

virtue of an arithmetic formula or sliding scale based on income or population.

(Pub. L. 93-288, title III, §320, as added Pub. L. 100-707, title I, §105(m)(1), Nov. 23, 1988, 102 Stat. 4696.)

#### REFERENCES IN TEXT

This chapter, referred to in text, 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.

### § 5164. Rules and regulations

The President may prescribe such rules and regulations as may be necessary and proper to carry out the provisions of this chapter, and may exercise, either directly or through such Federal agency as the President may designate, any power or authority conferred to the President by this chapter.

(Pub. L. 93-288, title III, §321, as added Pub. L. 100-707, title I, §105(m)(1), Nov. 23, 1988, 102 Stat. 4696.)

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### § 5165. Mitigation planning

#### (a) Requirement of mitigation plan

As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e) of this section, a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

#### (b) Local and tribal plans

Each mitigation plan developed by a local or tribal government shall—

- (1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and
- (2) establish a strategy to implement those actions.

#### (c) State plans

The State process of development of a mitigation plan under this section shall—

- (1) identify the natural hazards, risks, and vulnerabilities of areas in the State;
- (2) support development of local mitigation plans;
- (3) provide for technical assistance to local and tribal governments for mitigation planning; and
- (4) identify and prioritize mitigation actions that the State will support, as resources become available.

#### (d) Funding

##### (1) In general

Federal contributions under section 5170c of this title may be used to fund the development and updating of mitigation plans under this section.

### (2) Maximum Federal contribution

With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 5170c of this title not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

### (e) Increased Federal share for hazard mitigation measures

#### (1) In general

If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 5170c(a) of this title.

#### (2) Factors for consideration

In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

- (A) eligibility criteria for property acquisition and other types of mitigation measures;
- (B) requirements for cost effectiveness that are related to the eligibility criteria;
- (C) a system of priorities that is related to the eligibility criteria; and
- (D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

(Pub. L. 93-288, title III, §322, as added Pub. L. 106-390, title I, §104(a), Oct. 30, 2000, 114 Stat. 1558.)

### § 5165a. Minimum standards for public and private structures

#### (a) In general

As a condition of receipt of a disaster loan or grant under this chapter—

- (1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and
- (2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

#### (b) Evidence of compliance

A recipient of a disaster loan or grant under this chapter shall provide such evidence of compliance with this section as the President may require by regulation.

(Pub. L. 93-288, title III, §323, as added Pub. L. 106-390, title I, §104(a), Oct. 30, 2000, 114 Stat. 1559.)

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