S.C. 636(b)(2)(A)) is amended by striking out "the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855-1855g)" and inserting in lieu thereof "the Disaster Relief and Emergency Assistance Act".

(2) Section 7(b)(E) of such Act (15 U.S.C. 636(b)(E)) is amended by striking out "subsection (b) of section 315 of Public Law 93-288 (42

U.S.C. 5155)" and inserting in lieu thereof "section 312(a) of the Disaster Relief and Emergency Assistance Act".

(3) Section 7(f) of such Act (15 U.S.C. 636(f)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "section 102(2) of the Disaster Relief and Emergency Assistance Act".

(g) ENDANGERED SPECIES ACT OF 1973.—Section 7(p) of the Endangered Species Act of 1973 (16 U.S.C. 1536(p)) is amended—

(1) by striking out "Disaster Relief Act of 1974" each place it appears and inserting in lieu thereof "Disaster Relief and Emergency Assistance Act"; and

(2) by striking out "401 or 402" and inserting in lieu thereof "405 or 406".

(h) COASTAL BARRIER RESOURCES ACT.—Section 6(a)(6)(E) of the Coastal Barrier Resources Act (16 U.S.C. 3505(a)(6)(E)) is amended by striking out "305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146)" and inserting in lieu thereof "402, 403, and 502 of the Disaster Relief and Emergency Assistance Act".

(i) IMPACT AID ACT.—Section 7(a)(1)(A) of the Act of September 30, 1950, commonly known as the Impact Aid Act (Public Law 874, 81st Congress; 20 U.S.C. 241-1(a)(1)(A)), is amended by striking out "102(2) and 301 of the Disaster Relief Act of 1974" and inserting in lieu thereof "102(2) and 401 of the Disaster Relief and Emergency Assistance Act".

(j) PUBLIC LAW 815 OF THE 81ST CONGRESS.—Section 16(a)(1)(A) of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 646(a)(1)(A)), is amended by striking out "102(2) and 301 of the Disaster Relief Act of 1974" and inserting in lieu thereof "102(2) and 401 of the Disaster Relief and Emergency Assistance Act".

(k) TITLE 23.—Section 125(b) of title 23, United States Code, is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(l) INTERNAL REVENUE CODE OF 1986.—Sections 165(i)(1), 165(k), 5064(b)(3), and 5708(a) of the Internal Revenue Code of 1986 (26 U.S.C. 165(i)(1), 165(k), 5064(b)(3), and 5708(a)) are each amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(m) ACT OF AUGUST 18, 1941.—Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(n) TITLE 38.—Section 1820(f) of title 38, United States Code, is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(o) NATIONAL FLOOD INSURANCE ACT OF 1968.—Section 1306(c)(5) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(5)) is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(p) SOCIAL SECURITY ACT.—Subsections (a)(2)(A) and (b)(11) of section 1612 of the Social Security Act (42 U.S.C. 1382a(a)(2)(A) and (b)(11)) are each amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(q) OLDER AMERICANS ACT OF 1965.—Section 310(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3030(a)(1)) is amended by striking

out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(r) **PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.**—(1) Section 801(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(b)) is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(2) Section 802(b) of such Act (42 U.S.C. 3232(b)) is amended by striking out "402(f) of the Disaster Relief Act of 1974" and inserting in lieu thereof "406(c) of the Disaster Relief and Emergency Assistance Act".

42 USC 3539.

(s) **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATION ACT, 1973.**—Section 406 of the Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act, 1973 is amended by striking out "Act of 1970 (84 Stat. 1744)" and inserting in lieu thereof "and Emergency Assistance Act".

(t) **FLOOD DISASTER PROTECTION ACT OF 1973.**—Section 3(a)(4) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)(4)) is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(u) **EARTHQUAKE HAZARDS REDUCTION ACT OF 1977.**—Subsections (g) and (i) of section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) are each amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(v) **CERCLA.**—Section 101(23) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(23)) is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(w) **ACT OF JUNE 30, 1954.**—Section 3 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681 note) is amended by striking out "102(2) and 301 of the Disaster Relief Act of 1974" and inserting in lieu thereof "102(2) and 401 of the Disaster Relief and Emergency Assistance Act".

42 USC 5121
note.

President of U.S.

SEC. 110. RECOMMENDATIONS CONCERNING IMPROVEMENT OF RELATIONSHIPS AMONG DISASTER MANAGEMENT OFFICIALS.

Not later than 1 year after the date of the enactment of this Act, the President shall recommend to the Congress proposals to improve the operational and fiscal relationships that exist among Federal, State, and local major disaster and emergency management officials. Such proposals should include provisions which—

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

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

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

SEC. 111. STUDY OF DISASTER DECLARATION PROCESS.

