Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Public Law 106-390, October 30, 2000

UNITED STATES CODE
Title 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 68. DISASTER RELIEF

[As amended by Pub. L. 103-181, Pub. L. 103-337, and Pub. L. 106-390]
(Pub. L. 106-390, October 30, 2000, 114 Stat. 1552 - 1575)

§ 5170c. HAZARD MITIGATION {Sec. 404}

a. In General.

The President may contribute up to 75 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 322 of this title and shall be subject to approval by the President. Subject to section 322, the total of contributions under this section for a major disaster shall not exceed 15 percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) under this chapter with respect to the major disaster.

(Pub.L. 106-390, § 104(c)(1), October 30, 2000, 114 Stat. 1559)

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

   2. Terms and conditions.

An acquisition or relocation project shall be eligible to receive assistance pursuant to paragraph (1) only if--

A. the applicant for the assistance is otherwise eligible to receive assistance under the hazard mitigation grant program established under subsection (a) of this section; and

B. on or after December 3, 1993, the applicant for the assistance enters into an agreement with the Director that provides assurances that--

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

ii. no new structure will be erected on property acquired, accepted or from which a structure was removed under the acquisition or relocation program other than--

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

II. a rest room; or

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

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

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

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

3. Statutory construction

Nothing in this subsection is intended to alter or otherwise affect an agreement for an acquisition or relocation project carried out pursuant to this section that was in effect on December 3, 1993.

[Note to users: Section 204 of the Disaster Mitigation Act of 2000, added Sec. 404(c), Program Administration by States, which will not be in effect until FEMA publishes implementing regulations.]

c. Program Administration by States.-

1. In general.--A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

2. Criteria.--The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum-
    A. the demonstrated ability of the State to manage the grant program under this section;
    B. there being in effect an approved mitigation plan under section 322; and
    C. a demonstrated commitment to mitigation activities.

3. Approval.--The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

4. Withdrawal of approval.--If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

5. Audits.--The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.

[(P.L. 106-390, § 204, October 30, 2000, 114 Stat. 1561)] (Pub. L. 93-288, title IV, § 404, as added Pub. L. 100-707, title I, § 106(a)(3), Nov. 23, 1988, 102 Stat. 4698, and Pub. L. 103-181, §2(a), Dec. 3, 1993, 107 Stat. 2054.)

[The following section was enacted in PL 106-390, § 104(b), but is not part of the Stafford Act and was not codified in the U.S. Code]:

[[(b) Losses From Straight Line Winds.--
The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of enactment of this Act, except that additional assistance provided under this subsection shall not exceed $6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds."]]