

The Endangered Species Act of 1973, referred to in subsec. (e), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

The National Historic Preservation Act of 1966, referred to in subsec. (e), probably means the National Historic Preservation Act, Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, which was classified generally to subchapter II (§470 et seq.) of chapter 1A of Title 16, Conservation, was substantially repealed and replaced in division A (§300101 et seq.) of subtitle III of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, 128 Stat. 3187, 3272. For complete classification of this Act to the Code, see Short Title of 1966 Act note set out under section 100101 of Title 54, and Tables. For disposition of former sections of Title 16, see Disposition Table preceding section 100101 of Title 54.

This chapter, referred to in subsec. (f)(2), 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.

AMENDMENTS

2022—Subsec. (d)(2)(C). Pub. L. 117-328, §540(1)(A), struck out subpar. (C) which read as follows: “capitalization grants to insular areas under paragraph (4).”

Subsec. (d)(3)(D). Pub. L. 117-328, §540(1)(B), substituted “local governments and Tribal governments” for “local governments, insular areas, and Indian tribal governments”.

Subsec. (d)(4). Pub. L. 117-328, §540(1)(C), struck out par. (4), which related to insular areas.

Subsec. (m)(3). Pub. L. 117-328, §540(2)(A), added par. (3) and struck out former par. (3), which defined “eligible entity”.

Subsec. (m)(5) to (11). Pub. L. 117-328, §540(2)(B)–(D), redesignated pars. (6) to (9) as pars. (5) to (8), respectively, and par. (11) as (9), and struck out pars. (5) and (10), which defined “insular area” and “State”, respectively.

§ 5136. Natural hazard risk assessment

(a) Definitions

In this section:

(1) Community disaster resilience zone

The term “community disaster resilience zone” means a census tract designated by the President under subsection (d)(1).

(2) Eligible entity

The term “eligible entity” means—

- (A) a State;
- (B) an Indian tribal government; or
- (C) a local government.

(b) Products

The President shall continue to maintain a natural hazard assessment program that develops and maintains products that—

- (1) are available to the public; and
- (2) define natural hazard risk across the United States.

(c) Features

The products maintained under subsection (b) shall, for lands within States and areas under the jurisdiction of Indian tribal governments—

- (1) show the risk of natural hazards; and
- (2) include ratings and data for—
 - (A) loss exposure, including population equivalence, buildings, and agriculture;

(B) social vulnerability;

(C) community resilience; and

(D) any other element determined by the President.

(d) Community disaster resilience zones designation

(1) In general

Not later than 30 days after the date on which the President makes the update and enhancement required under subsection (e)(4), and not less frequently than every 5 years thereafter, the President shall identify and designate community disaster resilience zones, which shall be—

(A) the 50 census tracts assigned the highest individual hazard risk ratings; and

(B) subject to paragraph (3), in each State, not less than 1 percent of census tracts that are assigned high individual risk ratings.

(2) Risk ratings

In carrying out paragraph (1), the President shall use census tract risk ratings derived from a product maintained under subsection (b) that—

(A) reflect—

(i) high levels of individual hazard risk ratings based on an assessment of the intersection of—

- (I) loss to population equivalence;
- (II) building value; and
- (III) agriculture value;

(ii) high social vulnerability ratings and low community resilience ratings; and

(iii) any other elements determined by the President; and

(B) reflect the principal natural hazard risks identified for the respective census tracts.

(3) Geographic balance

In identifying and designating the community disaster resilience zones described in paragraph (1)(B)—

(A) for the purpose of achieving geographic balance, when applicable, the President shall consider making designations in coastal, inland, urban, suburban, and rural areas; and

(B) the President shall include census tracts on Tribal lands located within a State.

(4) Duration

The designation of a community disaster resilience zone under paragraph (1) shall be effective for a period of not less than 5 years.

