

sums as may be necessary in fiscal years 1994 and 1995. If China and India become Parties to the Montreal Protocol, there are authorized to be appropriated not more than an additional \$30,000,000 to carry out this section in fiscal years 1991, 1992, and 1993.

(July 14, 1955, ch. 360, title VI, § 617, as added Nov. 15, 1990, Pub. L. 101-549, title VI, § 602(a), 104 Stat. 2669.)

#### § 7671q. Miscellaneous provisions

For purposes of section 7416 of this title, requirements concerning the areas addressed by this subchapter for the protection of the stratosphere against ozone layer depletion shall be treated as requirements for the control and abatement of air pollution. For purposes of section 7418 of this title, the requirements of this subchapter and corresponding State, interstate, and local requirements, administrative authority, and process, and sanctions respecting the protection of the stratospheric ozone layer shall be treated as requirements for the control and abatement of air pollution within the meaning of section 7418 of this title.

(July 14, 1955, ch. 360, title VI, § 618, as added Nov. 15, 1990, Pub. L. 101-549, title VI, § 602(a), 104 Stat. 2670.)

### CHAPTER 86—EARTHQUAKE HAZARDS REDUCTION

Sec.

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#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 7704a of this title.

#### § 7701. Congressional findings

The Congress finds and declares the following:

[See main edition for text of (1) to (4)]

(5) The geological study of active faults and features can reveal how recently and how frequently major earthquakes have occurred on those faults and how much risk they pose. Such long-term seismic risk assessments are needed in virtually every aspect of earthquake hazards management, whether emergency planning, public regulation, detailed building design, insurance rating, or investment decision.

(6) The vulnerability of buildings, lifelines, public works, and industrial and emergency

facilities can be reduced through proper earthquake resistant design and construction practices. The economy and efficacy of such procedures can be substantially increased through research and development.

(7) Programs and practices of departments and agencies of the United States are important to the communities they serve; some functions, such as emergency communications and national defense, and lifelines, such as dams, bridges, and public works, must remain in service during and after an earthquake. Federally owned, operated, and influenced structures and lifelines should serve as models for how to reduce and minimize hazards to the community.

(8) The implementation of earthquake hazards reduction measures would, as an added benefit, also reduce the risk of loss, destruction, and disruption from other natural hazards and manmade hazards, including hurricanes, tornadoes, accidents, explosions, landslides, building and structural cave-ins, and fires.

(9) Reduction of loss, destruction, and disruption from earthquakes will depend on the actions of individuals, and organizations in the private sector and governmental units at Federal, State, and local levels. The current capability to transfer knowledge and information to these sectors is insufficient. Improved mechanisms are needed to translate existing information and research findings into reasonable and usable specifications, criteria, and practices so that individuals, organizations, and governmental units may make informed decisions and take appropriate actions.

(10) Severe earthquakes are a worldwide problem. Since damaging earthquakes occur infrequently in any one nation, international cooperation is desirable for mutual learning from limited experiences.

(11) An effective Federal program in earthquake hazards reduction will require input from and review by persons outside the Federal Government expert in the sciences of earthquake hazards reduction and in the practical application of earthquake hazards reduction measures.

(As amended Pub. L. 101-614, § 2, Nov. 16, 1990, 104 Stat. 3231.)

#### AMENDMENTS

1990—Pars. (5) to (11), Pub. L. 101-614 added pars. (5) to (7), struck out former pars. (5) and (6), and redesignated former pars. (7) to (10) as (8) to (11), respectively. Prior to amendment, pars. (5) and (6) read as follows:

“(5) An operational earthquake prediction system can produce significant social, economic, legal, and political consequences.

“(6) There is a scientific basis for hypothesizing that major earthquakes may be moderated, in at least some seismic areas, by application of the findings of earthquake control and seismological research.”

#### SHORT TITLE OF 1990 AMENDMENT

Section 1 of Pub. L. 101-614 provided that: “This Act (enacting sections 7705a to 7705e, amending this section and sections 7702 to 7705, and 7706 of this title,

and enacting provisions set out as notes under sections 7704, 7705b, and 7705e of this title] may be cited as the 'National Earthquake Hazards Reduction Program Reauthorization Act'."

#### § 7702. Congressional statement of purpose

It is the purpose of the Congress in this chapter to reduce the risks of life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards reduction program. The objectives of such program shall include—

(1) the education of the public, including State and local officials, as to earthquake phenomena, the identification of locations and structures which are especially susceptible to earthquake damage, ways to reduce the adverse consequences of an earthquake, and related matters;

(2) the development of technologically and economically feasible design and construction methods and procedures to make new and existing structures, in areas of seismic risk, earthquake resistant, giving priority to the development of such methods and procedures for power generating plants, dams, hospitals, schools, public utilities and other lifelines, public safety structures, high occupancy buildings, and other structures which are especially needed in time of disaster;

(3) the implementation to the greatest extent practicable, in all areas of high or moderate seismic risk, of a system (including personnel, technology, and procedures) for predicting damaging earthquakes and for identifying, evaluating, and accurately characterizing seismic hazards;

(4) the development, publication, and promotion, in conjunction with State and local officials and professional organizations, of model building codes and other means to encourage consideration of information about seismic risk in making decisions about land-use policy and construction activity;

(5) the development, in areas of seismic risk, of improved understanding of, and capability with respect to, earthquake-related issues, including methods of mitigating the risks from earthquakes, planning to prevent such risks, disseminating warnings of earthquakes, organization emergency services, and planning for reconstruction and redevelopment after an earthquake;

(6) the development of ways to increase the use of existing scientific and engineering knowledge to mitigate earthquake hazards; and

(7) the development of ways to assure the availability of affordable earthquake insurance.

(As amended Pub. L. 101-614, § 3, Nov. 16, 1990, 104 Stat. 3231.)

