

A BILL FOR AN ACT

To create a National Disaster Relief Fund and to provide for the administration thereof, to supplement funds which may be provided under Public Law No. 7-38, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Findings and declarations.

2 (1) The Congress hereby finds that:

3 (a) Public Law No. 7-38, known as the Trust Territory
4 Disaster Relief Act of 1977, enacted by the Seventh Congress of Micronesia
5 in 1977, established a disaster relief program administered by the High
6 Commissioner of the Trust Territory of the Pacific Islands; and that

7 (b) The Trust Territory-wide disaster control
8 responsibilities of the High Commissioner are retained by the Trust
9 Territory Government for the duration of the Trusteeship; and that

10 (c) A duty and function of the Office of Planning and
11 Statistics of the Federated States of Micronesia is to propose disaster
12 prevention and disaster relief plans, including provision for the
13 coordination of aid received for the purpose of disaster control; and that

14 (d) Sums have been received by the Federated States of
15 Micronesia Government for the purpose of disaster relief; and that

16 (e) No appropriate disaster relief fund for the
17 Federated States of Micronesia now exists; and that

18 (f) No appropriate provisions for the administration
19 and expenditure of Federated States of Micronesia disaster relief funds
20 now exist; and that

21 (g) Natural disasters and emergencies often disrupt the
22 normal functioning of governments and communities, and adversely affect
23 individuals and families with great severity; and that

24 (h) Natural disasters and emergencies often cause loss of
25 life, human suffering, loss of income, and property loss and damage; and that

1 (i) Special measures, in addition to those provided
2 pursuant to the Trust Territory Disaster Relief Act of 1977, designed to
3 assist the efforts of the affected States in expediting the rendering of
4 aid, assistance, and emergency services, and the reconstruction and
5 rehabilitation of devastated areas, are desirable and necessary.

6 (2) It is therefore declared to be the intent of the Congress to:

7 (a) Supplement, but not eliminate or replace, the disaster
8 assistance provided to the Federated States of Micronesia by the Trust
9 Territory Government pursuant to the terms and provisions of the Trust
10 Territory Disaster Relief Act of 1977; and to

11 (b) Provide an orderly and continuing means of assistance
12 by the Federated States of Micronesia National Government to State and
13 local governments in carrying out their responsibilities to alleviate the
14 suffering and damage which result from natural disasters and emergencies.

15 Section 2. Creation of Disaster Relief Fund.

16 (1) There is hereby created a Disaster Relief Fund to be used
17 for natural disaster and emergency relief throughout the Federated States
18 of Micronesia.

19 (2) Monies for the Disaster Relief Fund shall be derived from
20 appropriations by the Congress of the Federated States of Micronesia and
21 the State legislatures, United States grants, funds designated for such
22 purposes from international organizations, and from any and all other
23 appropriate sources.

24 (3) The Disaster Relief Fund shall be administered in
25 accordance with the provisions of this act.

1 Section 3. Definitions.

2 (1) "Emergency" means any hurricane, typhoon, cyclone, tornado,
3 storm, flood, high water, wind-driven water, tidal wave, tsunami,
4 earthquake, volcanic eruption, landslide, mudslide, drought, fire,
5 explosion, civil disturbance, or other catastrophe in any part of the
6 Federated States of Micronesia which requires National emergency assistance
7 to supplement State and local efforts to save lives and protect property,
8 provide for public health and safety, or to avert or lessen the threat of
9 disaster;

10 (2) "Disaster" means any hurricane, typhoon, cyclone, tornado,
11 storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake,
12 volcanic eruption, landslide, mudslide, drought, fire explosion, civil
13 disturbance, or other catastrophe in any part of the Federated States of
14 Micronesia which, in the determination of the President, causes damages of
15 sufficient severity and magnitude to warrant disaster assistance under this
16 act, above and beyond emergency services by the National Government, to
17 supplement the efforts and available resources of States, local governments,
18 and disaster relief organizations in alleviating the damage, loss, hardship,
19 or suffering caused thereby.

20 Section 4. Procedures.

21 (1) All requests for a determination by the President that an
22 emergency or disaster exists shall be made by the Governor of the affected
23 State. Such request shall be based upon the Governor's finding that the
24 situation is of such severity and magnitude that effective response is
25 beyond the capabilities of the State and the affected local governments

1 and that National assistance is necessary. The Governor's request will
2 furnish information describing State and local efforts and resources
3 which have been or will be used to alleviate the emergency or disaster,
4 and will define the type and extent of National aid required. As a
5 prerequisite to emergency or disaster assistance under this act, the
6 Governor shall take appropriate action under State law and direct
7 execution of any State emergency or disaster plan. Based upon such
8 Governor's request, the President may find and declare that a disaster
9 or an emergency exists;

10 (2) The President may make an independent determination of
11 the existence of an emergency or disaster in the event the Governor of
12 an affected State for any reason is unable or unwilling to make a request
13 for assistance pursuant to the provisions of this act.

14 Section 5. Coordinating officers.

15 (1) Immediately upon his finding that an emergency exists, or
16 his declaration of a disaster, the President may appoint a National
17 coordinating officer to operate in the affected area;

18 (2) In order to effectuate the purposes of this act, the
19 National coordinating officer, if any, within the affected area, shall;

20 (a) Make an initial appraisal of the types of relief most
21 urgently needed;

22 (b) Establish such field offices as he deems necessary and
23 as are authorized by the President;

24 (c) Assist in the coordination and administration of
25 relief, including the activities of State and local governments, the Trust

1 Territory Government, and any disaster relief organizations operating in
2 the affected area; and

3 (d) Take such other action, consistent with the provisions
4 of this act, as he may deem necessary to assist local citizens and public
5 officials in promptly obtaining assistance to which they are entitled.

6 Section 6. Use of Disaster Relief Fund monies.

7 (1) Expenditures from the Disaster Relief Fund may be used for
8 necessary food, clothing, shelter, medical supplies, compensation for
9 crop damage, transportation, debris clearance, reconstruction or repair
10 of seawalls and other property damage, building materials, administrative
11 costs (not to exceed 15 percent of relief provided) and such other matters
12 as the President determines to be necessary and occasioned by an emergency
13 or disaster as defined by this act;

14 (2) Disaster Relief Fund monies shall be administered and
15 expended by the National revenue officer in the affected State, except
16 in the State of Ponape. In the State of Ponape, Disaster Relief Fund
17 monies shall be administered and expended by the Secretary of the Department
18 of Finance, or his designee.

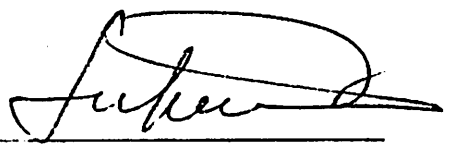
19 Section 7. Use of local firms and individuals. In the expenditure
20 of National funds for debris clearance, distribution of supplies,
21 reconstruction, and other emergency or disaster assistance activities
22 which may be carried out by contract or agreement with private organizations,
23 firms, or individuals, preference shall be given, to the extent feasible
24 and practicable, to those organizations, firms, and individuals residing
25 or doing business primarily in the area affected by such emergency or

1 disaster.

2 Section 8. Authority to make expenditures. Upon compliance with
3 the requirements of this act, the President may authorize such expenditures
4 of monies from the Disaster Relief Fund as in his opinion is necessary
5 to carry out the purposes of this act.

6 Section 9. Effective date. This act shall become law upon approval
7 by the President of the Federated States of Micronesia or upon its
8 becoming law without such approval.

9
10 Date: 5/25/81

Introduced by: 
Luke Tman
(By request)

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25