Appendix F:
Public Law 84-99 and Other Authorities

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Overview of Public Law 84-99 Response and Recovery Assistance

	Policies	Assistance	Procedures
Advance Measures	• Imminent threat of unusual flooding exists • Supplement State and Local efforts • Tribal/Governor's request/specific locations • Economically justified/engineering feasible • Temporary in nature • Assistance to protect life and improved property • Technical assistance GAR can request	• Technical assistance • Supplies/equipment • Emergency contracting • Strengthening flood control works • Temporary levees (removal local responsibility) • Channel clearance/dredging • Dam failure	• Project info report gets HQ approval • PCA required
Flood Fight	• Save lives/protect improved property • Supplement State and Local efforts • Public facilities/services/residential and commercial developments • Temporary in nature - ends when flood back within banks	• Provide emergency assistance to flood control works • Furnish materials (sandbags, sheeting, pumps) • Furnish technical assistance • Assist in rescue operations • Emergency contracting • Direct flood fight operations	• District Commander issues Declaration of Emergency • PCA required for Direct Assistance
Post Flood Response	• Limited to major flood/life threatening situation • Written request from governor (concurrent with request for Presidential Disaster Declaration) • Ten-day limit (No new work after declaration)	• Debris clearance (vice removal) • Technical assistance	• PCA required
Emergency Water	• Substantial threat to public health/welfare/property • Tribal/Governor request required • Human consumption • Contaminated source limited to 30 days of assistance • Drought Assistance - Community/State buys, loads, and distributes	• Filtration/transportation/pipeline/bottled water • Construction of wells: drought assistance only-Applicant reimbursement required	• HQUSACE designates drought areas • HQ approval required for Drought Assistance • MSC approval for Contaminated Source
FCW Rehabilitation	• Active flood control structures damaged/destroyed by flood or coastal storm • Federally authorized/constructed Hurricane Shore Protection Project (HSPP) • Favorable Benefit to Cost Ratio (BCR) • Deficient/deferred maintenance is sponsor's responsibility	• Repair/restoration of a flood control structure to pre-disaster level of protection • Different criteria for HSPP	• Rehab of non-Federal cost shared 80/20 • Rehab of Federal FCWs at 100% Federal Cost • PCA Required • Sponsor provides land, easements, borrow, row, etc.

Public Law 84-99 Authorities

Public Law 84-99: The authority for USACE to provide emergency/disaster assistance is PL 84-99, Flood Control and Coastal Emergencies (FCCE) (33 U.S.C. 701n) (69 Stat. 186). Under this law, the Chief of Engineers, acting for the Secretary of the Army, is authorized to undertake activities including disaster preparedness, advance measures, emergency operations (flood response and post flood response), rehabilitation of flood control works threatened or destroyed by flood, protection or repair of Federally authorized shore protective works threatened or damaged by coastal storm, and provisions of emergency water due to drought or contaminated source.

Public Law 84-99 Categories:

- Category 100 Disaster Preparedness
- Category 200 Emergency Operations
- Category 300 Rehabilitation
- Category 400 Emergency Water
- Category 500 Advance Measures
- Category 600 Hazard Mitigation

Category 100: Disaster Preparedness

Feature	Class	Type of Assistance	Criteria and Comments
All Hazard Planning Activities	110	Preparation of plans and SOPs for quick and effective response to emergencies	Division and district disaster preparedness programs funded annually according to organizational requirements and funding parameters
All Hazard Planning Activities	120	Development of and participation in, exercises and training in the inter- and intra-agency arena	Training and exercises for emergency operations for which division and/or district personnel are participating
Equipment, Facilities, Supplies	130	Acquisition, rent, utilities, and purchases necessary for a fully functional EOC and alternate EOC	Costs associated with these expenses shared with O&M Gen Facilities are to be IAW USACE standards
National or Regional Centers of Expertise	140	Support by Readiness/Emergency Management National or Regional Centers of Expertise	Support determined by HQUSACE Funds RSC

Category 200: Emergency Operations

Feature	Class	Type of Assistance	Criteria and Comments

Response Operations	210	• EOC Operations, to include field representatives and LNOs in support of emergency activities (all hazard)
		• Technical assistance (all hazard)
		• Rescue operations (all hazard)
		• Flood fight Operations:
		  • Loan of flood fight materials and equipment
		  • Emergency contracting
			• Commander to declare emergency
			• USACE assistance is supplemental to state and local efforts
			• No assistance to individuals or individual businesses
			• No reimbursement to local interests
			• Reimbursement required for supplies and equipment (e.g., sandbags and pumps) loaned to State and Local sponsors. If a FEMA disaster declaration has been made, DE may waive reimbursement requirement for loaned sandbags.

