then such an application referred to
the State by the SBA is considered as
meeting the IFG filing deadline. The
State may then apply its own criteria
in determining whether to process the
case for grant assistance. The State
automatically has an extension of time
to complete the processing, eligibility,
and disbursement functions. However,
the State must still complete all ad-
ministrative activity within the 270-
day period described in this section.

(iii) The State shall complete all
grant award activity, including eligi-

dility determinations, disbursement,
and disposition of State level appeals,
within 180 days following the declara-
tion date. The Regional Administrator
shall suspend all grant awards dis-
bursed after the specified completion
date; and

(iv) The State shall complete all ad-
ministrative activities and submit
final reports and vouchers to the Re-
gional Administrator within 90 days of
the completion of all grant award ac-
tivity.

(2) The GAR may submit a request
with appropriate justification for the
extension of any time limitation. The
Regional Administrator may approve
the request for a period not to exceed
90 days. The Assistant Administrator
for the Disaster Assistance Direc-
torate may approve any request for a further
extension of the time limitations.

(k) Appeals—(1) Bills for collection
(BFC’s). The State may appeal the
issuance of a BFC by the Regional Ad-
ministrator. Such an appeal shall be
made in writing within 60 days of the
issuance of the bill. The appeal must
include information justifying why the
bill is incorrect. The Regional Admin-
istrator shall review the material sub-
mitted and notify the State, in writing,
within 15 days of receipt of the appeal,
of his/her decision. Interest on BFC’s
starts accruing on the date of issuance
of the BFC, but is not charged if the
State pays within 30 days of issuance.
If the State is successful in its appeal,
interest will not be charged; if unsuccess-
ful, interest is due and payable, as
above.

(2) Other appeals. The State may ap-
pel any other decision of the regional
Administrator. Such appeals shall be
made in writing within 60 days of the
Regional Administrator’s decision.
The appeal must include information
justifying a reversal of the decision.
The Regional Administrator shall re-
view the material submitted and notify
the State, in writing, within 15 days of
receipt of the appeal, of his/her deci-
sion.

(3) Appeals to the Assistant Adminis-
trator for the Disaster Assistance Direc-
torate. The State may further appeal
the Regional Administrator’s deci-
sions to the Assistant Administrator
for the Disaster Assistance Direc-
torate. This appeal shall be made in
writing within 60 days of the Regional
Administrator’s decision. The appeal
must include information justifying a
reversal of the decision. The Assistant
Administrator for the Disaster Assist-
ance Directorate shall review the ma-
terial submitted and notify the State,
in writing, within 15 days of receipt of
the appeal, of his/her decision.

(l) Exemption from garnishment. All
proceeds received or receivable under
the IFG program shall be exempt from
garnishment, seizure, encumbrance,
levy, execution, pledge, attachment,
release, or waiver. No rights under this
provision are assignable or transfer-
able. The above exemptions will not
apply to the requirement imposed by
paragraph (e)(1)(ii)(K) of this section.

(m) Debt collection. If the State has
been unable to recover funds as stated
in paragraph (e)(1)(k) of this section,
the Regional Administrator shall insti-
tute debt collection activities against
the individual according to the proce-
dures outlined in 44 CFR part 11,
Claims, and 44 CFR 13.52, Collection of
Amounts Due.

[54 FR 11615, Mar. 21, 1989, as amended at 55
FR 28627, July 12, 1990; 60 FR 7130, Feb. 7,
1995; 61 FR 19201, May 1, 1996; 67 FR 61460,
Sept. 30, 2002; 74 FR 15348, Apr. 3, 2009]

§§ 206.132–206.140

Subpart F—Other Individual
Assistance

§ 206.141 Disaster unemployment as-

tistance.

The authority to implement the dis-
aster unemployment assistance (DUA)
program authorized by section 410 of
the Stafford Act, and the authority to
issue regulations, are currently delegated to the Secretary of Labor.

§§ 206.142–206.150 [Reserved]

§ 206.151 Food commodities.
(a) The Administrator will assure that adequate stocks of food will be ready and conveniently available for emergency mass feeding or distribution in any area of the United States which suffers a major disaster or emergency.
(b) In carrying out the responsibilities in paragraph (a) of this section, the Administrator may direct the Secretary of Agriculture to purchase food commodities in accordance with authorities prescribed in section 413(b) of the Stafford Act.

§§ 206.152–206.160 [Reserved]

§ 206.161 Relocation assistance.
Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by such Act.

§§ 206.162–206.163 [Reserved]

§ 206.164 Disaster legal services.
(a) Legal services, including legal advice, counseling, and representation in non fee-generating cases, except as provided in paragraph (b) of this section, may be provided to low-income individuals who require them as a result of a major disaster. For the purpose of this section, **low-income individuals** means those disaster victims who have insufficient resources to secure adequate legal services, whether the insufficiency existed prior to or results from the major disaster. In cases where questions arise about the eligibility of an individual for legal services, the Regional Administrator or his/her representative shall make a determination.

(b) Disaster legal services shall be provided free to such individuals. Fee-generating cases shall not be accepted by lawyers operating under these regulations. For purposes of this section, a fee-generating case is one which would not ordinarily be rejected by local lawyers as a result of its lack of potential remunerative value. Where any question arises as to whether a case is fee-generating as defined in this section, the Regional Administrator or his/her representative, after any necessary consultation with local or State bar associations, shall make the determination. Any fee-generating cases shall be referred by the Regional Administrator or his/her representative to private lawyers, through existing lawyer referral services, or, where that is impractical or impossible, the Regional Director may provide a list of lawyers from which the disaster victim may choose. Lawyers who have rendered voluntary legal assistance under these regulations are not precluded from taking fee-generating cases referred to them in this manner while in their capacity as private lawyers.

(c) When the Regional Administrator determines after any necessary consultation with the State Coordinating Officer, that implementation of this section is necessary, provision of disaster legal services may be accomplished by:

1. Use of volunteer lawyers under the terms of appropriate agreements;
2. Use of Federal lawyers, provided that these lawyers do not represent an eligible disaster victim before a court or Federal agency in a matter directly involving the United States, and further provided that these lawyers do not act in a way which will violate the standards of conduct of their respective agencies or departments;
3. Use of private lawyers who may be paid by the Federal Emergency Management Agency when the Regional Administrator has determined that there is no other means of obtaining adequate legal assistance for qualified disaster victims; or
4. Any other arrangement the Regional Administrator deems appropriate.

The Assistant Administrator for the Disaster Assistance Directorate shall coordinate with appropriate Federal agencies and the appropriate national,