#### AMENDMENTS

1990—Pub. L. 101-614 inserted sentence at end, listing objectives of program.

#### § 7703. Definitions

As used in this chapter, unless the context otherwise requires:

[See main edition for text of (1)]

(2) The term "Program" means the National Earthquake Hazards Reduction Program established under section 7704 of this title.

[See main edition for text of (3) to (5)]

(6) The term "lifelines" means public works and utilities, including transportation facilities and infrastructure, oil and gas pipelines, electrical power and communication facilities, and water supply and sewage treatment facilities.

(7) The term "Program agencies" means the Federal Emergency Management Agency, the United States Geological Survey, the National Science Foundation, and the National Institute of Standards and Technology.

(As amended Pub. L. 101-614, § 4, Nov. 16, 1990, 104 Stat. 3232.)

#### AMENDMENTS

1990—Par. (2). Pub. L. 101-614, § 4(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The term 'program' means the earthquake hazards reduction program established under section 7704 of this title."

Pars. (6), (7). Pub. L. 101-614, § 4(2), added pars. (6) and (7).

#### § 7704. National Earthquake Hazards Reduction Program

##### (a) Establishment

There is established a National Earthquake Hazards Reduction Program.

##### (h) Responsibilities of Program agencies

###### (1) Lead agency

The Federal Emergency Management Agency (hereafter in this chapter referred to as the "Agency") shall have the primary responsibility for planning and coordinating the Program. In carrying out this paragraph, the Director of the Agency shall—

(A) prepare, in conjunction with the other Program agencies, an annual budget for the Program to be submitted to the Office of Management and Budget;

(B) ensure that the Program includes the necessary steps to promote the implementation of earthquake hazard reduction measures by Federal, State, and local governments, national standards and model building code organizations, architects and engineers, and others with a role in planning and constructing buildings and lifelines;

(C) prepare, in conjunction with the other Program agencies, a written plan for the Program, which shall include specific tasks and milestones for each Program agency, and which shall be submitted to the Congress and updated at such times as may be required by significant Program events, but in no event less frequently than every 3 years;

(D) prepare, in conjunction with the other Program agencies, a biennial report, to be submitted to the Congress within 90 days after the end of each even-numbered fiscal year, which shall describe the activi-

ties and achievements of the Program during the preceding two fiscal years; and

(E) request the assistance of Federal agencies other than the Program agencies, as necessary to assist in carrying out this chapter.

The principal official carrying out the responsibilities described in this paragraph shall be at a level no lower than that of Associate Director.

**(2) Federal Emergency Management Agency**

**(A) Program responsibilities**

In addition to the lead agency responsibilities described in paragraph (1), the Director of the Agency shall—

(i) operate a program of grants and technical assistance which would enable States to develop preparedness and response plans, prepare inventories and conduct seismic safety inspections of critical structures and lifelines, update building and zoning codes and ordinances to enhance seismic safety, increase earthquake awareness and education, and encourage the development of multi-State groups for such purposes;

(ii) prepare and execute, in conjunction with the Program agencies, the Department of Education, other Federal agencies, and private sector groups, a comprehensive earthquake education and public awareness program, to include development of materials and their wide dissemination to schools and the general public;

(iii) prepare and disseminate widely, with the assistance of the National Institute of Standards and Technology, other Federal agencies, and private sector groups, information on building codes and practices for structures and lifelines;

(iv) develop, and coordinate the execution of, Federal interagency plans to respond to an earthquake, with specific plans for each high-risk area which ensure the availability of adequate emergency medical resources, search and rescue personnel and equipment, and emergency broadcast capability;

(v) develop approaches to combine measures for earthquake hazards reduction with measures for reduction of other natural and technological hazards; and

(vi) provide response recommendations to communities after an earthquake prediction has been made under paragraph (3)(D).

In addition, the Director of the Agency may enter into cooperative agreements or contracts with States and local jurisdictions to establish demonstration projects on earthquake hazard mitigation, to link earthquake research and mitigation efforts with emergency management programs, or to prepare educational materials for national distribution.

**(B) State assistance program criteria**

In order to qualify for assistance under subparagraph (A)(i), a State must—

(i) demonstrate that the assistance will result in enhanced seismic safety in the State;

(ii) provide a share of the costs of the activities for which assistance is being given, in accordance with subparagraph (C); and

(iii) meet such other requirements as the Director of the Agency shall prescribe.

**(C) Non-Federal cost sharing**

(i) In the case of any State which has received, before October 1, 1990, a grant from the Agency for activities under this chapter which included a requirement for cost sharing by matching such grant, any grant obtained from the Agency for activities under subparagraph (A)(i) after such date shall not include a requirement for cost sharing in an amount greater than 50 percent of the cost of the project for which the grant is made.

(ii) In the case of any State which has not received, before October 1, 1990, a grant from the Agency for activities under this chapter which included a requirement for cost sharing by matching such grant, any grant obtained from the Agency for activities under subparagraph (A)(i) after such date—

(I) shall not include a requirement for cost sharing for the first fiscal year of such a grant;

(II) shall not include a requirement for cost sharing in an amount greater than 25 percent of the cost of the project for which the grant is made for the second fiscal year of such grant, and any cost sharing requirement may be satisfied through in-kind contributions;

(III) shall not include a requirement for cost sharing in an amount greater than 35 percent of the cost of the project for which the grant is made for the third fiscal year of such grant, and any cost sharing requirement may be satisfied through in-kind contributions; and

(IV) shall not include a requirement for cost sharing in an amount greater than 50 percent of the cost of the project for which the grant is made for the fourth and subsequent fiscal years of such grant.

