

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.

EFFECTIVE DATE

Pub. L. 106-390, title II, §202(b), Oct. 30, 2000, 114 Stat. 1560, provided that:

“(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5165b(a), (b)] (as added by subsection (a)) shall apply to major disasters declared under that Act [42 U.S.C. 5121 et seq.] on or after the date of the enactment of this Act [Oct. 30, 2000].

“(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of the enactment of this Act) shall be used to establish management cost rates.”

§ 5165c. Public notice, comment, and consultation requirements

(a) Public notice and comment concerning new or modified policies

(1) In general

The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this chapter; and

(B) could result in a significant reduction of assistance under the program.

(2) Application

Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

(b) Consultation concerning interim policies

(1) In general

Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this chapter, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

(2) No legal right of action

Nothing in this subsection confers a legal right of action on any party.

(c) Public access

The President shall promote public access to policies governing the implementation of the public assistance program.

(Pub. L. 93-288, title III, §325, as added Pub. L. 106-390, title II, §203, Oct. 30, 2000, 114 Stat. 1560.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1)(A) and (b)(1), 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.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 5165d. Designation of Small State and Rural Advocate

(a) In general

The President shall designate in the Federal Emergency Management Agency a Small State and Rural Advocate.

(b) Responsibilities

The Small State and Rural Advocate shall be an advocate for the fair treatment of small States and rural communities in the provision of assistance under this chapter.

(c) Duties

The Small State and Rural Advocate shall—

(1) participate in the disaster declaration process under section 5170 of this title and the emergency declaration process under section 5191 of this title, to ensure that the needs of rural communities are being addressed;

(2) assist small population States in the preparation of requests for major disaster or emergency declarations; and

(3) conduct such other activities as the Administrator of the Federal Emergency Management Agency considers appropriate.

(Pub. L. 93-288, title III, §326, as added Pub. L. 109-295, title VI, §689g(a), Oct. 4, 2006, 120 Stat. 1453; amended Pub. L. 111-351, §3(c)(2), Jan. 4, 2011, 124 Stat. 3864.)

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. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

AMENDMENTS

2011—Subsec. (c)(3). Pub. L. 111-351 substituted “Administrator” for “Director”.

CONSTRUCTION

Pub. L. 109-295, title VI, §689g(c), Oct. 4, 2006, 120 Stat. 1453, provided that: “Nothing in this section [enacting

this section] or the amendments made by this section shall be construed to authorize major disaster or emergency assistance that is not authorized as of the date of enactment of this Act [Oct. 4, 2006].”

§ 5165e. Integrated plan for administrative cost reduction

(a) In general

Not later than 365 days after February 29, 2016, the Administrator shall—

(1) develop and implement an integrated plan to control and reduce administrative costs for major disasters, which shall include—

(A) steps the Agency will take to reduce administrative costs;

(B) milestones needed for accomplishing the reduction of administrative costs;

(C) strategic goals for the average annual percentage of administrative costs of major disasters for each fiscal year;

(D) the assignment of clear roles and responsibilities, including the designation of officials responsible for monitoring and measuring performance; and

(E) a timetable for implementation;

(2) compare the costs and benefits of tracking the administrative cost data for major disasters by the public assistance, individual assistance, hazard mitigation, and mission assignment programs, and if feasible, track this information; and

(3) clarify Agency guidance and minimum documentation requirements for a direct administrative cost claimed by a grantee or subgrantee of a public assistance grant program.

(b) Congressional update

Not later than 90 days after February 29, 2016, the Administrator shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the plan required to be developed under subsection (a)(1).

(c) Updates

If the Administrator modifies the plan or the timetable under subsection (a), the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report notifying Congress of the modification, which shall include the details of the modification.

(Pub. L. 114–132, § 3, Feb. 29, 2016, 130 Stat. 294.)

CODIFICATION

Section was enacted as part of the Directing Dollars to Disaster Relief Act of 2015, and not as part of the Robert T. Stafford Disaster Relief and Emergency Assistance Act which comprises this chapter.

REPORTING REQUIREMENT

Pub. L. 114–132, § 4, Feb. 29, 2016, 130 Stat. 294, provided that:

“(a) ANNUAL REPORT.—Not later than November 30 of each year for 7 years beginning on the date of enactment of this Act [Feb. 29, 2016], the Administrator shall submit to Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives a report on the development and implementation of the integrated plan required under section 3 [42 U.S.C. 5165e] for the previous fiscal year.

“(b) REPORT UPDATES.—

“(1) THREE YEAR UPDATE.—Not later than 3 years after the date on which the Administrator submits a report under subsection (a), the Administrator shall submit an updated report for the previous 3-fiscal-year period.

“(2) FIVE YEAR UPDATE.—Not later than 5 years after the date on which the Administrator submits a report under subsection (a), the Administrator shall submit an updated report for the previous 5-fiscal-year period.

“(c) CONTENTS OF REPORTS.—Each report required under subsections (a) and (b) shall contain, at a minimum—

“(1) the total amount spent on administrative costs for the fiscal year period for which the report is being submitted;

“(2) the average annual percentage of administrative costs for the fiscal year period for which the report is being submitted;

“(3) an assessment of the effectiveness of the plan developed under section 3(a)(1) [42 U.S.C. 5165e(a)(1)];

“(4) an analysis of—

“(A) whether the Agency is achieving the strategic goals established under section 3(a)(1)(C) [42 U.S.C. 5165e(a)(1)(C)]; and

“(B) in the case of the Agency not achieving such strategic goals, what is preventing the Agency from doing so;

“(5) any actions the Agency has identified as useful in improving upon and reaching the goals for administrative costs established under section 3(a)(1)(C); and

“(6) any data described in section 3(a)(2) [42 U.S.C. 5165e(a)(2)], if the Agency determines it is feasible to track such data.

“(d) PUBLIC AVAILABILITY.—Not later than 30 days after the date on which the Administrator submits a report to Congress under this section, the Administrator shall make the report publicly available on the website of the Agency.”

DEFINITIONS

Pub. L. 114–132, § 2, Feb. 29, 2016, 130 Stat. 293, provided that: “In this Act [see Short Title of 2016 Amendment note set out under section 5121 of this title]—

“(1) the term ‘administrative cost’—

“(A) means a cost incurred by the Agency in support of the delivery of disaster assistance for a major disaster; and

“(B) does not include a cost incurred by a grantee or subgrantee;

“(2) the term ‘Administrator’ means the Administrator of the Agency;

“(3) the term ‘Agency’ means the Federal Emergency Management Agency;

“(4) the term ‘direct administrative cost’ means a cost incurred by a grantee or subgrantee of a program authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that can be identified separately and assigned to a specific project;

“(5) the term ‘hazard mitigation program’ means the hazard mitigation grant program authorized under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c);

“(6) the term ‘individual assistance program’ means the individual assistance grant program authorized under sections 408, 410, 415, 416, 426, and 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174, 5177, 5182, 5183, 5189d, and 5192(a));

“(7) the term ‘major disaster’ means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);