

## 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.

**§ 5196b. Contributions for personnel and administrative expenses**

**(a) General authority**

To further assist in carrying out the purposes of this subchapter, the Administrator may make financial contributions to the States (including interstate emergency preparedness authorities established pursuant to section 5196(h) of this title) for necessary and essential State and local emergency preparedness personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the Federal emergency response plans for emergency preparedness) for the emergency preparedness of the States. The financial contributions to the States under this section may not exceed one-half of the total cost of such necessary and essential State and local emergency preparedness personnel and administrative expenses.

**(b) Plan requirements**

A plan submitted under this section shall—

(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them and be administered or supervised by a single State agency;

(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

(3) provide for the development of State and local emergency preparedness operational plans, including a catastrophic incident annex, pursuant to standards approved by the Administrator;

(4) provide for the employment of a full-time emergency preparedness director, or deputy director, by the State;

(5) provide that the State shall make such reports in such form and content as the Administrator may require;

(6) make available to duly authorized representatives of the Administrator and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section; and

(7) include a plan for providing information to the public in a coordinated manner.

**(c) Catastrophic incident annex**

**(1) Consistency**

A catastrophic incident annex submitted under subsection (b)(3) shall be—

(A) modeled after the catastrophic incident annex of the National Response Plan; and

(B) consistent with the national preparedness goal established under section 743 of title 6, the National Incident Management System, the National Response Plan, and other related plans and strategies.

**(2) Consultation**

In developing a catastrophic incident annex submitted under subsection (b)(3), a State shall consult with and seek appropriate comments from local governments, emergency response providers, locally governed multijurisdictional councils of government, and regional planning commissions.

**(d) Terms and conditions**

The Administrator shall establish such other terms and conditions as the Administrator considers necessary and proper to carry out this section.

**(e) Application of other provisions**

In carrying out this section, the provisions of section<sup>1</sup> 5196(h) and 5197(h) of this title shall apply.

**(f) Allocation of funds**

For each fiscal year concerned, the Administrator shall allocate to each State, in accordance with regulations and the total sum appropriated under this subchapter, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States under this subsection shall give due regard to (1) the criticality of the areas which may be affected by hazards with respect to the development of the total emergency preparedness readiness of the United States, (2) the relative state of development of emergency preparedness readiness of the State, (3) population, and (4) such other factors as the Administrator shall prescribe. The Administrator may reallocate the excess of any allocation not used by a State in a plan submitted under this section. Amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth in this section.

**(g) Standards for State and local emergency preparedness operational plans**

In approving standards for State and local emergency preparedness operational plans pursuant to subsection (b)(3), the Administrator shall ensure that such plans take into account the needs of individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

**(h)<sup>2</sup> Submission of plan**

If a State fails to submit a plan for approval as required by this section within 60 days after the Administrator notifies the States of the allocations under this section, the Administrator may reallocate such funds, or portions thereof, among the other States in such amounts as, in the judgment of the Administrator, will best assure the adequate development of the emergency preparedness capability of the United States.

<sup>1</sup> So in original. Probably should be "sections".

<sup>2</sup> So in original. Two subsecs. (h) have been enacted.

**(h)<sup>2</sup> Annual reports**

The Administrator shall report annually to the Congress all contributions made pursuant to this section.

(Pub. L. 93-288, title VI, § 613, as added Pub. L. 103-337, div. C, title XXXIV, § 3411(a)(3), Oct. 5, 1994, 108 Stat. 3106; amended Pub. L. 107-188, title I, § 151, June 12, 2002, 116 Stat. 630; Pub. L. 109-295, title VI, § 631, Oct. 4, 2006, 120 Stat. 1420; Pub. L. 109-308, § 2, Oct. 6, 2006, 120 Stat. 1725; Pub. L. 111-351, § 3(c)(2), Jan. 4, 2011, 124 Stat. 3864.)