**(3) United States Geological Survey**

The United States Geological Survey shall conduct research necessary to characterize and identify earthquake hazards, assess earthquake risks, monitor seismic activity, and improve earthquake predictions. In carrying out this paragraph, the Director of the United States Geological Survey shall—

(A) conduct a systematic assessment of the seismic risks in each region of the Nation prone to earthquakes, including, where appropriate, the establishment and operation of intensive monitoring projects on hazardous faults, seismic microzonation studies in urban and other developed areas where earthquake risk is determined to be

significant, and engineering seismology studies;

(B) work with officials of State and local governments to ensure that they are knowledgeable about the specific seismic risks in their areas;

(C) develop standard procedures, in consultation with the Agency, for issuing earthquake predictions, including after-shock advisories;

(D) issue when necessary, and notify the Director of the Agency of, an earthquake prediction or other earthquake advisory, which may be evaluated by the National Earthquake Prediction Evaluation Council, which shall be exempt from the requirements of section 10(a)(2) of the Federal Advisory Committee Act when meeting for such purposes;

(E) establish, using existing facilities, a Center for the International Exchange of Earthquake Information which shall—

(i) promote the exchange of information on earthquake research and earthquake preparedness between the United States and other nations;

(ii) maintain a library containing selected reports, research papers, and data produced through the Program;

(iii) answer requests from other nations for information on United States earthquake research and earthquake preparedness programs; and

(iv) direct foreign requests to the agency involved in the Program which is best able to respond to the request; and <sup>1</sup>

(F) operate a National Seismic Network; <sup>2</sup>

(G) support regional seismic networks, which shall complement the National Seismic Network.

#### (4) National Science Foundation

The National Science Foundation shall be responsible for funding research on earth sciences to improve the understanding of the causes and behavior of earthquakes, on earthquake engineering, and on human response to earthquakes. In carrying out this paragraph, the Director of the National Science Foundation shall—

(A) encourage prompt dissemination of significant findings, sharing of data, samples, physical collections, and other supporting materials, and development of intellectual property so research results can be used by appropriate organizations to mitigate earthquake damage;

(B) in addition to supporting individual investigators, support university research consortia and centers for research in geosciences and in earthquake engineering;

(C) work closely with the United States Geological Survey to identify geographic regions of national concern that should be the focus of targeted solicitations for earthquake-related research proposals;

(D) emphasize, in earthquake engineering research, development of economically fea-

sible methods to retrofit existing buildings and to protect lifelines to mitigate earthquake damage; and

(E) support research that studies the political, economic, and social factors that influence the implementation of hazard reduction measures.

#### (5) National Institute of Standards and Technology

The National Institute of Standards and Technology shall be responsible for carrying out research and development to improve building codes and standards and practices for structures and lifelines. In carrying out this paragraph, the Director of the National Institute of Standards and Technology shall—

(A) work closely with national standards and model building code organizations, in conjunction with the Agency, to promote the implementation of research results;

(B) promote better building practices among architects and engineers; and

(C) work closely with national standards organizations to develop seismic safety standards and practices for new and existing lifelines.

(As amended Pub. L. 101-614, § 5, Nov. 16, 1990, 104 Stat. 3232.)

#### REFERENCES IN TEXT

Section 10(a)(2) of the Federal Advisory Committee Act, referred to in subsec. (b)(3)(D), is section 10(a)(2) of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 774, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### AMENDMENTS

1990—Pub. L. 101-614 amended section generally, substituting present provisions consisting of subsecs. (a) and (b) for former provisions which provided for: in subsec. (a), establishment of program; in subsec. (b), duties of President and Director of Federal Emergency Management Agency; in subsec. (c), objectives of program; in subsec. (d), Federal participation; in subsec. (e), research elements; in subsec. (f), mitigation elements; in subsec. (g), State assistance; in subsec. (h), non-Federal participation; in subsec. (i), study and recommendations on disaster relief; and in subsec. (j), cost sharing.

#### STUDIES ON ECONOMIC IMPACT OF CATASTROPHIC EARTHQUAKES AND IMPROVING EARTHQUAKE MITIGATION

Section 14 of Pub. L. 101-614 provided that:

“(a) **STUDY OF INDIRECT ECONOMIC LOSSES.**—Within 12 months after the date of enactment of this Act [Nov. 16, 1990], the Director of the Federal Emergency Management Agency shall submit, to the Committee on Science, Space, and Technology; the Committee on Interior and Insular Affairs, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and to the Committee on Commerce, Science and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report on the results of a study on the impact and repercussions of a catastrophic earthquake on local, regional, and national economies. The Director of the Federal Emergency Management Agency shall appoint, in consultation with the Department of the Treasury, a panel of experts in relevant fields and activities to undertake such study. In particular, the study shall evaluate the repercussions and indirect economic impact of such an earthquake on—

<sup>1</sup> So in original. The word “and” probably should not appear.

<sup>2</sup> So in original. Probably should be followed by “and”.

- “(1) financial markets;
- “(2) the national banking system;
- “(3) the insurance industry; and
- “(4) the national energy distribution network;

and shall include an estimate of the ability of current disaster assistance efforts and insurance coverage to allow recovery from the economic losses caused by a catastrophic earthquake.

“(b) **STUDY ON IMPROVING EARTHQUAKE MITIGATION.**— Within 12 months after the date of enactment of this Act (Nov. 16, 1990), the Director of the Federal Emergency Management Agency shall submit, to the Committee on Science, Space, and Technology, the Committee on Interior and Insular Affairs, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and to the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report on the results of a study on the adequacy of preparation and response capabilities for reducing and recovering from losses caused by a catastrophic earthquake. The Director of the Federal Emergency Management Agency shall appoint, in consultation with the United States Geological Survey, the National Institute of Standards and Technology, and the National Science Foundation, a panel of experts in relevant fields and activities to undertake such study. The study required under subsection (a) shall

“(1) identify impediments to the effective implementation of Federal, State, and local programs of earthquake hazard mitigation, including an analysis of the appropriate roles for Federal, State, and local governments and the private sector in preparing for and responding to the economic and social consequences of earthquakes; and

“(2) consider the effectiveness, and efficiencies of alternative ways for Federal, State, and local governments to reduce the economic impact of earthquakes, including earthquake hazard mitigation, disaster assistance, earthquake insurance for homeowners and small businesses, and earthquake reinsurance for general commercial liabilities.”

