

Calendar No. 1040

110TH CONGRESS
2D SESSION

S. 3175

[Report No. 110–479]

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program, to make technical corrections to that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20 (legislative day, JUNE 19), 2008

Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 22 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. LIEBERMAN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program, to make technical corrections to that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Predisaster Hazard
3 Mitigation Act of 2008”.

4 **SEC. 2. PREDISASTER HAZARD MITIGATION.**

5 (a) ALLOCATION OF FUNDS.—Section 203(f) of the
6 Robert T. Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 5133(f)) is amended to read as fol-
8 lows:

9 “(f) ALLOCATION OF FUNDS.—

10 “(1) IN GENERAL.—The President shall award
11 financial assistance under this section on a competi-
12 tive basis and in accordance with the criteria in sub-
13 section (g).

14 “(2) MINIMUM AND MAXIMUM AMOUNTS.—In
15 providing financial assistance under this section, the
16 President shall ensure that the amount of financial
17 assistance made available to a State (including
18 amounts made available to local governments of the
19 State) for a fiscal year—

20 “(A) is not less than the lesser of—

21 “(i) \$575,000; and

22 “(ii) the amount that is equal to 1
23 percent of the total funds appropriated to
24 carry out this section for the fiscal year;
25 and

1 “(B) does not exceed the amount that is
 2 equal to 15 percent of the total funds appro-
 3 priated to carry out this section for the fiscal
 4 year.”.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 6 203(m) of the Robert T. Stafford Disaster Relief and
 7 Emergency Assistance Act (42 U.S.C. 5133(m)) is amend-
 8 ed to read as follows:

9 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
 10 are authorized to be appropriated to carry out this sec-
 11 tion—

12 ~~“(1) \$160,000,000 for fiscal year 2009;~~

13 ~~“(2) \$170,000,000 for fiscal year 2010;~~

14 ~~“(3) \$180,000,000 for fiscal year 2011;~~

15 ~~“(4) \$190,000,000 for fiscal year 2012; and~~

16 ~~“(5) \$200,000,000 for fiscal year 2013.~~

17 “(1) \$210,000,000 for fiscal year 2009;

18 “(2) \$220,000,000 for fiscal year 2010;

19 “(3) \$230,000,000 for fiscal year 2011;

20 “(4) \$240,000,000 for fiscal year 2012; and

21 “(5) \$250,000,000 for fiscal year 2013.”.

22 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

23 The Robert T. Stafford Disaster Relief and Emer-
 24 gency Assistance Act (42 U.S.C. 5121 et seq.) is amend-
 25 ed—

1 (1) in section 204(b) (42 U.S.C. 5134(b)), by
 2 striking “Director” and inserting “Administrator”;

3 (2) in section 303(b) (42 U.S.C. 5144(b)), by
 4 striking “Director” each place it appears and insert-
 5 ing “Administrator”;

6 (3) in section 326(c)(3) (42 U.S.C.
 7 5165d(c)(3)), by striking “Director” and inserting
 8 “Administrator”;

9 (4) in section 404(b) (42 U.S.C. 5170c(b)), by
 10 striking “Director” each place it appears and insert-
 11 ing “Administrator”;

12 (5) in section 406 (42 U.S.C. 5172), by striking
 13 “Director” each place it appears and inserting “Ad-
 14 ministrator”;

15 (6) in section 602(a) (42 U.S.C. 5195a(a))—

16 (A) in paragraph (4), by striking “Direc-
 17 tor” and inserting “Administrator”; and

18 (B) by striking paragraph (7) and insert-
 19 ing the following:

20 “(7) ADMINISTRATOR.—The term ‘Adminis-
 21 trator’ means the Administrator of the Federal
 22 Emergency Management Agency.”;

23 (7) in sections 603 through 613 (42 U.S.C.
 24 5195b et seq.), by striking “Director” each place it
 25 appears and inserting “Administrator”;

1 (8) in sections 616 and 621 (42 U.S.C. 5196f
2 and 5197), by striking “Director” each place it ap-
3 pears and inserting “Administrator”;

4 (9) in section 622 (42 U.S.C. 5197a)—

5 (A) in subsection (a), by striking “Direc-
6 tor” each place it appears and inserting “Ad-
7 ministrator”;

8 (B) in subsection (b), by striking “Direc-
9 tor” and inserting “Administrator”; and

10 (C) in subsection (c)—

11 (i) by striking “Director” the first
12 place it appears and inserting “Adminis-
13 trator”; and

14 (ii) by striking “Director of the Fed-
15 eral Emergency Management Agency”
16 each place it appears and inserting “Ad-
17 ministrator”;

18 (10) in sections 623 and 624 (42 U.S.C. 5197b
19 and 5197c), by striking “Director” each place it ap-
20 pears and inserting “Administrator”; and

21 (11) in section 629 (42 U.S.C. 5197h), by
22 striking “Director” each place it appears and insert-
23 ing “Administrator”.

1 **SEC. 4. PROGRAM ELIGIBILITY.**

2 *Section 203(e) of the Robert T. Stafford Disaster Relief*
 3 *and Emergency Assistance Act (42 U.S.C. 5133(e)) is*
 4 *amended—*

5 *(1) by redesignating paragraph (2) as para-*
 6 *graph (3); and*

7 *(2) by inserting after paragraph (1) the fol-*
 8 *lowing:*

9 “(2) *FLOOD CONTROL PROJECTS.—*

10 “(A) *IN GENERAL.—A State may use not*
 11 *more than 25 percent of the financial assistance*
 12 *under this section made available to the State in*
 13 *a fiscal year (including any such financial as-*
 14 *sistance made available to local governments of*
 15 *the State) for flood control projects.*

16 “(B) *DEFINITION.—In this paragraph, the*
 17 *term ‘flood control project’—*

18 “(i) *means—*

19 “(I) *a project relating to the con-*
 20 *struction, demolition, repair, or im-*
 21 *provement of a dam, dike, levee,*
 22 *floodwall, seawall, groin, jetty, or*
 23 *breakwater;*

24 “(II) *a waterway channelization;*
 25 *or*

1 “(III) an erosion project relating
2 to beach nourishment or renourish-
3 ment; and

4 “(ii) does not include any project the
5 maintenance of which is the responsibility
6 of a Federal department or agency, includ-
7 ing the Corps of Engineers.”.

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