

(A) Hazard mitigation

A grantee under section 5170c of this title may be reimbursed not more than 15 percent of the total amount of the grant award under such section of which not more than 10 percent may be used by the grantee and 5 percent by the subgrantee for such costs.

(B) Public assistance

A grantee under sections 5170b, 5172, 5173, and 5192 of this title may be reimbursed not more than 12 percent of the total award amount under such sections, of which not more than 7 percent may be used by the grantee and 5 percent by the subgrantee for such costs.

(c) Review

The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

(Pub. L. 93-288, title III, §324, as added Pub. L. 106-390, title II, §202(a), Oct. 30, 2000, 114 Stat. 1560; amended Pub. L. 115-254, div. D, §1215, Oct. 5, 2018, 132 Stat. 3449.)

Editorial Notes

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.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1215(1), substituted “any direct administrative cost, and any other administrative expense associated with” for “any administrative expense, and any other expense not directly chargeable to”.

Subsec. (b). Pub. L. 115-254, §1215(2), designated existing provisions as par. (1), inserted heading, substituted “implement” for “establish”, and added par. (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-254 applicable to each major disaster and emergency declared by the President on or after Aug. 1, 2017, and authorities provided under div. D of Pub. L. 115-254 applicable to each major disaster and emergency declared by the President on or after Jan. 1, 2016, except as otherwise provided, see section 1202 of Pub. L. 115-254, set out as a note under section 5121 of this title.

EFFECTIVE DATE

Pub. L. 106-390, title II, §202(b), Oct. 30, 2000, 114 Stat. 1560, provided that:

“(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5165b(a), (b)] (as added by subsection (a)) shall apply to major disasters declared under that Act [42 U.S.C. 5121 et seq.] on or after the date of the enactment of this Act [Oct. 30, 2000].

“(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of the enactment of

this Act) shall be used to establish management cost rates.”

§ 5165c. Public notice, comment, and consultation requirements**(a) Public notice and comment concerning new or modified policies****(1) In general**

The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this chapter; and

(B) could result in a significant reduction of assistance under the program.

(2) Application

Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

(b) Consultation concerning interim policies**(1) In general**

Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this chapter, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

(2) No legal right of action

Nothing in this subsection confers a legal right of action on any party.

(c) Public access

The President shall promote public access to policies governing the implementation of the public assistance program.

(Pub. L. 93-288, title III, §325, as added Pub. L. 106-390, title II, §203, Oct. 30, 2000, 114 Stat. 1560.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsections (a)(1)(A) and (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.

Statutory Notes and Related Subsidiaries

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 Emer-

gency 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.

§ 5165d. Designation of Small State and Rural Advocate

(a) In general

The President shall designate in the Federal Emergency Management Agency a Small State and Rural Advocate.

(b) Responsibilities

The Small State and Rural Advocate shall be an advocate for the fair treatment of small States and rural communities in the provision of assistance under this chapter.

(c) Duties

The Small State and Rural Advocate shall—

(1) participate in the disaster declaration process under section 5170 of this title and the emergency declaration process under section 5191 of this title, to ensure that the needs of rural communities are being addressed;

(2) assist small population States in the preparation of requests for major disaster or emergency declarations;

(3) assist States in the collection and presentation of material in the disaster or emergency declaration request relevant to demonstrate severe localized impacts within the State for a specific incident, including—

(A) the per capita personal income by local area, as calculated by the Bureau of Economic Analysis;

(B) the disaster impacted population profile, as reported by the Bureau of the Census, including—

(i) the percentage of the population for whom poverty status is determined;

(ii) the percentage of the population already receiving Government assistance such as Supplemental Security Income and Supplemental Nutrition Assistance Program benefits;

(iii) the pre-disaster unemployment rate;

(iv) the percentage of the population that is 65 years old and older;

(v) the percentage of the population 18 years old and younger;

(vi) the percentage of the population with a disability;

(vii) the percentage of the population who speak a language other than English and speak English less than “very well”; and

(viii) any unique considerations regarding American Indian and Alaskan Native Tribal populations raised in the State’s request for a major disaster declaration that may not be reflected in the data points referenced in this subparagraph;

(C) the impact to community infrastructure, including—

(i) disruptions to community life-saving and life-sustaining services;

(ii) disruptions or increased demand for essential community services; and

(iii) disruptions to transportation, infrastructure, and utilities; and

(D) any other information relevant to demonstrate severe local impacts; and

(4) conduct such other activities as the Administrator of the Federal Emergency Management Agency considers appropriate.

(Pub. L. 93-288, title III, § 326, as added Pub. L. 109-295, title VI, § 689g(a), Oct. 4, 2006, 120 Stat. 1453; amended Pub. L. 111-351, § 3(c)(2), Jan. 4, 2011, 124 Stat. 3864; Pub. L. 117-263, div. E, title LVI, § 5601(a), Dec. 23, 2022, 136 Stat. 3402.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), 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.

AMENDMENTS

2022—Subsec. (c)(3), (4). Pub. L. 117-263 added par. (3) and redesignated former par. (3) as (4).

2011—Subsec. (c)(3). Pub. L. 111-351 substituted “Administrator” for “Director”.

Statutory Notes and Related Subsidiaries

CONSTRUCTION

Pub. L. 109-295, title VI, § 689g(c), Oct. 4, 2006, 120 Stat. 1453, provided that: “Nothing in this section [enacting this section] or the amendments made by this section shall be construed to authorize major disaster or emergency assistance that is not authorized as of the date of enactment of this Act [Oct. 4, 2006].”

§ 5165e. Integrated plan for administrative cost reduction

(a) In general

Not later than 365 days after February 29, 2016, the Administrator shall—

(1) develop and implement an integrated plan to control and reduce administrative costs for major disasters, which shall include—

(A) steps the Agency will take to reduce administrative costs;

(B) milestones needed for accomplishing the reduction of administrative costs;

(C) strategic goals for the average annual percentage of administrative costs of major disasters for each fiscal year;

(D) the assignment of clear roles and responsibilities, including the designation of officials responsible for monitoring and measuring performance; and

(E) a timetable for implementation;

(2) compare the costs and benefits of tracking the administrative cost data for major disasters by the public assistance, individual assistance, hazard mitigation, and mission assignment programs, and if feasible, track this information; and