

their predisaster primary residences as a result of an incident declared under this chapter or otherwise transported from their predisaster primary residences under section 5170b(a)(3) or 5192 of this title, to and from alternative locations for short or long-term accommodation or to return an individual or household to their predisaster primary residence or alternative location, as determined necessary by the President.

(Pub. L. 93-288, title IV, § 425, as added Pub. L. 109-295, title VI, § 689f, Oct. 4, 2006, 120 Stat. 1452.)

#### REFERENCES IN TEXT

This chapter, referred to in text, 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.

#### CODIFICATION

Another section 425 of Pub. L. 93-288 was renumbered section 427 and is classified to section 5189e of this title.

#### § 5189d. Case management services

The President may provide case management services, including financial assistance, to State or local government agencies or qualified private organizations to provide such services, to victims of major disasters to identify and address unmet needs.

(Pub. L. 93-288, title IV, § 426, as added Pub. L. 109-295, title VI, § 689f, Oct. 4, 2006, 120 Stat. 1453.)

#### § 5189e. Essential service providers

##### (a) Definition

In this section, the term “essential service provider” means an entity that—

- (1) provides—
  - (A) telecommunications service;
  - (B) electrical power;
  - (C) natural gas;
  - (D) water and sewer services; or
  - (E) any other essential service, as determined by the President;
- (2) is—
  - (A) a municipal entity;
  - (B) a nonprofit entity; or
  - (C) a private, for profit entity; and
- (3) is contributing to efforts to respond to an emergency or major disaster.

##### (b) Authorization for accessibility

Unless exceptional circumstances apply, in an emergency or major disaster, the head of a Federal agency, to the greatest extent practicable, shall not—

- (1) deny or impede access to the disaster site to an essential service provider whose access is necessary to restore and repair an essential service; or
- (2) impede the restoration or repair of the services described in subsection (a)(1).

##### (c) Implementation

In implementing this section, the head of a Federal agency shall follow all applicable Federal laws, regulations, and policies.

(Pub. L. 93-288, title IV, § 427, formerly § 425, as added Pub. L. 109-347, title VI, § 607, Oct. 13, 2006,

120 Stat. 1941; renumbered § 427, Pub. L. 113-2, div. B, § 1102(1), Jan. 29, 2013, 127 Stat. 39.)

#### § 5189f. Public assistance program alternative procedures

##### (a) Approval of projects

The President, acting through the Administrator of the Federal Emergency Management Agency, may approve projects under the alternative procedures adopted under this section for any major disaster or emergency declared on or after January 29, 2013. The Administrator may also apply the alternate procedures adopted under this section to a major disaster or emergency declared before enactment of this Act for which construction has not begun as of the date of enactment of this Act.<sup>1</sup>

##### (b) Adoption

The Administrator, in coordination with States, tribal and local governments, and owners or operators of private nonprofit facilities, may adopt alternative procedures to administer assistance provided under sections 5170b(a)(3)(A), 5172, 5173, and 5192(a)(5) of this title.

##### (c) Goals of procedures

The alternative procedures adopted under subsection (a) shall further the goals of—

- (1) reducing the costs to the Federal Government of providing such assistance;
- (2) increasing flexibility in the administration of such assistance;
- (3) expediting the provision of such assistance to a State, tribal or local government, or owner or operator of a private nonprofit facility; and
- (4) providing financial incentives and disincentives for a State, tribal or local government, or owner or operator of a private nonprofit facility for the timely and cost-effective completion of projects with such assistance.

##### (d) Participation

Participation in the alternative procedures adopted under this section shall be at the election of a State, tribal or local government, or owner or operator of a private nonprofit facility consistent with procedures determined by the Administrator.

##### (e) Minimum procedures

The alternative procedures adopted under this section shall include the following:

- (1) For repair, restoration, and replacement of damaged facilities under section 5172 of this title—
  - (A) making grants on the basis of fixed estimates, if the State, tribal or local government, or owner or operator of the private nonprofit facility agrees to be responsible for any actual costs that exceed the estimate;
  - (B) providing an option for a State, tribal or local government, or owner or operator of a private nonprofit facility to elect to receive an in-lieu contribution, without reduction, on the basis of estimates of—
    - (i) the cost of repair, restoration, reconstruction, or replacement of a public facil-

<sup>1</sup> See References in Text note below.