(a) **FINDINGS.**—The Congress finds and declares that—

(1) the explosion at the Pacific Engineering and Production Company in Henderson, Nevada, on May 4, 1988, resulted in the deaths of two people, more than 350 injuries, and damages to more than 3,000 buildings;

(2) the Governor of Nevada on May 9, 1988, requested the President to declare a major disaster for Nevada as a result of the catastrophic accident that occurred on May 4;

(3) the Federal Emergency Management Agency's recommendations in response to the Governor's disaster declaration request were delivered to the White House on May 12;

(4) the Governor of Nevada was not kept informed of the status of the State's request for Federal disaster assistance and information concerning the Governor's request was selectively disseminated; and

(5) the untimely and selective release of information concerning the disaster had a negative impact on the victims of the Henderson explosion, and the citizens of Nevada as a whole.

(b) **STUDY AND REPORT.**—The Comptroller General of the United States shall—

(1) conduct a study of the process by which disaster declarations are made; and

(2) not later than 180 days after the date of enactment of this Act, transmit a report to the Congress describing the findings of the study along with recommendations on ways to improve and ensure the non-political functioning of the process for declaring disasters.

SEC. 112. DECLARED DISASTERS AND EMERGENCIES NOT AFFECTED.

42 USC 5121
note.

This title shall not affect the administration of any assistance for a major disaster or emergency declared by the President before the date of the enactment of this Act.

President of U.S.

SEC. 113. DEADLINE FOR ISSUANCE OF REGULATIONS.

42 USC 5201
note.

Regulations necessary to carry out this title and the amendments made by this title shall be issued no later than the 180th day following the date of the enactment of this Act.

TITLE II—GREAT LAKES DAMAGE ASSISTANCE AND PREVENTION

Great Lakes
Planning
Assistance Act
of 1988.

SEC. 201. SHORT TITLE.

33 USC 426p
note.

This title may be cited as the "Great Lakes Planning Assistance Act of 1988".

SEC. 202. DAMAGE ASSISTANCE PROGRAM.

33 USC 426p
note.

(a) **IN GENERAL.**—The Director is authorized to provide assistance to Great Lakes States in the establishment of State programs to reduce and prevent damage attributable to high water levels in the Great Lakes.

(b) **GRANTS.**—Upon application by a Great Lakes State within 1 year after the date of enactment of this Act, the Director may make a one-time grant to the State of not more than \$250,000 for use by the State for—

(1) preparation of plans for mitigation, warning, emergency operations, and emergency assistance;

(2) coordination of available State and Federal assistance;

(3) development and implementation of nonstructural measures to reduce or prevent damage attributable to high water levels in the Great Lakes, including establishment of setback requirements and other conditions on construction and re-

construction of public and private facilities, mapping of flooding zones, and technical assistance; and

(4) assisting local governments in developing and implementing plans for nonstructural reduction and prevention of damages attributable to high water levels in the Great Lakes.

(c) **TECHNICAL ASSISTANCE.**—The Director may provide technical assistance to Great Lakes States for carrying out any activity carried out with assistance under this section.

(d) **STATE MATCHING.**—A State which receives a grant under this section shall match the grant with an amount of funds from non-Federal sources equal to 25 percent of the amount of the grant.

(e) **AUTHORIZATION.**—There are authorized to be appropriated for making grants under this section not more than \$2,000,000 for fiscal years beginning after September 30, 1988.

Flood control.
33 USC 426p.

SEC. 203. CORPS OF ENGINEERS.

(a) **TECHNICAL AND OTHER ASSISTANCE.**—The Secretary of the Army may—

(1) provide emergency assistance to prevent or reduce damage attributable to high water levels in the Great Lakes, including provision of sandbags, sheeting, and stones and other armoring devices (taking account of flooding and erosion of other property which may be caused by such activity) but not including construction of permanent structures;

(2) provide technical assistance to individuals and local governments with respect to measures to prevent or reduce such damage; and

(3) compile and disseminate information on—

(A) water levels of the Great Lakes,

(B) techniques for prevention or reduction of such damage, and

(C) emergency relief available to persons who suffer economic injury attributable to high water levels in the Great Lakes.

(b) **ISSUANCE OF PERMITS.**—

(1) **CONSIDERATION OF FLOODING AND EROSION.**—In issuing a permit under—

(A) section 10 of the Act of March 3, 1899 (33 U.S.C. 403);

or

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

for any activity carried out with assistance under this title, the Secretary of the Army shall take account of flooding and erosion of other property which may be caused by such activity.

