

graph (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.)

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.

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.

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 which the disaster occurred. The President is directed to provide such assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies.

**(b) Reemployment assistance**

**(1) State assistance**

A State shall provide, without reimbursement from any funds provided under this chapter, reemployment assistance services under any other law administered by the State to individuals receiving benefits under this section.

**(2) Federal assistance**

The President may provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster and who reside in a State which does not provide such services.

(Pub. L. 93-288, title IV, § 410, formerly § 407, May 22, 1974, 88 Stat. 156; renumbered § 410 and amended Pub. L. 100-707, title I, § 106(e), (f), Nov. 23, 1988, 102 Stat. 4703, 4704.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (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.

PRIOR PROVISIONS

A prior section 410 of Pub. L. 93-288 was renumbered section 413 by Pub. L. 100-707 and is classified to section 5180 of this title.

## AMENDMENTS

1988—Subsec. (a). Pub. L. 100-707, §106(f)(1)-(3), inserted “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” for “is unemployed” before period at end of first sentence, substituted “26 weeks” for “one year” in second sentence, and substituted “occurred” for “occurred, and the amount of assistance under this section to any such individual for a week of unemployment shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such week of unemployment” in third sentence.

Subsec. (b). Pub. L. 100-707, §106(f)(4), inserted heading and amended text generally. Prior to amendment, text read as follows: “The President is further authorized for the purposes of this chapter to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.”

**§ 5177a. Emergency grants to assist low-income migrant and seasonal farmworkers**

**(a) In general**

The Secretary of Agriculture may make grants to public agencies or private organizations with tax exempt status under section 501(c)(3) of title 26, that have experience in providing emergency services to low-income migrant and seasonal farmworkers where the Secretary determines that a local, State or national emergency or disaster has caused low-income migrant or seasonal farmworkers to lose income, to be unable to work, or to stay home or return home in anticipation of work shortages. Emergency services to be provided with assistance received under this section may include such types of assistance as the Secretary of Agriculture determines to be necessary and appropriate.

**(b) “Low-income migrant or seasonal farmworker” defined**

For the purposes of this section, the term “low-income migrant or seasonal farmworker” means an individual—

- (1) who has, during any consecutive 12 month period within the preceding 24 month period, performed farm work for wages;
- (2) who has received not less than one-half of such individual’s total income, or been employed at least one-half of total work time in farm work; and
- (3) whose annual family income within the 12 month period referred to in paragraph (1) does not exceed the higher of the poverty level or 70 percent of the lower living standard income level.

**(c) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 101-624, title XXII, §2281, Nov. 28, 1990, 104 Stat. 3978; Pub. L. 107-171, title X, §10102, May 13, 2002, 116 Stat. 488.)

## CODIFICATION

Section was enacted as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the Robert T. Stafford Disaster Relief and Emergency Assistance Act which comprises this chapter.

## AMENDMENTS

2002—Subsec. (a). Pub. L. 107-171 struck out “, not to exceed \$20,000,000 annually,” after “Secretary of Agriculture may make grants”.

**§ 5178. Repealed. Pub. L. 106-390, title II, § 206(c), Oct. 30, 2000, 114 Stat. 1571**

Section, Pub. L. 93-288, title IV, §411, as added Pub. L. 100-707, title I, §106(g), Nov. 23, 1988, 102 Stat. 4704, related to individual and family grant programs.

## EFFECTIVE DATE OF REPEAL

Repeal effective 18 months after Oct. 30, 2000, see section 206(d) of Pub. L. 106-390, set out as an Effective Date of 2000 Amendment note under section 5174 of this title.

## PRIOR PROVISIONS

A prior section 5178, Pub. L. 93-288, title IV, §408, May 22, 1974, 88 Stat. 156, related to individual and family grant programs, prior to repeal by Pub. L. 100-707, §106(g).

A prior section 411 of Pub. L. 93-288 was renumbered section 414 by Pub. L. 100-707 and is classified to section 5181 of this title.

**§ 5179. Benefits and distribution**

**(a) Persons eligible; terms and conditions**

Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture or other appropriate agencies benefit allotments to such households pursuant to the provisions of the Food and Nutrition Act of 2008 of 1964<sup>1</sup> (P.L. 91-671; 84 Stat. 2048) [7 U.S.C. 2011 et seq.] and to make surplus commodities available pursuant to the provisions of this chapter.

**(b) Duration of assistance; factors considered**

The President, through the Secretary of Agriculture or other appropriate agencies, is authorized to continue to make such benefit allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households, to which assistance is made available under this section.

**(c) Food and Nutrition Act provisions unaffected**

Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food and Nutrition Act of 2008 of 1964<sup>1</sup> [7 U.S.C. 2011 et seq.] except as they relate to the availability of supplemental nutrition assistance program benefits in an area affected by a major disaster.

(Pub. L. 93-288, title IV, §412, formerly §409, May 22, 1974, 88 Stat. 157; renumbered §412, Pub. L. 100-707, title I, §106(h), Nov. 23, 1988, 102 Stat. 4705; Pub. L. 110-234, title IV, §§4002(b)(1)(C), (E), (2)(DD), 4115(c)(1)(A)(ii), (iv), (B)(v), May 22, 2008, 122 Stat. 1096, 1097, 1109; Pub. L. 110-246, §4(a), title IV, §§4002(b)(1)(C), (E), (2)(DD), 4115(c)(1)(A)(ii), (iv), (B)(v), June 18, 2008, 122 Stat. 1664, 1857, 1859, 1870, 1871.)

<sup>1</sup> So in original. See 2008 Amendment note below.