

GUIDANCE AND RECOMMENDATIONS

Pub. L. 115-254, div. D, §1230, Oct. 5, 2018, 132 Stat. 3459, provided that:

“(a) GUIDANCE.—The Administrator [of the Federal Emergency Management Agency] shall provide guidance to a common interest community that provides essential services of a governmental nature on actions that a common interest community may take in order to be eligible to receive reimbursement from a grantee that receives funds from the [Federal Emergency Management Agency] for certain activities performed after an event that results in a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

“(b) RECOMMENDATIONS.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a legislative proposal on how to provide eligibility for disaster assistance with respect to common areas of condominiums and housing cooperatives.

“(c) EFFECTIVE DATE.—This section shall be effective on the date of enactment of this Act.”

POST-DISASTER BUILDING SAFETY ASSESSMENT

Pub. L. 115-254, div. D, §1241, Oct. 5, 2018, 132 Stat. 3466, provided that:

“(a) BUILDING SAFETY ASSESSMENT TEAM.—

“(1) IN GENERAL.—The Administrator [of the Federal Emergency Management Agency] shall coordinate with State and local governments and organizations representing design professionals, such as architects and engineers, to develop guidance, including best practices, for post-disaster assessment of buildings by licensed architects and engineers to ensure the design professionals properly analyze the structural integrity and livability of buildings and structures.

“(2) PUBLICATION.—The Administrator shall publish the guidance required to be developed under paragraph (1) not later than 1 year after the date of enactment of this Act [Oct. 5, 2018].

“(b) NATIONAL INCIDENT MANAGEMENT SYSTEM.—The Administrator shall revise or issue guidance as required to the National Incident Management System Resource Management component to ensure the functions of post-disaster building safety assessment, such as those functions performed by design professionals are accurately resource typed within the National Incident Management System.

“(c) EFFECTIVE DATE.—This section shall be effective on the date of enactment of this Act.”

[For definition of “State” as used in section 1241 of Pub. L. 115-254, set out above, see section 1203 of Pub. L. 115-254, set out as a note under section 5122 of this title.]

REVIEW OF ASSISTANCE FOR DAMAGED UNDERGROUND WATER INFRASTRUCTURE

Pub. L. 115-254, div. D, §1245, Oct. 5, 2018, 132 Stat. 3468, provided that:

“(a) DEFINITION OF PUBLIC ASSISTANCE GRANT PROGRAM.—The term ‘public assistance grant program’ means the public assistance grant program authorized under sections 403, 406, 407, 428, and 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, [5189f.] 5192(a)).

“(b) REVIEW AND BRIEFING.—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Emergency Management Agency] shall—

“(1) conduct a review of the assessment and eligibility process under the public assistance grant program with respect to assistance provided for damaged underground water infrastructure as a result of a major disaster declared under section 401 of such Act

(42 U.S.C. 5170), including wildfires, and shall include the extent to which local technical memoranda, prepared by a local unit of government in consultation with the relevant State or Federal agencies, identified damaged underground water infrastructure that should be eligible for the public assistance grant program; and

“(2) provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the review conducted under paragraph (1).

“(c) REPORT AND RECOMMENDATIONS.—The Administrator shall—

“(1) not later than 180 days after the date of enactment of this Act, issue a report on the review conducted under subsection (b)(1); and

“(2) not later than 180 days after the date on which the Administrator issues the report required under paragraph (1), initiate a rulemaking, if appropriate, to address any recommendations contained in the report.”

[For definition of “State” as used in section 1245 of Pub. L. 115-254, set out above, see section 1203 of Pub. L. 115-254, set out as a note under section 5122 of this title.]

§ 5173. Debris removal**(a) Presidential authority**

The President, whenever he determines it to be in the public interest, is authorized—

(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters; and

(2) to make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

(b) Authorization by State or local government; indemnification agreement

No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal.

(c) Rules relating to large lots

The President shall issue rules which provide for recognition of differences existing among urban, suburban, and rural lands in implementation of this section so as to facilitate adequate removal of debris and wreckage from large lots.

(d) Federal share

The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of debris and wreckage removal carried out under this section.

(e) Expedited payments**(1) Grant assistance**

In making a grant under subsection (a)(2), the President shall provide not less than 50 percent of the President’s initial estimate of the Federal share of assistance as an initial payment in accordance with paragraph (2).

(2) Date of payment

Not later than 60 days after the date of the estimate described in paragraph (1) and not later than 90 days after the date on which the State or local government or owner or operator of a private nonprofit facility applies for assistance under this section, an initial payment described in paragraph (1) shall be paid.