(e) Review and update

Not later than 180 days after December 20, 2022, and not less frequently than every 5 years thereafter, the President shall—

(1) with respect to any product that is a natural hazard risk assessment—

(A) review the underlying methodology of the product; and

(B) receive public input on the methodology and data used for the product;

(2) consider including additional data in any product that is a natural hazard risk assessment, such as—

- (A) the most recent census tract data;
- (B) data from the American Community Survey of the Bureau of the Census, a successor survey, a similar survey, or another data source, including data by census tract on housing characteristics and income;
- (C) information relating to development, improvements, and hazard mitigation measures;
- (D) data that assesses past and future loss exposure, including analysis on the effects of a changing climate on future loss exposure;
- (E) data from the Resilience Analysis and Planning Tool of the Federal Emergency Management Agency; and
- (F) other information relevant to prioritizing areas that have—
 - (i) high risk levels of—
 - (I) natural hazard loss exposure, including population equivalence, buildings, infrastructure, and agriculture; and
 - (II) social vulnerability; and
 - (ii) low levels of community resilience;

(3) make publicly available any changes in methodology or data used to inform an update to a product maintained under subsection (b); and

(4) update and enhance the products maintained under subsection (b), as necessary.

(f) Natural hazard risk assessment insights

In determining additional data to include in products that are natural hazard risk assessments under subsection (e)(2), the President shall consult with, at a minimum—

- (1) the Administrator of the Federal Emergency Management Agency;
- (2) the Secretary of Agriculture and the Chief of the Forest Service;
- (3) the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the Bureau of the Census, and the Director of the National Institute of Standards and Technology;
- (4) the Secretary of Defense and the Commanding Officer of the United States Army Corps of Engineers;
- (5) the Administrator of the Environmental Protection Agency;
- (6) the Secretary of the Interior and the Director of the United States Geological Survey;
- (7) the Secretary of Housing and Urban Development; and
- (8) the Director of the Federal Housing Finance Agency.

(g) Community disaster resilience zone

With respect to financial assistance provided under section 5133(i) of this title to perform a resilience or mitigation project within, or that primarily benefits, a community disaster resilience zone, the President may increase the amount of the Federal share described under section 5133(h) of this title to not more than 90 percent of the total cost of the resilience or mitigation project.

(h) Resilience or mitigation project planning assistance

(1) In general

The President may provide financial, technical, or other assistance under this sub-

chapter to an eligible entity that plans to perform a resilience or mitigation project within, or that primarily benefits, a community disaster resilience zone.

(2) Purpose

The purpose of assistance provided under paragraph (1) shall be to carry out activities in preparation for a resilience or mitigation project or seek an evaluation and certification under subsection (i)(2) for a resilience or mitigation project before the date on which permanent work of the resilience or mitigation project begins.

(3) Application

If required by the President, an eligible entity seeking assistance under paragraph (1) shall submit an application in accordance with subsection (i)(1).

(4) Funding

In providing assistance under paragraph (1), the President may use amounts set aside under section 5133(i) of this title.

(i) Community disaster resilience zone project applications

(1) In general

If required by the President or other Federal law, an eligible entity shall submit to the President an application at such time, in such manner, and containing or accompanied by such information as the President may reasonably require.

(2) Evaluation and certification

(A) In general

Not later than 120 days after the date on which an eligible entity submits an application under paragraph (1), the President shall evaluate the application to determine whether the resilience or mitigation project that the entity plans to perform within, or that primarily benefits, a community disaster resilience zone—

- (i) is designed to reduce injuries, loss of life, and damage and destruction of property, such as damage to critical services and facilities; and
- (ii) substantially reduces the risk of, or increases resilience to, future damage, hardship, loss, or suffering.

(B) Certification

If the President determines that an application submitted under paragraph (1) meets the criteria described in subparagraph (A), the President shall certify the proposed resilience or mitigation project.

(C) Effect of certification

The certification of a proposed resilience or mitigation project under subparagraph (B) shall not be construed to exempt the resilience or mitigation project from the requirements of any other law.

(3) Projects causing displacement

With respect to a resilience or mitigation project certified under paragraph (2)(B) that involves the displacement of a resident from any occupied housing unit, the entity per-

forming the resilience or mitigation project shall—

(A) provide, at the option of the resident, a suitable and habitable housing unit that is, with respect to the housing unit from which the resident is displaced—

- (i) of a comparable size;
- (ii) located in the same local community or a community with reduced hazard risk; and
- (iii) offered under similar costs, conditions, and terms;

(B) ensure that property acquisitions resulting from the displacement and made in connection with the resilience or mitigation project—

- (i) are deed restricted in perpetuity to preclude future property uses not relating to mitigation or resilience; and
- (ii) are the result of a voluntary decision by the resident; and

(C) plan for robust public participation in the resilience or mitigation project.

(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 title 42; 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