

who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel);

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity (including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel);

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(10) the term “qualified entity” means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services; and

(11) the term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

(Pub. L. 103–209, § 5, Dec. 20, 1993, 107 Stat. 2493; Pub. L. 103–322, title XXXII, § 320928(a)(3), (j), Sept. 13, 1994, 108 Stat. 2132, 2133; Pub. L. 107–110, title X, § 1075, Jan. 8, 2002, 115 Stat. 2090.)

AMENDMENTS

2002—Par. (9)(A)(i). Pub. L. 107–110, § 1075(1), inserted before semicolon at end “(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)”.

Par. (9)(B)(i). Pub. L. 107–110, § 1075(2), inserted before semicolon at end “(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)”.

1994—Par. (5). Pub. L. 103–322, § 320928(a)(3)(A), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “the term ‘child care’ means the provision of care, treatment, education, training, instruction, supervision, or recreation to children by persons having unsupervised access to a child;”.

Pars. (6), (7). Pub. L. 103–322, § 320928(j)(2), added pars. (6) and (7). Former pars. (6) and (7) redesignated (8) and (9), respectively.

Par. (8). Pub. L. 103–322, § 320928(j)(1), redesignated par. (6) as (8). Former par. (8) redesignated (10).

Pub. L. 103–322, § 320928(a)(3)(B), substituted “care” for “child care” wherever appearing.

Pars. (9) to (11). Pub. L. 103–322, § 320928(j)(1), redesignated pars. (7) to (9) as (9) to (11), respectively.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of Title 20, Education.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

CHAPTER 68—DISASTER RELIEF

SUBCHAPTER I—FINDINGS, DECLARATIONS, AND DEFINITIONS

Sec.
5121. Congressional findings and declarations.
5122. Definitions.

SUBCHAPTER II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

5131. Federal and State disaster preparedness programs.
5132. Disaster warnings.
5133. Predisaster hazard mitigation.
5134. Interagency task force.

SUBCHAPTER III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION

5141. Waiver of administrative conditions.
5142. Repealed.
5143. Coordinating officers.
5144. Emergency support and response teams.
5145, 5146. Repealed.
5147. Reimbursement of Federal agencies.
5148. Nonliability of Federal Government.
5149. Performance of services.
5150. Use of local firms and individuals.
5151. Nondiscrimination in disaster assistance.
5152. Use and coordination of relief organizations.
5153. Priority to certain applications for public facility and public housing assistance.
5154. Insurance.
5154a. Prohibited flood disaster assistance.
5155. Duplication of benefits.
5156. Standards and reviews.
5157. Penalties.
5158. Availability of materials.
5159. Protection of environment.
5160. Recovery of assistance.
5161. Audits and investigations.
5162. Advance of non-Federal share.
5163. Limitation on use of sliding scales.
5164. Rules and regulations.
5165. Mitigation planning.
5165a. Minimum standards for public and private structures.
5165b. Management costs.
5165c. Public notice, comment, and consultation requirements.
5165d. Designation of Small State and Rural Advocate.

SUBCHAPTER IV—MAJOR DISASTER ASSISTANCE PROGRAMS

5170. Procedure for declaration.
5170a. General Federal assistance.
5170b. Essential assistance.
5170c. Hazard mitigation.
5171. Federal facilities.
5172. Repair, restoration, and replacement of damaged facilities.
5173. Debris removal.
5174. Federal assistance to individuals and households.
5175, 5176. Repealed.
5177. Unemployment assistance.
5177a. Emergency grants to assist low-income migrant and seasonal farmworkers.
5178. Repealed.
5179. Benefits and distribution.
5180. Food commodities.
5181. Relocation assistance.
5182. Legal services.

Sec.	
5183.	Crisis counseling assistance and training.
5184.	Community disaster loans.
5185.	Emergency communications.
5186.	Emergency public transportation.
5187.	Fire management assistance.
5188.	Timber sale contracts.
5189.	Simplified procedure.
5189a.	Appeals of assistance decisions.
5189b.	Date of eligibility; expenses incurred before date of disaster.
5189c.	Transportation assistance to individuals and households.
5189d.	Case management services.
5189e.	Essential service providers.

