

***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.*



11<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 1746**

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**AMENDMENT**