**EX. ORD. NO. 12699. SEISMIC SAFETY OF FEDERAL AND FEDERALLY ASSISTED OR REGULATED NEW BUILDING CONSTRUCTION**

Ex. Ord. No. 12699, Jan. 5, 1990, 55 F.R. 835, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, and in furtherance of the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 *et seq.*), which requires that Federal preparedness and mitigation activities are to include “development and promulgation of specifications, building standards, design criteria, and construction practices to achieve appropriate earthquake resistance for new . . . structures,” and “an examination of alternative provisions and requirements for reducing earthquake hazards through Federal and federally financed construction, loans, loan guarantees, and licenses. . . .” (42 U.S.C. 7704(f)(3, 4)), it is hereby ordered as follows:

**SECTION 1. Requirements for Earthquake Safety of New Federal Buildings.**

The purposes of these requirements are to reduce risks to the lives of occupants of buildings owned by the Federal Government and to persons who would be affected by the failures of Federal buildings in earthquakes, to improve the capability of essential Federal buildings to function during or after an earthquake, and to reduce earthquake losses of public buildings, all in a cost-effective manner. A building means any structure, fully or partially enclosed, used or intended for sheltering persons or property.

Each Federal agency responsible for the design and construction of each new Federal building shall ensure that the building is designed and constructed in accord with appropriate seismic design and construction standards. This requirement pertains to all building

projects for which development of detailed plans and specifications is initiated subsequent to the issuance of the order. Seismic design and construction standards shall be adopted for agency use in accord with sections 3(a) and 4(a) of this order.

**Sec. 2. Federally Leased, Assisted, or Regulated Buildings.**

The purposes of these requirements are to reduce risks to the lives of occupants of buildings leased for Federal uses or purchased or constructed with Federal assistance, to reduce risks to the lives of persons who would be affected by earthquake failures of federally assisted or regulated buildings, and to protect public investments, all in a cost-effective manner. The provisions of this order shall apply to all the new construction activities specified in the subsections below.

(a) **Space Leased for Federal Occupancy.** Each Federal agency responsible for the construction and lease of a new building for Federal use shall ensure that the building is designed and constructed in accord with appropriate seismic design and construction standards. This requirement pertains to all leased building projects for which the agreement covering development of detailed plans and specifications is effected subsequent to the issuance of this order. Local building codes shall be used in design and construction by those concerned with such activities in accord with section 3(a) and 3(c) of this order and augmented when necessary to achieve appropriate seismic design and construction standards.

(b) **Federal Domestic Assistance Programs.** Each Federal agency assisting in the financing, through Federal grants or loans, or guaranteeing the financing, through loan or mortgage insurance programs, of newly constructed buildings shall plan, and shall initiate no later than 3 years subsequent to the issuance of this order, measures consistent with section 3(a) of this order, to assure appropriate consideration of seismic safety.

(c) **Federally Regulated Buildings.** Each Federal agency with generic responsibility for regulating the structural safety of buildings shall plan to require use of appropriate seismic design and construction standards for new buildings within the agency's purview. Implementation of the plan shall be initiated no later than 3 years subsequent to the issuance of this order.

**Sec. 3. Concurrent Requirements.** (a) In accord with Office of Management and Budget Circular A-119 of January 17, 1980, entitled “Federal Participation in the Development and Use of Voluntary Standards,” nationally recognized private sector standards and practices shall be used for the purposes identified in sections 1 and 2 above unless the responsible agency finds that none is available that meets its requirements. The actions ordered herein shall consider the seismic hazards in various areas of the country to be as shown in the most recent edition of the American National Standards Institute Standards A58, *Minimum Design Loads for Buildings and Other Structures*, or subsequent maps adopted for Federal use in accord with this order. Local building codes determined by the responsible agency or by the Interagency Committee for Seismic Safety in Construction to provide adequately for seismic safety, or special seismic standards and practices required by unique agency mission needs, may be used.

(b) All orders, regulations, circulars, or other directives issued, and all other actions taken prior to the date of this order that meet the requirements of this order, are hereby confirmed and ratified and shall be deemed to have been issued under this order.

(c) Federal agencies that are as of this date requiring seismic safety levels that are higher than those imposed by this order in their assigned new building construction programs shall continue to maintain in force such levels.

(d) Nothing in this order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety,

performed pursuant to Sections 402, 403, 502, and 503 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. 5170a, 5170b, 5192, and 5193), or for temporary housing assistance programs and individual and family grants performed pursuant to Sections 408 and 411 of the Stafford Act (42 U.S.C. 5174 and 5178). However, this order shall apply to other provisions of the Stafford Act [42 U.S.C. 5121 et seq.] after a presidentially declared major disaster or emergency when assistance actions involve new construction or total replacement of a building. Grantees and subgrantees shall be encouraged to adopt the standards established in section 3(a) of this order for use when the construction does not involve Federal funding as well as when Federal Emergency Management Agency (FEMA) funding applies.

**SEC. 4. Agency Responsibilities.** (a) The Director of the Federal Emergency Management Agency shall be responsible for reporting to the President on the execution of this order and providing support for the secretariat of the Interagency Committee on Seismic Safety in Construction (ICSSC). The ICSSC, using consensus procedures, shall be responsible to FEMA for the recommendation for adoption of cost-effective seismic design and construction standards and practices required by sections 1 and 2 of this order. Participation in ICSSC shall be open to all agencies with programs affected by this order.