(2) **BANK STABILIZATION.**—

(A) **GENERAL RULE.**—In issuing permits under sections 10 of the Act of March 3, 1899 (33 U.S.C. 403) and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) for a project involving dredging of any portion of the Great Lakes, the Secretary of the Army shall, if feasible, encourage for bank stabilization purposes the disposal of nonhazardous compatible sand from such project on shorelines affected by erosion.

(B) **CONSULTATION.**—In carrying out subparagraph (A), the Secretary of the Army shall consult affected State and local governments.

SEC. 204. GREAT LAKES COASTAL BARRIER ACT OF 1988.

(a) **SHORT TITLE.**—This section may be cited as the “Great Lakes Coastal Barrier Act of 1988”.

(b) **STUDY OF COASTAL BARRIER RESOURCES SYSTEM TO INCLUDE BARRIERS WITHIN GREAT LAKES SHORE AREAS.**—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended to read as follows:

Great Lakes
Coastal
Barrier Act of
1988.
16 USC 3501
note.

“SEC. 4. COASTAL BARRIER RESOURCES SYSTEM.

“(a) **IN GENERAL.**—The Coastal Barrier Resources System consists of—

“(1) those undeveloped coastal barriers that are located on the Atlantic and Gulf Coasts of the United States and included within the System on April 19, 1983; and

“(2) those undeveloped coastal barriers along the shore areas of the Great Lakes that are designated by Congress by law after considering the recommendations of the Secretary made under subsection (b) of this section.

“(b) **INCLUSION OF GREAT LAKES BARRIERS.**—

“(1) **IN GENERAL.**—

“(A) **RECOMMENDATIONS AND MAPS.**—Except as provided in subparagraph (B), not later than 3 months after the date of the enactment of the Great Lakes Coastal Barrier Act of 1988, the Secretary shall recommend to Congress and prepare maps identifying the boundaries of those undeveloped coastal barriers along the shore areas of Great Lakes that the Secretary considers appropriate for inclusion in the Coastal Barrier Resources System.

“(B) **EXCLUDED AREAS.**—The Secretary may not recommend for inclusion as an undeveloped coastal barrier, and sections 5 and 6 of this Act do not apply to, any area that is publicly owned and protected by Federal, State, or local government law, or held by a qualified organization defined in section 170(h)(3) of the Tax Reform Act of 1986 (26 U.S.C. 170(h)(3)), primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.

“(2) **CONSULTATIONS AND CONSIDERATIONS.**—Before recommending undeveloped coastal barriers under paragraph (1) of this section, the Secretary shall—

“(A) consult with and provide an opportunity for comment by appropriate United States Government agencies, State agencies (including the coastal zone management agencies) of the States bordering the Great Lakes, and the public; and

“(B) update on the basis of aerial photographs and consider the draft coastal barrier inventory maps prepared by the Secretary in January 1985 for the States of Michigan, Wisconsin, Ohio, New York (Great Lakes) and Minnesota.

“(3) **PROVISION OF MAPS.**—As soon as practicable after the revision of the maps referred to in paragraph (2)(B) of this subsection is completed, the Secretary shall provide copies of the maps to—

“(A) each appropriate State and county or equivalent jurisdiction in which System units are located;

“(B) the coastal zone management agency in each appropriate State that has a coastal zone management program

State listing.

approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455);

“(C) each appropriate United States Government agency; and

“(D) the Congress.

“(4) **PUBLIC INSPECTION OF MAPS.**—The Director of the United States Fish and Wildlife Service shall make available for public inspection all maps prepared under this section.

“(c) **BOUNDARY MODIFICATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall—

“(A) conduct a review of the System maps at least once every 5 years after the date of the enactment of the Great Lakes Coastal Barrier Act of 1988; and

“(B) subject to paragraph (2), make any minor and technical modifications to the boundaries of any System unit that are necessary solely to reflect changes that have occurred in the size or location of that unit as a result of natural forces.

“(2) **CONSULTATIONS.**—The Secretary shall conduct the reviews required under paragraph (1) in consultation with the chief executive officer of—

“(A) each appropriate State and county equivalent jurisdiction in which System units are located;

“(B) the coastal zone management agency in each appropriate State that has a coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455);

“(C) each appropriate United States Government agency; and

“(D) the public.

“(d) **SYSTEM MAPS.**—The Office of the Director of the United States Fish and Wildlife Service, Department of the Interior, and other appropriate offices of the Service shall have available for public inspection all System maps.”