## CODIFICATION

Section 631(2) of Pub. L. 109-295, which directed amendment of this section “by redesignating subsections (c) through (g) and subsections (d) through (h), respectively”, was executed by redesignating subsecs. (c) to (g) as (d) to (h), respectively, to reflect the probable intent of Congress.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 2286 of the former Appendix to Title 50, War and National Defense, prior to repeal by Pub. L. 103-337, § 3412(a).

## AMENDMENTS

2011—Pub. L. 111-351 substituted “Administrator” for “Director” wherever appearing.

2006—Subsec. (b)(3), Pub. L. 109-295, § 631(1), inserted “including a catastrophic incident annex,” after “plans.”

Subsecs. (c) to (f), Pub. L. 109-295, § 631(2), (3), added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively. Former subsec. (f) redesignated (g). See Codification note above.

Subsec. (g), Pub. L. 109-308, § 2(2), added subsec. (g). Former subsec. (g) relating to submission of plan redesignated (h).

Pub. L. 109-295, § 631(2), redesignated subsec. (f) as (g). Former subsec. (g) relating to annual reports redesignated (h). See Codification note above.

Subsec. (h), Pub. L. 109-308, § 2(1), redesignated subsec. (g) relating to submission of plan as (h).

Pub. L. 109-295, § 631(2), redesignated subsec. (g) relating to annual reports as (h). See Codification note above.

2002—Subsec. (b)(7), Pub. L. 107-188 added par. (7).

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**§ 5196c. Grants for construction of emergency operations centers****(a) Grants**

The Administrator of the Federal Emergency Management Agency may make grants to States under this subchapter for equipping, upgrading,

and constructing State and local emergency operations centers.

**(b) Federal share**

Notwithstanding any other provision of this subchapter, the Federal share of the cost of an activity carried out using amounts from grants made under this section shall not exceed 75 percent.

(Pub. L. 93-288, title VI, § 614, as added Pub. L. 103-337, div. C, title XXXIV, § 3411(a)(3), Oct. 5, 1994, 108 Stat. 3107; amended Pub. L. 110-53, title II, § 202, Aug. 3, 2007, 121 Stat. 295.)

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 2288 of the former Appendix to Title 50, War and National Defense, prior to repeal by Pub. L. 103-337, § 3412(a).

## AMENDMENTS

2007—Pub. L. 110-53 amended section generally. Prior to amendment, text read as follows: “Notwithstanding any other provision of this subchapter, funds appropriated to carry out this subchapter may not be used for the purpose of constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this subchapter for such purpose.”

## NON-FEDERAL COST SHARE

Pub. L. 108-7, div. K, title IV, § 419, Feb. 20, 2003, 117 Stat. 526, provided that: “Notwithstanding 42 U.S.C. 5196c, amounts provided in Public Law 107-117 [see Tables for classification] and subsequent appropriations Acts for the construction of emergency operations centers (or similar facilities) shall only require a 25 percent non-Federal cost share.”

**§ 5196d. Use of funds to prepare for and respond to hazards**

Funds made available to the States under this subchapter may be used by the States for the purposes of preparing for hazards and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of emergency preparedness personnel, materials, and facilities supported in whole or in part through contributions under this subchapter for emergency preparedness activities and measures related to hazards.

(Pub. L. 93-288, title VI, § 615, as added Pub. L. 103-337, div. C, title XXXIV, § 3411(a)(3), Oct. 5, 1994, 108 Stat. 3107.)

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 2289 of the former Appendix to Title 50, War and National Defense, prior to repeal by Pub. L. 103-337, § 3412(a).

**§ 5196e. Radiological Emergency Preparedness Fund**

There is hereby established in the Treasury a Radiological Emergency Preparedness Fund, which shall be available under the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.], as amended, and Executive Order 12657, for offsite radiological emergency planning, preparedness, and response. Beginning in fiscal year 1999 and thereafter, the Administrator of the Federal