(b) To the extent permitted by law, each agency shall issue or amend existing regulations or procedures to comply with this order within 3 years of its issuance and plan for their implementation through the usual budget process. Thereafter, each agency shall review, within a period not to exceed 3 years, its regulations or procedures to assess the need to incorporate new or revised standards and practices.

**SEC. 5. Reporting.** The Federal Emergency Management Agency shall request, from each agency affected by this order, information on the status of its procedures, progress in its implementation plan, and the impact of this order on its operations. The FEMA shall include an assessment of the execution of this order in its annual report to the Congress on the National Earthquake Hazards Reduction Program.

**SEC. 6. Judicial Review.** Nothing in this order is intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

GEORGE BUSH.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7703, 7706 of this title; title 23 section 307.

#### § 7704a. Report on seismic safety property standards

##### (a) Authority

The Secretary of Housing and Urban Development (in this section referred to as the "Secretary") shall assess the risk of earthquake-related damage to properties assisted under programs administered by the Secretary and shall develop seismic safety standards for such properties. This section may not be construed to prohibit the Secretary from deferring to local building codes that meet the requirements of the seismic safety standards developed under this section.

##### (b) Standards

The standards shall be designed to reduce the risk of loss of life to building occupants to the maximum extent feasible and to reduce the risk of shake-related property damage to the maximum extent practicable.

##### (c) Consultation

In carrying out this section, the Secretary shall consult with the Director of the Federal Emergency Management Agency and may utilize the resources under the National Earthquake Hazards Reduction Program (established under the Earthquake Hazards Reduction Act of 1977 [42 U.S.C. 7701 et seq.]) and any other resources as may be required to carry out the activities under this section.

##### (d) Reports

###### (1) Submission and contents

The Secretary shall submit a report to the Congress, not less than biennially, containing a statement of the findings of the risk assessment study conducted under this section, including risk assessment of properties located in seismic risk zones and a compilation of the standards developed pursuant to this section. The report shall also include a statement of the activities undertaken by the Secretary to carry out this section and the amount and sources of any funds expended by the Secretary for such purposes. The report shall also include a statement of the activities undertaken by the Secretary to carry out the requirements of Executive Order No. 12699 (January 5, 1990) and the amount and sources of any funds expended by the Secretary for such purposes.

###### (2) Initial submission

The first report required under this subsection shall be submitted not later than the expiration of the 18-month period beginning on November 28, 1990.

(Pub. L. 101-625, title IX, § 947, Nov. 28, 1990, 104 Stat. 4416.)

#### REFERENCES IN TEXT

The Earthquake Hazards Reduction Act of 1977, referred to in subsec. (c), is Pub. L. 95-124, Oct. 7, 1977, 91 Stat. 1098, as amended, which is classified generally to this chapter (§ 7701 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 7701 of this title and Tables.

Executive Order No. 12699, referred to in subsec. (d)(1), is set out as a note under section 7704 of this title.

#### CODIFICATION

Section was enacted as part of the Cranston-Gonzalez National Affordable Housing Act, and not as part of the Earthquake Hazards Reduction Act of 1977 which comprises this chapter.

#### § 7705. Office of Science and Technology Policy report

The Director of the Office of Science and Technology Policy shall, within 3 months after November 16, 1990, report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Science, Space, and Technology and the Committee on Interior and Insular Affairs of the House of Representatives with respect to how the Office of Science and Technology Policy can play a role in interagency coordination, planning, and operation of the Program.

(As amended Pub. L. 101-614, § 6, Nov. 16, 1990, 104 Stat. 3236.)

#### AMENDMENTS

1990—Pub. L. 101-614 amended section generally. Prior to amendment, section read as follows: "The President shall, within ninety days after the end of each fiscal year, submit an annual report to the appropriate authorizing committees in the Congress describing the status of the program, and describing and evaluating progress achieved during the preceding fiscal year in reducing the risks of earthquake hazards. Each such report shall include a copy of the program plan described in section 7704(b)(2)(E) of this title and any recommendations for legislation and other action the President deems necessary and appropriate."

#### CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

#### § 7705a. Advisory Committee

There is established a National Earthquake Hazards Reduction Program Advisory Committee (hereafter in this chapter referred to as the "Advisory Committee"), which shall advise the Program agencies on planning and implementing the Program. The Director of the Agency shall, in consultation with the directors of the Program agencies, determine the number of members on the Advisory Committee and the duration of their terms, and appoint the Chairman and Members of the Advisory Committee. The Advisory Committee shall have balanced representation of State and local governments, the design professions, the research community, business and industry, and the general public. The Advisory Committee shall meet at the call of the Chairman, but in no event less often than every 6 months. The Advisory Committee shall submit a written report directly to the Congress, without review by the Office of Management and Budget or any other agency, by January 31 of each calendar year beginning after November 16, 1990, which shall describe any recommendations the Advisory Committee has made to the Program agencies during the preceding year. Members of the Advisory Committee shall serve without compensation but may receive reimbursement for expenses. All expenses of the Advisory Committee shall be borne by the Agency. The Advisory Committee shall expire September 30, 1993.

(Pub. L. 95-124, § 7, as added Pub. L. 101-614, § 7(2), Nov. 16, 1990, 104 Stat. 3236.)

#### § 7705b. Seismic standards

##### (a) Buildings

##### (1) Adoption of standards

The President shall adopt, not later than December 1, 1994, standards for assessing and enhancing the seismic safety of existing buildings constructed for or leased by the Federal Government which were designed and constructed without adequate seismic design and construction standards. Such standards shall be developed by the Inter-agency Committee on Seismic Safety in Con-

struction, whose chairman is the Director of the National Institute of Standards and Technology or his designee, and which shall work in consultation with appropriate private sector organizations.