(c) **CONFORMING AMENDMENTS.**—

(1) **CONGRESSIONAL FINDINGS.**—Section 2 of the Coastal Barrier Resources Act (16 U.S.C. 3501) is amended by inserting “and along the shore areas of the Great Lakes” after “Atlantic and Gulf coasts” at each place it appears.

(2) **DEFINITIONS.**—Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended as follows:

(A) **REDESIGNATION.**—Paragraphs (4) and (5), and any reference thereto, are redesignated as paragraphs (5) and (7), respectively.

(B) **GREAT LAKES DEFINED.**—The following is inserted after paragraph (3):

“(4) The term ‘Great Lakes’ means Lake Ontario, Lake Erie, Lake Huron, Lake St. Clair, Lake Michigan, and Lake Superior, to the extent that those lakes are subject to the jurisdiction of the United States.”

(C) **SYSTEM MAPS DEFINED.**—The following is inserted after paragraph (5) (as redesignated):

“(6) The term ‘system maps’ means—

“(A) the maps that are entitled ‘Coastal Barrier Resources System’, numbered A01 through T12 (but excluding maps T02 and T03) and dated September 30, 1982, and the

Public
information.

maps numbered T02A and T03A and dated December 8, 1982; and

“(B) the maps prepared under section 4(b) of this Act and any modification to those maps under that section.”.

(d) **EXPANSION OF HIGHWAYS IN MICHIGAN.**—The limitations on the use of Federal expenditures or financial assistance within the Coastal Barrier Resources System under section 6(a)(3) of the Coastal Barrier Resources Act (16 U.S.C. 3505(a)(3)) shall not apply to existing highways located within the State of Michigan if the Congress adds new units to the Coastal Barrier Resources System under section 4 of that Act, and those units include portions of United States or State highways in the State of Michigan.

16 USC 3505
note.

SEC. 205. DEFINITIONS.

For purposes of this title—

(1) **DIRECTOR.**—The term “Director” means the Director of the Federal Emergency Management Agency.

(2) **HIGH WATER LEVELS.**—The term “high water levels” means water levels above the long-term average of water levels from 1900.

(3) **LOCAL GOVERNMENT.**—The term “local government” means a county, city, village, town, district, or other political subdivision of a Great Lakes State and an Indian tribe or authorized tribal organization.

(4) **GREAT LAKES STATE.**—The term “Great Lakes State” means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.

33 USC 426p
note.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

The last sentence of section 91 of the Water Resources Development Act of 1974 (88 Stat. 39), relating to authorization of appropriations for the New York Harbor collection and removal of drift project, is amended by striking out “\$30,500,000” and inserting in lieu thereof “\$6,000,000 annually”.

SEC. 302. HUDSON RIVER CHANNEL.

That portion of Public Law 100-202 designated as the Energy and Water Development Appropriation Act of 1988 is amended by striking out in the undesignated paragraph “The following portion of the Hudson River” all that follows through “the States of New York and New Jersey.” (101 Stat. 1329-109) and inserting in lieu thereof the following:

“The following portion of the Hudson River in the Borough of Manhattan, New York County, State of New York, is hereby declared not to be part of the federally authorized Channel Deepening Project: that portion of the Hudson River and land thereunder more particularly bounded and described as follows: Beginning at a point in the United States Pierhead Line approved by the Secretary of War on July 31, 1941, said point having a coordinate of North 4,677.56 feet and West 11,407.92 feet and running: (1) Northerly along said Pierhead Line on a bearing of N21-01'-53"W for a distance of 700.00 feet to a point; thence (2) Westerly at right angles to said Pierhead Line on a bearing of S68-58'-07"W for a distance of 200.00 feet to a point; thence (3) Southerly and parallel with said

Compacts
between States.

Pierhead Line on a bearing of S21-01'-53"E for a distance of 700.00 feet to a point; thence (4) Easterly at right angles to said Pierhead Line on a bearing of N68-58'-07"E for a distance of 200.00 feet to the point of beginning. Bearings and coordinates are in the system used on the Borough Survey, Borough President's Office, Manhattan. This declaration shall apply to all or any part of the described area which is used or needed for New York Harbor passenger ferry boat service, as such service may be operated by, or contracted for operation by, a bi-State agency created by compact between the States of New York and New Jersey."

Approved November 23, 1988.

LEGISLATIVE HISTORY—H.R. 2707 (S. 2380):

HOUSE REPORTS: No. 100-517 (Comm. on Public Works and Transportation).

SENATE REPORTS: No. 100-524 accompanying S. 2380 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Mar. 17, considered and passed House.

Oct. 21, considered and passed Senate, amended. House concurred in Senate amendment.