

In the Senate of the United States,

December 20, 2010.

Resolved, That the bill from the House of Representatives (H.R. 1746) entitled “An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Predisaster Hazard*
3 *Mitigation Act of 2010”.*

4 ***SEC. 2. FINDINGS.***

5 *Congress finds the following:*

6 *(1) The predisaster hazard mitigation program*
7 *has been successful and cost-effective. Funding from*
8 *the predisaster hazard mitigation program has suc-*
9 *cessfully reduced loss of life, personal injuries, damage*

1 *to and destruction of property, and disruption of*
2 *communities from disasters.*

3 *(2) The predisaster hazard mitigation program*
4 *has saved Federal taxpayers from spending signifi-*
5 *cant sums on disaster recovery and relief that would*
6 *have been otherwise incurred had communities not*
7 *successfully applied mitigation techniques.*

8 *(3) A 2007 Congressional Budget Office report*
9 *found that the predisaster hazard mitigation program*
10 *reduced losses by roughly \$3 (measured in 2007 dol-*
11 *lars) for each dollar invested in mitigation efforts*
12 *funded under the predisaster hazard mitigation pro-*
13 *gram. Moreover, the Congressional Budget Office*
14 *found that projects funded under the predisaster haz-*
15 *ard mitigation program could lower the need for post-*
16 *disaster assistance from the Federal Government so*
17 *that the predisaster hazard mitigation investment by*
18 *the Federal Government would actually save taxpayer*
19 *funds.*

20 *(4) A 2005 report by the Multihazard Mitigation*
21 *Council showed substantial benefits and cost savings*
22 *from the hazard mitigation programs of the Federal*
23 *Emergency Management Agency generally. Looking at*
24 *a range of hazard mitigation programs of the Federal*
25 *Emergency Management Agency, the study found*

1 *that, on average, \$1 invested by the Federal Emer-*
2 *gency Management Agency in hazard mitigation pro-*
3 *vided the Nation with roughly \$4 in benefits. More-*
4 *over, the report projected that the mitigation grants*
5 *awarded between 1993 and 2003 would save more*
6 *than 220 lives and prevent nearly 4,700 injuries over*
7 *approximately 50 years.*

8 *(5) Given the substantial savings generated from*
9 *the predisaster hazard mitigation program in the*
10 *years following the provision of assistance under the*
11 *program, increasing funds appropriated for the pro-*
12 *gram would be a wise investment.*

13 **SEC. 3. PREDISASTER HAZARD MITIGATION.**

14 *(a) ALLOCATION OF FUNDS.—Section 203(f) of the*
15 *Robert T. Stafford Disaster Relief and Emergency Assist-*
16 *ance Act (42 U.S.C. 5133(f)) is amended to read as follows:*

17 “*(f) ALLOCATION OF FUNDS.—*

18 “*(1) IN GENERAL.—The President shall award*
19 *financial assistance under this section on a competi-*
20 *tive basis and in accordance with the criteria in sub-*
21 *section (g).*

22 “*(2) MINIMUM AND MAXIMUM AMOUNTS.—In*
23 *providing financial assistance under this section, the*
24 *President shall ensure that the amount of financial*
25 *assistance made available to a State (including*

1 *amounts made available to local governments of the*
2 *State) for a fiscal year—*

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

4 “(i) \$575,000; or

5 “(ii) *the amount that is equal to 1 per-*
6 *cent of the total funds appropriated to carry*
7 *out this section for the fiscal year; and*

8 “(B) *does not exceed the amount that is*
9 *equal to 15 percent of the total funds appro-*
10 *priated to carry out this section for the fiscal*
11 *year.”.*

12 (b) *AUTHORIZATION OF APPROPRIATIONS.—Section*
13 *203(m) of the Robert T. Stafford Disaster Relief and Emer-*
14 *gency Assistance Act (42 U.S.C. 5133(m)) is amended to*
15 *read as follows:*

16 “(m) *AUTHORIZATION OF APPROPRIATIONS.—There*
17 *are authorized to be appropriated to carry out this sec-*
18 *tion—*

19 “(1) \$180,000,000 for fiscal year 2011;

20 “(2) \$200,000,000 for fiscal year 2012; and

21 “(3) \$200,000,000 for fiscal year 2013.”.

22 (c) *TECHNICAL CORRECTIONS TO REFERENCES.—The*
23 *Robert T. Stafford Disaster Relief and Emergency Assist-*
24 *ance Act (42 U.S.C. 5121 et seq.) is amended—*

1 (1) *in section 602(a) (42 U.S.C. 5195a(a)), by*
 2 *striking paragraph (7) and inserting the following:*

3 “(7) *ADMINISTRATOR.—The term ‘Adminis-*
 4 *trator’ means the Administrator of the Federal Emer-*
 5 *gency Management Agency.’; and*

6 (2) *by striking “Director” each place it appears*
 7 *and inserting “Administrator”, except—*

8 (A) *in section 622 (42 U.S.C. 5197a)—*

9 (i) *in the second and fourth places it*
 10 *appears in subsection (c); and*

11 (ii) *in subsection (d); and*

12 (B) *in section 626(b) (42 U.S.C. 5197e(b)).*

13 **SEC. 4. PROHIBITION ON EARMARKS.**

14 *Section 203 of the Robert T. Stafford Disaster Relief*
 15 *and Emergency Assistance Act (42 U.S.C. 5133) is amend-*
 16 *ed by adding at the end the following:*

17 “(n) *PROHIBITION ON EARMARKS.—*

18 “(1) *DEFINITION.—In this subsection, the term*
 19 *‘congressionally directed spending’ means a statutory*
 20 *provision or report language included primarily at*
 21 *the request of a Senator or a Member, Delegate or*
 22 *Resident Commissioner of the House of Representa-*
 23 *tives providing, authorizing, or recommending a spe-*
 24 *cific amount of discretionary budget authority, credit*
 25 *authority, or other spending authority for a contract,*

1 *loan, loan guarantee, grant, loan authority, or other*
2 *expenditure with or to an entity, or targeted to a spe-*
3 *cific State, locality, or Congressional district, other*
4 *than through a statutory or administrative formula-*
5 *driven or competitive award process.*

6 “(2) *PROHIBITION.*—None of the funds appro-
7 *priated or otherwise made available to carry out this*
8 *section may be used for congressionally directed*
9 *spending.*

10 “(3) *CERTIFICATION TO CONGRESS.*—The Ad-
11 *ministrator of the Federal Emergency Management*
12 *Agency shall submit to Congress a certification re-*
13 *garding whether all financial assistance under this*
14 *section was awarded in accordance with this sec-*
15 *tion.”.*

Attest:

Secretary.

11TH CONGRESS
2^D SESSION

H.R. 1746

AMENDMENT