##### (2) Report to Congress

The President shall report to the Congress, not later than December 1, 1994, on how the standards adopted under paragraph (1) could be applied with respect to buildings—

(A) for which Federal financial assistance has been obtained through grants, loans, financing guarantees, or loan or mortgage insurance programs; or

(B) the structural safety of which is regulated by a Federal agency.

##### (3) Regulations

The President shall ensure the issuance, before February 1, 1993, by all Federal agencies of final regulations required by section 4(b) of Executive Order numbered 12699, issued January 5, 1990.

##### (b) Lifelines

The Director of the Agency, in consultation with the Director of the National Institute of Standards and Technology, shall submit to the Congress, not later than June 30, 1992, a plan, including precise timetables and budget estimates, for developing and adopting, in consultation with appropriate private sector organizations, design and construction standards for lifelines. The plan shall include recommendations of ways Federal regulatory authority could be used to expedite the implementation of such standards.

(Pub. L. 95-124, § 8, as added Pub. L. 101-614, § 8(a), Nov. 16, 1990, 104 Stat. 3237.)

#### REFERENCES IN TEXT

Executive Order numbered 12699, referred to in subsec. (a)(3), is set out as a note under section 7704 of this title.

#### REPORT ON VULNERABILITY OF BUILDINGS OWNED AND LEASED BY GOVERNMENT

Section 8(b) of Pub. L. 101-614 provided that: "The Comptroller General shall, not later than 18 months after the date of enactment of this Act [Nov. 16, 1990], report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Interior and Insular Affairs and the Committee on Science, Space, and Technology of the House of Representatives on the vulnerability of buildings owned and leased by the Federal Government and on the efforts of Federal agencies to improve the seismic resistance of the buildings they own or lease. For each such agency, the Comptroller General shall enumerate the number of buildings owned or leased by the agency, the seriousness of the seismic risk to such buildings, and the value of the buildings at risk. The Comptroller General shall tabulate the expenditures each such agency has devoted to reducing earthquake damage and estimate the total expenditure necessary to address the problem adequately."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 23 section 307.

**§ 7705c. Acceptance of gifts****(a) Authority**

In furtherance of the purposes of this chapter, the Director of the Agency may accept and use bequests, gifts, or donations of services, money, or property, notwithstanding section 1342 of title 31.

**(h) Criteria**

The Director of the Agency shall establish by regulation criteria for determining whether to accept bequests, gifts, or donations of services, money, or property. Such criteria shall take into consideration whether the acceptance of the bequest, gift, or donation would reflect unfavorably on the Director's ability to carry out his responsibilities in a fair and objective manner, or would compromise the integrity of, or the appearance of the integrity of, the Program or any official involved in administering the Program.

(Pub. L. 95-124, § 9, as added Pub. L. 101-614, § 9, Nov. 16, 1990, 104 Stat. 3238.)

**CODIFICATION**

In subsec. (a), "section 1342 of title 31" was substituted for "section 3679 of the Revised Statutes (31 U.S.C. 1342)" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

**§ 7705d. Non-Federal cost sharing for supplemental funds**

A grant under this chapter to a State from the Agency that is made with funds appropriated under the Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance (Public Law 101-130; 103 Stat. 775) shall not include a requirement for cost sharing in an amount greater than 25 percent of the cost of the project for which the grant is made, and any cost sharing requirement may be satisfied through in-kind contributions.

(Pub. L. 95-124, § 10, as added Pub. L. 101-614, § 10, Nov. 16, 1990, 104 Stat. 3238.)

**REFERENCES IN TEXT**

The Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance, referred to in text, is section 108 of Pub. L. 101-100, as added by Pub. L. 101-130, Oct. 26, 1989, 103 Stat. 775, which is not classified to the Code.

**§ 7705e. Post-earthquake investigations program**

There is established within the United States Geological Survey a post-earthquake investigations program, the purpose of which is to investigate major earthquakes, so as to learn lessons which can be applied to reduce the loss of lives and property in future earthquakes. The United States Geological Survey, in consultation with each Program agency, shall organize investigations to study the implications of the earthquake in the areas of responsibility of each Program agency. The investigations shall begin as rapidly as possible and may be conducted by grantees and contractors. The Program agencies shall ensure that the results of investigations are disseminated widely. The Di-

rector of the Survey is authorized to utilize earthquake expertise from the Agency, the National Science Foundation, the National Institute of Standards and Technology, other Federal agencies, and private contractors, on a reimbursable basis, in the conduct of such earthquake investigations. At a minimum, investigations under this section shall include—

(1) analysis by the National Science Foundation and the United States Geological Survey of the causes of the earthquake and the nature of the resulting ground motion;

(2) analysis by the National Science Foundation and the National Institute of Standards and Technology of the behavior of structures and lifelines, both those that were damaged and those that were undamaged; and

(3) analysis by each of the Program agencies of the effectiveness of the earthquake hazards mitigation programs and actions relating to its area of responsibility under the Program, and how those programs and actions could be strengthened.

(Pub. L. 95-124, § 11, as added Pub. L. 101-614, § 11(a), Nov. 16, 1990, 104 Stat. 3239.)

**REPORT ON FUNDING OF PROGRAM**

Section 11(b) of Pub. L. 101-614 provided that: "The Director of the Federal Emergency Management Agency in consultation with the other agencies of the National Earthquake Hazards Reduction Program shall, not later than one year after the date of enactment of this Act (Nov. 16, 1990), report to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and to the Committee on Interior and Insular Affairs, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives on possible options for funding a program for post-earthquake investigations. Such report, at a minimum, shall consider funding such a program either by setting aside a percentage of disaster relief funds provided by the Federal Emergency Management Agency after a major earthquake or by a revolving fund. The report shall include a recommendation on how the funding for such investigations should be allocated among the other Program agencies."

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 7706 of this title.