After Action Report	220	Provide for the preparation and publication of After Action Reports at all levels	• Class 210 funds must be used • Summarizes disaster operations • Evaluate strengths and weaknesses; recommend corrective action
Post Flood Response	230	Response to governor request for assistance following a flood	• Limited to ten days following receipt of Governor request • Governor request must be concurrent with or subsequent to State request for Stafford Act emergency or disaster declaration

Category 200: Emergency Operations

Feature	Class	Type of Assistance	Criteria and Comments
Operational Supplies and Equipment	240	Preparation of plans and SOPs for quick and effective response to emergencies	Corps of Engineers use only; cannot be used to replace supplies or equipment for State or Local governments
Support from Others	250	Support from other Federal agencies in response to flood or coastal storm emergency	Can only be used during a flood-related emergency for reimbursement under PL 84-99
Operational Support	260	Support from USACE labs and non-Corps organizations	Applicable for use by HQUSACE only; Support determined by HQUSACE

Category 300: Rehabilitation/Inspection Program

Feature	Class	Type of Assistance	Criteria and Comments
Rehabilitation Project - Federal FCW	310	Rehabilitation of active Federal flood control works	• Written request from public sponsor responsible for operation and maintenance of project • Damage from flood or coastal storm • Restoration to pre-disaster level of protection (physical height) • Rehab economically justified • Repair of maintenance deficiencies is local responsibility/cost • Cost share: 100% Federal
Rehabilitation Project - Non-Federal FCW	320	Rehabilitation of active non-Federal flood control works	• See criteria and comments for Federal rehab, Class 310 • 80% Federal/20% non-Federal cost share
Rehabilitation Project - Hurricane/Shore Protection Project	330	Rehabilitation of eligible Federally authorized and constructed Hurricane/ Shore Protection Projects	• Restoration to lesser of (1) pre-storm condition, or (2) level needed for adequate functioning of the project • Normally requires CG/public sponsor cost share per PCA
Field Investigation	340	Conduct investigation and preparation of Project Information Report (PIR) for flood control works	Flood control works active in the Rehabilitation and Inspection Program (RIP) and damaged by a flood or coastal storm

Category 300: Rehabilitation/Inspection Program

Feature	Class	Type of Assistance	Criteria and Comments

Initial Eligibility Inspections (IEI)	350	• IEI conducted on inactive flood control project based on established criteria
		• Inspection determines if:
		  • Public sponsor is qualified
		  • Project meets engineering and maintenance criteria
			• Project constructed using non-Federal funds or WPA/CCC
			• Sponsor a public entity with financial authority
			• Minimum level of protection required:
			  • Ag levee: five year with one foot of freeboard
			  • Urban, Ag with infrastructure: 10 year with two feet of freeboard
			  • Active maintenance program that ensures levee viability
			  • Adequate maintenance of structures and fixtures

Continuing Eligibility Inspections (CEI)	360	Periodic inspection of active non-Federal FCWs to determine if the project is being maintained in accordance with USACE criteria	Refer to ER 500-1-1 for inspection criteria
Interagency Levee Task Force (ILTF)	370	Funding beyond what FEMA provides via a Mission Assignment to manage operations of an Interagency Levee Task Force	• Division responsibility to lead task force • ILTF formed following a major event where numerous levees need rehab

Category 400: Emergency Water Assistance

Feature	Class	Type of Assistance	Criteria and Comments
Emergency Water Supplies (Contaminated Source of Water)	410	Provide emergency water to a locality	• Contaminated source of water causing threat to public health and welfare (water for human consumption only) • Supplemental to state and local resources • Written request from governor • 30-day limitation (extendable under certain conditions)
Drought Assistance	420	• Transportation of water at Federal expense • Well drilling on a reimbursable basis	• Designation by ASACW of drought distressed area • Water for human consumption only • Applicants may include farmers, ranchers, or political subdivisions • All requests to come through the State
Field Investigations	430	• PIR preparation • Technical assistance	Preparation of report for either emergency water or drought assistance

Category 500: Advance Measures

Feature	Class	Type of Assistance	Criteria and Comments
Advance Measures Assistance	510	• Preventative work from imminent threat of unusual flooding • District may provide technical assistance upon receipt of funds from HQUSACE • HQUSACE approval required for Advance Measures projects or direct assistance	• Prediction of unusual flooding by NWS or Corps (imminent threat) • Threat to life or improved property • Complement maximum State and Local efforts • Work to be completed in time to prevent damage • Work to be technically feasible and economically justified • Removal or upgrades performed by sponsor at no cost to the USACE
Field Investigations	520	Investigate eligibility and prepare Project Information Report	Request from Governor for assistance

Category 600: Hazard Mitigation

Feature	Class	Type of Assistance	Criteria and Comments
Hazard Mitigation	600	USACE participation in FEMA-led hazard mitigation effort intended to identify post-disaster mitigation opportunities, and establish framework for recovery	• Presidentially declared major disaster • FEMA activates Hazard Mitigation Team