

(Pub. L. 93-288, title II, §206, as added Pub. L. 117-255, §3(a), Dec. 20, 2022, 136 Stat. 2363.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 117-255, §3(c), Dec. 20, 2022, 136 Stat. 2367, provided that: “The amendments made by this Act [enacting this section and amending section 5121 of this title] shall only apply with respect to amounts appropriated on or after the date of enactment of this Act [Dec. 20, 2022].”

NATIONAL RISK INDEX FUNDING

Pub. L. 117-255, §3(b), Dec. 20, 2022, 136 Stat. 2367, provided that: “Nothing in section 206 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5136], as added by subsection (a) of this section, shall be construed to prohibit the Administrator of the Federal Emergency Management Agency from using amounts available to maintain and update the National Risk Index until the earlier of—

“(1) the date on which those amounts are transferred to another source; and

“(2) 3 years after the date of enactment of this Act [Dec. 20, 2022].”

§ 5136a. Assistance and training for communities with technological hazards and related emerging threats

(a) In general

The Administrator shall maintain the capacity to provide States, local, and Indian Tribal governments with technological hazards and related emerging threats technical assistance, training, and other preparedness programming to build community resilience to technological hazards and related emerging threats.

(b) Authorities

The Administrator shall carry out subsection (a) in accordance with—

(1) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) section 5196g of this title; and

(3) the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394).

(c) Assessment and notification

In carrying out subsection (a), the Administrator shall—

(1) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the communities that have the highest risk of and vulnerability to a technological hazard in each State; and

(2) ensure each State and Indian Tribal government is aware of—

(A) the communities identified under paragraph (1); and

(B) the availability of programming under this section for—

(i) technological hazards and related emerging threats preparedness; and

(ii) building community capability.

(d) Report

Not later than 1 year after December 23, 2022, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate,

the Committee on Appropriations of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report relating to—

(1) actions taken to implement this section; and

(2) technological hazards and related emerging threats preparedness programming provided under this section during the 1-year period preceding the date of submission of the report.

(e) Consultation

The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs by consulting State, Tribal, territorial, and local emergency services organizations and private sector stakeholders.

(f) Coordination

The Secretary of Homeland Security shall coordinate with the Secretary of Energy relating to technological hazard preparedness and training for a hazard that could result from activities or facilities authorized or licensed by the Department of Energy.

(g) Non-duplication of effort

In carrying out activities under subsection (a), the Administrator shall ensure that such activities do not unnecessarily duplicate efforts of other Federal departments or agencies, including programs within the Department of Health and Human Services.

(Pub. L. 117-263, div. G, title LXXIII, §7313, Dec. 23, 2022, 136 Stat. 3689.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (b)(1), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

The Post-Katrina Emergency Management Reform Act of 2006, referred to in subsec. (b)(3), is title VI of Pub. L. 109-295, Oct. 4, 2006, 120 Stat. 1394. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 6, Domestic Security, and Tables.

CODIFICATION

Section was enacted as part of the Technological Hazards Preparedness and Training Act of 2022 and as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the Robert T. Stafford Disaster Relief and Emergency Assistance Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 117-263, div. G, title LXXIII, §7315, Dec. 23, 2022, 136 Stat. 3691, provided that: “Nothing in this sub-

title [subtitle B (§§ 7311–7315) of title LXXIII of div. G of Pub. L. 117–263, see Short Title of 2022 Amendment note set out under section 5121 of this title] shall diminish or divert resources from—

“(1) the full completion of federally-led chemical surety material storage missions or chemical demilitarization missions that are underway as of the date of enactment of this Act [Dec. 23, 2022]; or

“(2) any transitional activities or other community assistance incidental to the completion of the missions described in paragraph (1).”

DEFINITIONS

Pub. L. 117–263, div. G, title LXXIII, §7312, Dec. 23, 2022, 136 Stat. 3689, provided that: “In this subtitle [subtitle B (§§ 7311–7315) of title LXXIII of div. G of Pub. L. 117–263, see Short Title of 2022 Amendment note set out under section 5121 of this title]:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) INDIAN TRIBAL GOVERNMENT.—The term ‘Indian Tribal government’ has the meaning given the term ‘Indian tribal government’ in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

“(3) LOCAL GOVERNMENT; STATE.—The terms ‘local government’ and ‘State’ have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

“(4) TECHNOLOGICAL HAZARD AND RELATED EMERGING THREAT.—The term ‘technological hazard and related emerging threat’—

“(A) means a hazard that involves materials created by humans that pose a unique hazard to the general public and environment and which may result from—

“(i) an accident;

“(ii) an emergency caused by another hazard; or

“(iii) intentional use of the hazardous materials; and

“(B) includes a chemical, radiological, biological, and nuclear hazard.”

SUBCHAPTER III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION

§ 5141. Waiver of administrative conditions

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.

(Pub. L. 93–288, title III, §301, as added Pub. L. 100–707, title I, §105(a)(2), Nov. 23, 1988, 102 Stat. 4691.)

Editorial Notes

PRIOR PROVISIONS

A prior section 5141, Pub. L. 93–288, title III, §301, May 22, 1974, 88 Stat. 146, set out procedure for determination of existence of emergency or major disaster, prior to repeal by Pub. L. 100–707, §105(a)(2).

§ 5142. Repealed. Pub. L. 100–707, title I, § 105(a)(2), Nov. 23, 1988, 102 Stat. 4691

Section, Pub. L. 93–288, title III, §302, May 22, 1974, 88 Stat. 146, related to Federal assistance and its coordination with State and local disaster assistance.

§ 5143. Coordinating officers

(a) Appointment of Federal coordinating officer

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

(b) Functions of Federal coordinating officer

In order to effectuate the purposes of this chapter, the Federal coordinating officer, within the affected area, shall—

(1) make an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as he deems necessary and as are authorized by the President;

(3) coordinate the administration of relief, including activities of the State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, which agree to operate under his advice or direction, except that nothing contained in this chapter shall limit or in any way affect the responsibilities of the American National Red Cross under chapter 3001 of title 36; and

(4) take such other action, consistent with authority delegated to him by the President, and consistent with the provisions of this chapter, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

(c) State coordinating officer

When the President determines assistance under this chapter is necessary, he shall request that the Governor of the affected State designate a State coordinating officer for the purpose of coordinating State and local disaster assistance efforts with those of the Federal Government.

(d) Single Federal coordinating officer for multistate area

Where the area affected by a major disaster or emergency includes parts of more than 1 State, the President, at the discretion of the President, may appoint a single Federal coordinating officer for the entire affected area, and may appoint such deputy Federal coordinating officers to assist the Federal coordinating officer as the President determines appropriate.

(Pub. L. 93–288, title III, §302, formerly §303, May 22, 1974, 88 Stat. 147; renumbered §302 and amended Pub. L. 100–707, title I, §105(b), Nov. 23, 1988, 102 Stat. 4691; Pub. L. 109–295, title VI, §687, Oct. 4, 2006, 120 Stat. 1448.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c), was in the original “this Act”, meaning Pub. L. 93–288, May 22, 1974, 88 Stat. 143. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

CODIFICATION

In subsec. (b)(3), “chapter 3001 of title 36” substituted for “the Act of January 5, 1905, as amended (33 Stat.