**§ 7706. Authorization of appropriations****(a) General authorization for program**

[See main edition for text of (1) to (6)]

(7) There are authorized to be appropriated to the Director, to carry out this chapter, \$5,778,000 for the fiscal year ending September 30, 1988, \$5,788,000 for the fiscal year ending September 30, 1989, \$8,798,000 for the fiscal year ending September 30, 1990, \$14,750,000 for the fiscal year ending September 30, 1991, \$19,000,000 for the fiscal year ending September 30, 1992, and \$22,000,000 for the fiscal year ending September 30, 1993.

**(h) United States Geological Survey**

There are authorized to be appropriated to the Secretary of the Interior for purposes for carrying out, through the Director of the United States Geological Survey, the responsi-

bilities that may be assigned to the Director under this chapter not to exceed \$27,500,000 for the fiscal year ending September 30, 1978; not to exceed \$35,000,000 for the fiscal year ending September 30, 1979; not to exceed \$40,000,000 for the fiscal year ending September 30, 1980; \$32,484,000 for the fiscal year ending September 30, 1981; \$34,425,000 for the fiscal year ending September 30, 1982; \$31,843,000 for the fiscal year ending September 30, 1983; \$35,524,000 for the fiscal year ending September 30, 1984; \$37,300,200 for the fiscal year ending September 30, 1985<sup>2</sup> \$35,578,000 for the fiscal year ending September 30, 1986; \$37,179,000 for the fiscal year ending September 30, 1987; \$38,540,000 for the fiscal year ending September 30, 1988; \$41,819,000 for the fiscal year ending September 30, 1989; \$55,283,000 for the fiscal year ending September 30, 1990, of which \$8,000,000 shall be for earthquake investigations under section 7705e of this title; \$50,000,000 for the fiscal year ending September 30, 1991; \$54,500,000 for the fiscal year ending September 30, 1992; and \$62,500,000 for the fiscal year ending September 30, 1993.

(c) National Science Foundation

To enable the Foundation to carry out responsibilities that may be assigned to it under this chapter, there are authorized to be appropriated to the Foundation not to exceed \$27,500,000 for the fiscal year ending September 30, 1978; not to exceed \$35,000,000 for the fiscal year ending September 30, 1979; not to exceed \$40,000,000 for the fiscal year ending September 30, 1980; \$26,600,000 for the fiscal year ending September 30, 1981; \$27,150,000 for the fiscal year ending September 30, 1982; \$25,000,000 for the fiscal year ending September 30, 1983; \$25,800,000 for the fiscal year ending September 30, 1984; \$28,665,000 for the fiscal year ending September 30, 1985<sup>2</sup> \$27,760,000 for the fiscal year ending September 30, 1986; \$29,009,000 for the fiscal year ending September 30, 1987; \$28,235,000 for the fiscal year ending September 30, 1988; \$31,634,000 for the fiscal year ending September 30, 1989; \$38,454,000 for the fiscal year ending September 30, 1990. Of the amounts authorized for Engineering under section 101(d)(1)(B) of the National Science Foundation Authorization Act of 1988, \$24,000,000 is authorized for carrying out this chapter for the fiscal year ending September 30, 1991, and of the amounts authorized for Geosciences<sup>3</sup> under section 101(d)(1)(D) of the National Science Foundation Authorization Act of 1988, \$13,000,000 is authorized for carrying out this chapter for the fiscal year ending September 30, 1991. Of the amounts authorized for Research and Related Activities under section 101(e)(1) of the National Science Foundation Authorization Act of 1988, \$29,000,000 is authorized for engineering research under this chapter, and \$14,750,000 is authorized for geosciences research under this chapter, for the

fiscal year ending September 30, 1992. Of the amounts authorized for Research and Related Activities under section 101(f)(1) of the National Science Foundation Authorization Act of 1988, \$34,500,000 is authorized for engineering research under this chapter, and \$17,500,000 is authorized for geosciences research under this chapter, for the fiscal year ending September 30, 1993.

(d) National Institute of Standards and Technology

To enable the National Institute of Standards and Technology to carry out responsibilities that may be assigned to it under this chapter, there are authorized to be appropriated \$425,000 for the fiscal year ending September 30, 1981; \$425,000 for the fiscal year ending September 30, 1982; \$475,000 for the fiscal year ending September 30, 1983; \$475,000 for the fiscal year ending September 30, 1984; \$498,750 for the fiscal year ending September 30, 1985<sup>2</sup> \$499,000 for the fiscal year ending September 30, 1986; \$521,000 for the fiscal year ending September 30, 1987; \$525,000 for the fiscal year ending September 30, 1988; \$525,000 for the fiscal year ending September 30, 1989; \$2,525,000 for the fiscal year ending September 30, 1990; \$1,000,000 for the fiscal year ending September 30, 1991; \$3,000,000 for the fiscal year ending September 30, 1992; and \$4,750,000 for the fiscal year ending September 30, 1993.

[See main edition for text of (e)]

(f) Availability of funds

Funds appropriated for fiscal years 1991, 1992, and 1993 pursuant to this section shall remain available until expended.

(Pub. L. 95-124, § 12, formerly § 7, Oct. 7, 1977, 91 Stat. 1102; Pub. L. 96-472, title 1, § 103, Oct. 19, 1980, 94 Stat. 2259; Pub. L. 97-80, title I, § 101, Nov. 20, 1981, 95 Stat. 1081; Pub. L. 97-464, title I, § 101, Jan. 12, 1983, 96 Stat. 2533; Pub. L. 98-241, title I, § 101, Mar. 22, 1984, 98 Stat. 95; Pub. L. 99-105, §§ 1-4, Sept. 30, 1985, 99 Stat. 475; Pub. L. 100-252, § 1, Feb. 29, 1988, 102 Stat. 18; Pub. L. 100-418, title V, § 5115(c), Aug. 23, 1988, 102 Stat. 1433; renumbered § 12 and amended Pub. L. 101-614, §§ 7(1), 12, Nov. 16, 1990, 104 Stat. 3236, 3240.)

