

**§ 5174a. Flexibility****(a) Waiver authority****(1) Definition**

In this subsection, the term “covered assistance” means assistance provided—

- (A) under section 5174 of this title; and
- (B) in relation to a major disaster or emergency declared by the President under section 5170 or 5191, respectively, of this title on or after October 28, 2012.

**(2) Authority**

Notwithstanding section 3716(e) of title 31, the Administrator—

(A) subject to subparagraph (B), may waive a debt owed to the United States related to covered assistance provided to an individual or household if—

- (i) the covered assistance was distributed based on an error by the Agency;
- (ii) there was no fault on behalf of the debtor; and
- (iii) the collection of the debt would be against equity and good conscience; and

(B) may not waive a debt under subparagraph (A) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

**(3) Monitoring of covered assistance distributed based on error****(A) In general**

The Inspector General of the Department of Homeland Security shall monitor the distribution of covered assistance to individuals and households to determine the percentage of such assistance distributed based on an error.

**(B) Removal of waiver authority based on excessive error rate**

If the Inspector General of the Department of Homeland Security determines, with respect to any 12-month period, that the amount of covered assistance distributed based on an error by the Agency exceeds 4 percent of the total amount of covered assistance distributed—

- (i) the Inspector General shall notify the Administrator and publish the determination in the Federal Register; and
- (ii) with respect to any major disaster or emergency declared by the President under section 5170 or section 5191, respectively, of this title after the date on which the determination is published under subparagraph (A), the authority of the Administrator to waive debt under paragraph (2) shall no longer be effective.

**(b) Recoupment of certain assistance prohibited****(1) In general**

Notwithstanding section 3716(e) of title 31, and unless there is evidence of civil or criminal fraud, the Agency may not take any action to recoup covered assistance from the recipient of such assistance if the receipt of such assistance occurred on a date that is more than 3 years before the date on which the Agency

first provides to the recipient written notification of an intent to recoup.

**(2) Covered assistance defined**

In this subsection, the term “covered assistance” means assistance provided—

- (A) under section 5174 of this title; and
- (B) in relation to a major disaster or emergency declared by the President under section 5170 or 5191 of this title, respectively, on or after January 1, 2012.

**(c) Statute of limitations****(1) Omitted****(2) Applicability****(A) In general**

With respect to disaster or emergency assistance provided to a State or local government on or after January 1, 2004—

- (i) no administrative action may be taken to recover a payment of such assistance after October 5, 2018, if the action is prohibited under section 5205(a)(1) of this title, as amended by paragraph (1); and
- (ii) any administrative action to recover a payment of such assistance that is pending on such date of enactment shall be terminated if the action is prohibited under section 5205(a)(1) of this title, as amended by paragraph (1).

**(B) Limitation**

This section, including the amendments made by this section, may not be construed to invalidate or otherwise affect any administration action completed before October 5, 2018.

(Pub. L. 115–254, div. D, §1216, Oct. 5, 2018, 132 Stat. 3449.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Disaster Recovery Reform Act of 2018 and as part of the FAA Reauthorization Act of 2018, and not as part of the Robert T. Stafford Disaster Relief and Emergency Assistance Act which comprises this chapter.

Section is comprised of section 1216 of Pub. L. 115–254. Subsec. (c)(1) of section 1216 of Pub. L. 115–254 amended section 5205 of this title.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Authorities provided under div. D of Pub. L. 115–254, which enacted this section, applicable to each major disaster and emergency declared by the President under Pub. L. 93–288 on or after Jan. 1, 2016, except as otherwise provided, see section 1202(b) of Pub. L. 115–254, set out in an Effective Date of 2018 Amendment note under section 5121 of this title.

**DEFINITIONS**

For definitions of terms used in this section, see section 1203 of Pub. L. 115–254, set out as a note under section 5122 of this title.

**§ 5174b. Critical document fee waiver****(1) In general**

Notwithstanding section 214 of title 22 or any other provision of law, the President, in con-

sultation with the Governor of a State, may provide a waiver under this subsection to an individual or household described in section 5174(e)(1) of this title for the following document replacement fees:

(A) The passport application fee for individuals who lost their United States passport in a major disaster within the preceding three calendar years.

(B) The file search fee for a United States passport.

(C) The Application for Waiver of Passport and/or Visa form (Form I-193) fee.

