AMENDMENTS
1968—Subsec. (a), Pub. L. 100–707, § 104(b)(1), struck out “(including the Defense Civil Preparedness Agency)” after “agencies.”
Subsec. (d), Pub. L. 100–707, § 104(a), (b)(2), inserted “including evaluations of natural hazards and development of the programs and actions required to mitigate such hazards;” after “plans,” and substituted “$50,000” for “$25,000”.

§ 5132. Disaster warnings
(a) Readiness of Federal agencies to issue warnings to State and local officials
The President shall ensure that all appropriate Federal agencies are prepared to issue warnings of disasters to State and local officials.
(b) Technical assistance to State and local governments for effective warnings
The President shall direct appropriate Federal agencies to provide technical assistance 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. (Pub. L. 93–288, title II, § 202, May 22, 1974, 88 Stat. 145; Pub. L. 103–337, div. C, title XXXIV, § 5132. Disaster warnings
(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) of this section (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) of this section.
(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) of this section.
(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) of this section, 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

(1) In general
The President shall award financial assistance under this section on a competitive basis and in accordance with the criteria in subsection (g).

(2) Minimum and maximum amounts
In providing financial assistance under this section, the President shall ensure that the amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year—
(A) is not less than the lesser of—
(i) $575,000; or
(ii) the amount that is equal to 1 percent of the total funds appropriated to carry out this section for the fiscal year; and
(B) does not exceed the amount that is equal to 15 percent of the total funds appropriated to carry out this section for the fiscal year.

(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 of 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 chapter;
(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 (including flooding, hurricanes and severe winds, and seismic events).

(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, and are eligible for funding under this section.

(f) Report on Federal and State administration
Not later than 18 months after October 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) Authorization of appropriations
There are authorized to be appropriated to carry out this section—

(1) $180,000,000 for fiscal year 2011;

(2) $200,000,000 for fiscal year 2012; and

(3) $200,000,000 for fiscal year 2013.

(n) Prohibition on earmarks
(1) Definition
In this subsection, the term ‘congressionally directed spending’ means a statutory provision or report language included primarily at the request of a Senator or a Member, Delegate or Resident Commissioner of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(2) Prohibition
None of the funds appropriated or otherwise made available to carry out this section may be used for congressionally directed spending.

(3) Certification to Congress
The Administrator of the Federal Emergency Management Agency shall submit to Congress a certification regarding whether all financial assistance under this section was awarded in accordance with this section.
§ 5134. Interagency task force

(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 Administrator 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.

Amendments


Transfer of Functions

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 318(1) and sections 554(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.