REFERENCES IN TEXT

Section 101(d)(1)(B), (D), (e)(1), and (f)(1) of the National Science Foundation Authorization Act of 1988, referred to in subsec. (c), is section 101(d)(1)(B), (D), (e)(1), and (f)(1) of Pub. L. 100-570, Oct. 31, 1988, 102 Stat. 2865, 2866, which is not classified to the Code.

AMENDMENTS

1990—Subsec. (a)(7). Pub. L. 101-614, § 12(1), substituted "carry out this chapter" for "carry out the provisions of sections 7704 and 7705 of this title", substituted "\$8,798,000" for "and \$5,798,000", and inserted before period at end ", \$14,750,000 for the fiscal year ending September 30, 1991, \$19,000,000 for the fiscal year ending September 30, 1992, and \$22,000,000 for the fiscal year ending September 30, 1993".

Subsec. (b). Pub. L. 101-614, § 12(2), substituted "\$55,283,000" for "and \$43,283,000" and inserted before period at end ", of which \$8,000,000 shall be for earthquake investigations under section 7705e of this title; \$50,000,000 for the fiscal year ending September

<sup>2</sup> So in original. Probably should be followed by a semicolon.

<sup>3</sup> So in original. Probably should not be capitalized.

30, 1991; \$54,500,000 for the fiscal year ending September 30, 1992; and \$62,500,000 for the fiscal year ending September 30, 1993”.

Subsec. (c). Pub. L. 101-614, § 12(3), substituted “\$38,454,000” for “and \$35,454,000” and inserted at end “Of the amounts authorized for Engineering under section 101(d)(1)(B) of the National Science Foundation Authorization Act of 1988, \$24,000,000 is authorized for carrying out this chapter for the fiscal year ending September 30, 1991, and of the amounts authorized for Geosciences under section 101(d)(1)(D) of the National Science Foundation Authorization Act of 1988, \$13,000,000 is authorized for carrying out this chapter for the fiscal year ending September 30, 1991. Of the amounts authorized for Research and Related Activities under section 101(e)(1) of the National Science Foundation Authorization Act of 1988, \$29,000,000 is authorized for engineering research under this chapter, and \$14,750,000 is authorized for geosciences research under this chapter, for the fiscal year ending September 30, 1992. Of the amounts authorized for Research and Related Activities under section 101(f)(1) of the National Science Foundation Authorization Act of 1988, \$34,500,000 is authorized for engineering research under this chapter, and \$17,500,000 is authorized for geosciences research under this chapter, for the fiscal year ending September 30, 1993.”

Subsec. (d). Pub. L. 101-614, § 12(4), substituted “National Institute of Standards and Technology” for “National Bureau of Standards” in heading and for “Bureau” in text, substituted “\$2,525,000” for “and \$525,000”, and inserted before period at end “; \$1,000,000 for the fiscal year ending September 30, 1991; \$3,000,000 for the fiscal year ending September 30, 1992; and \$4,750,000 for the fiscal year ending September 30, 1993”.

Subsec. (f). Pub. L. 101-614, § 12(5), added subsec. (f).

**CHAPTER 88—URANIUM MILL TAILINGS RADIATION CONTROL**

**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in section 2296a-3 of this title; title 30 section 1240a.

**SUBCHAPTER I—REMEDIAL ACTION PROGRAM**

§ 7922. Termination of authority of Secretary; groundwater restoration activities; annual Department of Energy authorizations; appropriations available for expenditure

(a) The authority of the Secretary to perform remedial action under this subchapter shall terminate on September 30, 1996, except that the authority of the Secretary to perform groundwater restoration activities under this subchapter is without limitation.

[See main edition for text of (b)]

(As amended Pub. L. 102-486, title X, § 1031, Oct. 24, 1992, 106 Stat. 2951.)

**AMENDMENTS**

1992—Subsec. (a). Pub. L. 102-486 substituted “1996” for “1994”.

§ 7924. Reports to Congress

**CHANGE OF NAME**

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

**SUBCHAPTER II—STUDY AND DESIGNATION OF TWO MILL TAILING SITES IN NEW MEXICO**

§ 7942. Designation by Secretary as processing sites for subchapter I purposes

**CHANGE OF NAME**

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

**CHAPTER 89—CONGREGATE HOUSING SERVICES**

Sec.

8011. Revised congregate housing services program.

- (a) Findings and purposes.
- (b) Contracts for congregate services programs.
- (c) Reservation of amounts.
- (d) Eligible activities.
- (e) Eligibility for services.
- (f) Eligible contract recipients and distribution of assistance.
- (g) Applications.
- (h) Selection and evaluation of applications and programs.
- (i) Congregate services program funding.
- (j) Miscellaneous provisions.
- (k) Definitions.
- (l) Reports to Congress.
- (m) Regulations.
- (n) Authorization of appropriations.
- (o) Reserve fund.

8012. Hope for elderly independence.

- (a) Purpose.
- (b) Housing assistance.
- (c) Supportive services requirements and matching funding.
- (d) Applications.
- (e) Selection.
- (f) Required agreements.
- (g) Definitions.
- (h) Multifamily project demonstration.
- (i) Report.
- (j) Section 8 [42 U.S.C. 1437f] funding.
- (k) Funding for services.
- (l) Implementation.

8013. Supportive housing for persons with disabilities.

- (a) Purpose.
- (b) Authority to provide assistance.
- (c) General requirements.
- (d) Forms of assistance.
- (e) Term of commitment.
- (f) Applications.
- (g) Selection criteria.
- (h) Development cost limitations.
- (i) Tenant selection.
- (j) Miscellaneous provisions.
- (k) Definitions.
- (l) Allocation of funds.
- (m) Effective date and applicability.

**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in sections 1437g, 3535, 8011 of this title.