

## REPORT

Pub. L. 116-272, §3(b), Dec. 31, 2020, 134 Stat. 3351, provided that: “The Administrator of the Federal Emergency Management Agency shall regularly update the appropriate committees of Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) on the progress of the Federal Emergency Management Agency in implementing the recommendations of the Government Accountability Office in the report entitled ‘2017 Disaster Contracting: Action Needed to Better Ensure More Effective Use and Management of Advance Contracts’, as required under section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791), as amended by subsection (a).”

**§ 792. Repealed. Pub. L. 117-253, § 1, Dec. 20, 2022, 136 Stat. 2360**

Section, Pub. L. 109-295, title VI, §692, Oct. 4, 2006, 120 Stat. 1458, related to limitations on tiering of sub-contractors.

**§ 793. Oversight and accountability of Federal disaster expenditures**

**(a) Authority of Administrator to designate funds for oversight activities**

The Administrator may designate up to 1 percent of the total amount provided to a Federal agency for a mission assignment as oversight funds to be used by the recipient agency for performing oversight of activities carried out under the Agency reimbursable mission assignment process. Such funds shall remain available until expended.

**(b) Use of funds**

**(1) Types of oversight activities**

Oversight funds may be used for the following types of oversight activities related to Agency mission assignments:

(A) Monitoring, tracking, and auditing expenditures of funds.

(B) Ensuring that sufficient management and internal control mechanisms are available so that Agency funds are spent appropriately and in accordance with all applicable laws and regulations.

(C) Reviewing selected contracts and other activities.

(D) Investigating allegations of fraud involving Agency funds.

(E) Conducting and participating in fraud prevention activities with other Federal, State, and local government personnel and contractors.

**(2) Plans and reports**

Oversight funds may be used to issue the plans required under subsection (e) and the reports required under subsection (f).

**(c) Restriction on use of funds**

Oversight funds may not be used to finance existing agency oversight responsibilities related to direct agency appropriations used for disaster response, relief, and recovery activities.

**(d) Methods of oversight activities**

**(1) In general**

Oversight activities may be carried out by an agency under this section either directly or by contract. Such activities may include evaluations and financial and performance audits.

**(2) Coordination of oversight activities**

To the extent practicable, evaluations and audits under this section shall be performed by the inspector general of the agency.

**(e) Development of oversight plans**

**(1) In general**

If an agency receives oversight funds for a fiscal year, the head of the agency shall prepare a plan describing the oversight activities for disaster response, relief, and recovery anticipated to be undertaken during the subsequent fiscal year.

**(2) Selection of oversight activities**

In preparing the plan, the head of the agency shall select oversight activities based upon a risk assessment of those areas that present the greatest risk of fraud, waste, and abuse.

**(3) Schedule**

The plan shall include a schedule for conducting oversight activities, including anticipated dates of completion.

**(f) Federal disaster assistance accountability reports**

A Federal agency receiving oversight funds under this section shall submit annually to the Administrator and the appropriate committees of Congress a consolidated report regarding the use of such funds, including information summarizing oversight activities and the results achieved.

**(g) Definition**

In this section, the term “oversight funds” means funds referred to in subsection (a) that are designated for use in performing oversight activities.

(Pub. L. 109-295, title VI, §693, Oct. 4, 2006, 120 Stat. 1458.)

**§ 794. Limitation on length of certain non-competitive contracts**

**(a) Regulations**

The Secretary shall promulgate regulations applicable to contracts described in subsection (c) to restrict the contract period of any such contract entered into using procedures other than competitive procedures pursuant to the exception provided in paragraph (2) of section 3304(a) of title 41 to the minimum contract period necessary—

(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and

(2) to enter into another contract for the required goods or services through the use of competitive procedures.

**(b) Specific contract period**

The regulations promulgated under subsection (a) shall require the contract period to not to exceed<sup>1</sup> 150 days, unless the Secretary determines that exceptional circumstances apply.

**(c) Covered contracts**

This section applies to any contract in an amount greater than the simplified acquisition

<sup>1</sup> So in original. Probably should be “period not to exceed”.

threshold (as defined by section 134 of title 41) entered into by the Department to facilitate response to or recovery from a natural disaster, act of terrorism, or other man-made disaster.

(Pub. L. 109–295, title VI, §695, Oct. 4, 2006, 120 Stat. 1460.)

#### Editorial Notes

##### CODIFICATION

In subsec. (a), “paragraph (2) of section 3304(a) of title 41” substituted for “paragraph (2) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c))” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (c), “section 134 of title 41” substituted for “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

### § 795. Fraud, waste, and abuse controls

#### (a) In general

The Administrator shall ensure that—

(1) all programs within the Agency administering Federal disaster relief assistance develop and maintain proper internal management controls to prevent and detect fraud, waste, and abuse;

(2) application databases used by the Agency to collect information on eligible recipients must record disbursements;

(3) such tracking is designed to highlight and identify ineligible applications; and

(4) the databases used to collect information from applications for such assistance must be integrated with disbursements and payment records.

#### (b) Audits and reviews required

The Administrator shall ensure that any database or similar application processing system for Federal disaster relief assistance programs administered by the Agency undergoes a review by the Inspector General of the Agency to determine the existence and implementation of such internal controls required under this section and the amendments made by this section.

(Pub. L. 109–295, title VI, §696, Oct. 4, 2006, 120 Stat. 1460.)

#### Editorial Notes

##### REFERENCES IN TEXT

For the amendments made by this section, referred to in subsec. (b), see Codification note below.

##### CODIFICATION

Section is comprised of section 696 of Pub. L. 109–295. Subsec. (c) of section 696 of Pub. L. 109–295 amended section 5174 of Title 42, The Public Health and Welfare.

### § 796. Registry of disaster response contractors

#### (a) Definitions

In this section—

(1) the term “registry” means the registry created under subsection (b); and

(2) the terms “small business concern”, “small business concern owned and controlled by socially and economically disadvantaged

individuals”, “small business concern owned and controlled by women”, and “small business concern owned and controlled by service-disabled veterans” have the meanings given those terms under the Small Business Act (15 U.S.C. 631 et seq.).

#### (b) Registry

##### (1) In general

The Administrator shall establish and maintain a registry of contractors who are willing to perform debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities.

##### (2) Contents

The registry shall include, for each business concern—

(A) the name of the business concern;

(B) the location of the business concern;

(C) the area served by the business concern;

(D) the type of good or service provided by the business concern;

(E) the bonding level of the business concern; and

(F) whether the business concern is—

(i) a small business concern;

(ii) a small business concern owned and controlled by socially and economically disadvantaged individuals;

(iii) a small business concern owned and controlled by women; or

(iv) a small business concern owned and controlled by service-disabled veterans.

##### (3) Source of information

###### (A) Submission

Information maintained in the registry shall be submitted on a voluntary basis and be kept current by the submitting business concerns.

###### (B) Attestation

Each business concern submitting information to the registry shall submit—

(i) an attestation that the information is true; and

(ii) documentation supporting such attestation.

###### (C) Verification

The Administrator shall verify that the documentation submitted by each business concern supports the information submitted by that business concern.

##### (4) Availability of registry

The registry shall be made generally available on the Internet site of the Agency.

##### (5) Consultation of registry

As part of the acquisition planning for contracting for debris removal, distribution of supplies in a disaster, reconstruction, and other disaster or emergency relief activities, a Federal agency shall consult the registry.

(Pub. L. 109–295, title VI, §697, Oct. 4, 2006, 120 Stat. 1461.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (a)(2), is Pub. L. 85–536, §2(1 et seq.), July 18, 1958, 72 Stat. 384,