SUBCHAPTER IV—EMERGENCY ASSISTANCE PROGRAMS

5191.	Procedure for declaration.
5192.	Federal emergency assistance.
5193.	Amount of assistance.

SUBCHAPTER IV—B—EMERGENCY PREPAREDNESS

5195.	Declaration of policy.
5195a.	Definitions.
5195b.	Administration of subchapter.
5195c.	Critical infrastructures protection.

PART A—POWERS AND DUTIES

5196.	Detailed functions of administration.
5196a.	Mutual aid pacts between States and neighboring countries.
5196b.	Contributions for personnel and administrative expenses.
5196c.	Grants for construction of emergency operations centers.
5196d.	Use of funds to prepare for and respond to hazards.
5196e.	Radiological Emergency Preparedness Fund.
5196f.	Disaster related information services.

PART B—GENERAL PROVISIONS

5197.	Administrative authority.
5197a.	Security regulations.
5197b.	Use of existing facilities.
5197c.	Annual report to Congress.
5197d.	Applicability of subchapter.
5197e.	Authorization of appropriations and transfers of funds.
5197f.	Relation to Atomic Energy Act of 1954.
5197g.	Federal Bureau of Investigation.
5197h.	Minority emergency preparedness demonstration program.

SUBCHAPTER V—MISCELLANEOUS

5201.	Rules and regulations.
5202.	Repealed.
5203.	Excess disaster assistance payments as budgetary emergency requirements.
5204.	Insular areas disaster survival and recovery; definitions.
5204a.	Authorization of appropriations for insular areas.
5204b.	Technical assistance for insular areas.
5204c.	Hazard mitigation for insular areas.
5205.	Disaster grant closeout procedures.
5206.	Buy American.
5207.	Firearms policies.
5208.	Repealed.

SUBCHAPTER I—FINDINGS, DECLARATIONS, AND DEFINITIONS

§ 5121. Congressional findings and declarations

(a) The Congress hereby finds and declares that—

(1) because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and

(2) because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity;

special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this chapter, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by—

(1) revising and broadening the scope of existing disaster relief programs;

(2) encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and by local governments;

(3) achieving greater coordination and responsiveness of disaster preparedness and relief programs;

(4) encouraging individuals, States, and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance;

(5) encouraging hazard mitigation measures to reduce losses from disasters, including development of land use and construction regulations; and

(6) providing Federal assistance programs for both public and private losses sustained in disasters¹

(Pub. L. 93-288, title I, §101, May 22, 1974, 88 Stat. 143; Pub. L. 100-707, title I, §103(a), Nov. 23, 1988, 102 Stat. 4689.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

AMENDMENTS

1988—Subsec. (b)(7). Pub. L. 100-707 struck out par. (7) expressing Congressional intent to provide disaster assistance through a long-range economic recovery program for major disaster areas.

EFFECTIVE DATE

Pub. L. 93-288, title VI, §605, May 22, 1974, 88 Stat. 164, provided that Pub. L. 93-288 was effective Apr. 1, 1974, with the exception of section 5178 of this title, prior to repeal by Pub. L. 100-707, title I, §108(b), Nov. 23, 1988, 102 Stat. 4708.

SHORT TITLE OF 2011 AMENDMENT

Pub. L. 111-351, §1, Jan. 4, 2011, 124 Stat. 3863, provided that: “This Act [amending sections 5133, 5134, 5144, 5165d, 5170c, 5172, 5195a, 5195b, 5196 to 5196b, 5196f, 5197 to 5197c, and 5197h of this title and enacting provisions set out as a note under section 5133 of this title] may be cited as the ‘Predisaster Hazard Mitigation Act of 2010.’”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-308, §1, Oct. 6, 2006, 120 Stat. 1725, provided that: “This Act [amending sections 5170b, 5196, and

¹ So in original. Probably should be followed by a period.