(Pub. L. 93-288, title IV, § 407, formerly § 403, May 22, 1974, 88 Stat. 154; renumbered § 407 and amended Pub. L. 100-707, title I, § 106(c), Nov. 23, 1988, 102 Stat. 4701; Pub. L. 109-347, title VI, § 610, Oct. 13, 2006, 120 Stat. 1942.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 407 of Pub. L. 93-288 was renumbered section 410 by Pub. L. 100-707 and is classified to section 5177 of this title.

AMENDMENTS

2006—Subsec. (e). Pub. L. 109-347 added subsec. (e).

1988—Subsec. (a)(2). Pub. L. 100-707, § 106(c)(2), inserted “or owner or operator of a private nonprofit facility” after “local government”.

Subsecs. (c), (d). Pub. L. 100-707, § 106(c)(3), added subsecs. (c) and (d).

Statutory Notes and Related Subsidiaries**DISASTER CONTRACT IMPROVEMENT**

Pub. L. 118-153, Dec. 17, 2024, 138 Stat. 1688, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Disaster Contract Improvement Act’.

“SEC. 2. OVERSIGHT ON DEBRIS REMOVAL.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) DEBRIS REMOVAL PROGRAM.—The term ‘debris removal program’ means the program established under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173).

“(b) ADVISORY WORKING GROUP.—

“(1) IN GENERAL.—The Administrator shall establish an advisory working group to encourage and foster collaborative efforts among individuals and entities engaged in disaster recovery relating to debris removal.

“(2) MEMBERSHIP.—The advisory working group established under paragraph (1) shall be comprised of—

“(A) representatives from the Federal Emergency Management Agency;

“(B) representatives from the Army Corps of Engineers;

“(C) representatives from the Natural Resources Conservation Service of the Department of Agriculture;

“(D) representatives of States, Tribal governments, and units of local government; and

“(E) subject matter experts in debris removal, including not less than 1 representative from the debris services contractor industry.

“(c) GUIDANCE.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2024], the Administrator, in consultation with the advisory working group established under subsection (b)(1), shall—

“(1) determine whether guidance and procedures in effect as of the date of enactment of this Act with respect to the oversight and cost of debris removal contracts entered into under the debris removal program are sufficient; and

“(2) if the Administrator, in consultation with the advisory working group established under subsection (b)(1), determines that the guidance and procedures described in paragraph (1) are insufficient, develop and implement additional such guidance and procedures, including—

“(A) a requirement that each State, Tribal government, and unit of local government receiving a grant under the debris removal program take the primary role in the oversight function of debris removal;

“(B) guidance for State, Tribal, and local debris monitors relating to debris removal operations, debris operations oversight, and contractor oversight, including contractor monitoring;

“(C) guidance for streamlining the reimbursement of debris costs overall, including debris management planning and support for resilience in debris removal operations;

“(D) checklists, job aids, eligibility requirements, contract requirements, debris management planning guidance, sample bids, and other items, as determined necessary by the Administrator, for State and local debris monitors;

“(E) a list of the specific debris removal monitoring responsibilities expected to be completed by a State that receives a grant under the debris removal program;

“(F) a list of the specific debris removal monitoring responsibilities expected to be completed by recipients of a grant under the debris removal program; and

“(G) guidance for State and Tribal governments and units of local government to reduce duplication and inefficiency in debris removal contracting across the Federal Government, State and Tribal governments, and units of local government.

“(d) TRAINING.—The Administrator shall conduct outreach to States, Tribal governments, and units of local government with respect to any guidance or support materials developed under this section.

“(e) GAO STUDY.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2024], the Comptroller General of the United States shall conduct a study that—

“(1) studies the use and adoption rate of advance contracts for debris removal by selected States, Tribal governments, and units of local government;

“(2) identifies the benefits and challenges of advance contracts for debris removal;

“(3) with respect to the reporting and information sharing processes, as of the date of enactment of this Act, for advance contracts for debris removal between States and units of local government and Federal partners—

“(A) assesses those processes; and

“(B) makes any necessary recommendations for those processes;

“(4) studies—

“(A) the process for setting Federal reimbursement rates for the debris removal program;

“(B) the use of penalties, as of the date of enactment of this Act, for violations of law and regulations relating to debris removal; and

“(C) fraud, waste, and abuse relating to the debris removal program, including case studies; and

“(5) makes any necessary recommendations for improvements to oversight and fraud prevention across the debris removal program.”

§ 5174. Federal assistance to individuals and households**(a) In general****(1) Provision of assistance**

In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and