(D) The Permanent Resident Card replacement form (Form I-90) filing fee.

(E) The Declaration of Intention form (Form N-300) filing fee.

(F) The Naturalization/Citizenship Document replacement form (Form N-565) filing fee.

(G) The Employment Authorization form (Form I-765) filing fee.

(H) The biometric service fee.

## (2) Exemption from form requirement

The authority of the President to waive fees under subparagraphs (C) through (H) of paragraph (1) applies regardless of whether the individual or household qualifies for a Form I-912 Request for Fee Waiver, or any successor thereto.

## (3) Exemption from assistance maximum

The assistance limit in section 5174(h) of this title shall not apply to any fee waived under this subsection.

## (4) Report

Not later than 365 days after October 5, 2018, the Administrator and the head of any other agency given critical document fee waiver authority under this subsection shall submit a report to 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 costs associated with providing critical document fee waivers as described in paragraph (1).

(Pub. L. 115-254, div. D, § 1238(a), Oct. 5, 2018, 132 Stat. 3465.)

## Editorial Notes

### CODIFICATION

Section was enacted as part of the Disaster Recovery Reform Act of 2018 and as part of the FAA Reauthorization Act of 2018, and not as part of the Robert T. Stafford Disaster Relief and Emergency Assistance Act which comprises this chapter.

Section is comprised of subsec. (a) of section 1238 of Pub. L. 115-254. Subsecs. (b) and (c) of section 1238 of Pub. L. 115-254 amended section 5122 of this title and enacted provisions set out as a note under that section.

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE

Authorities provided under div. D of Pub. L. 115-254, which enacted this section, applicable to each major disaster and emergency declared by the President under Pub. L. 93-288 on or after Jan. 1, 2016, except as otherwise provided, see section 1202(b) of Pub. L. 115-254, set out in an Effective Date of 2018 Amendment note under section 5121 of this title.

## DEFINITIONS

For definitions of terms used in this section, see section 1203 of Pub. L. 115-254, set out as a note under section 5122 of this title.

## Executive Documents

### DELEGATION OF FUNCTIONS AND AUTHORITIES UNDER SECTION 1238 OF THE FAA REAUTHORIZATION ACT OF 2018

Memorandum of President of the United States, Dec. 21, 2018, 84 F.R. 3957, provided:

Memorandum for the Secretary of State [and] the Secretary of Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby:

(1) delegate to the Secretary of State the functions and authorities vested in the President by sections 1238(a)(1)(A)–(B) of the FAA Reauthorization Act of 2018 (Public Law 115-254) [42 U.S.C. 5174b(a)(1)(A)–(B)]; and

(2) delegate to the Secretary of Homeland Security the functions and authorities vested in the President by sections 1238(a)(1)(C)–(H) of the FAA Reauthorization Act of 2018.

The delegations in this memorandum shall apply to any provisions of any future public law that are the same or substantially the same as the provisions referenced in this memorandum. The Secretary of State and the Secretary of Homeland Security may redelegate within their departments the functions and authorities delegated by this memorandum to the extent authorized by law.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

## § 5175. Repealed. Pub. L. 100-707, title I, § 105(m)(2), Nov. 23, 1988, 102 Stat. 4696

Section, Pub. L. 93-288, title IV, § 405, May 22, 1974, 88 Stat. 155, related to protection of environment.

## § 5176. Repealed. Pub. L. 106-390, title I, § 104(c)(2), Oct. 30, 2000, 114 Stat. 1559

Section, Pub. L. 93-288, title IV, § 409, formerly § 406, May 22, 1974, 88 Stat. 155; renumbered § 409, Pub. L. 100-707, title I, § 106(e), Nov. 23, 1988, 102 Stat. 4703, related to minimum standards for public and private structures.

A prior section 409 of Pub. L. 93-288 was renumbered section 412 by Pub. L. 100-707 and is classified to section 5179 of this title.

## § 5177. Unemployment assistance

### (a) Benefit assistance

The President is authorized to provide to any individual unemployed as a result of a major disaster such benefit assistance as he deems appropriate while such individual is unemployed for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of title 26) or waiting period credit. Such assistance as the President shall provide shall be available to an individual as long as the individual's unemployment caused by the major disaster continues or until the individual is reemployed in a suitable position, but no longer than 26 weeks after the major disaster is declared. Such assistance for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State in