

2000—Pub. L. 106-390 amended section catchline and text generally. Prior to amendment, text read as follows: “The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.”

#### 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 OF 2000 AMENDMENT

Pub. L. 106-390, title III, §303(b), Oct. 30, 2000, 114 Stat. 1573, provided that: “The amendment made by subsection (a) [amending this section] takes effect 1 year after the date of the enactment of this Act [Oct. 30, 2000].”

##### REPORTING REQUIREMENT

Pub. L. 115-254, div. D, §1204(c), Oct. 5, 2018, 132 Stat. 3439, provided that: “Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018] and annually thereafter, the Administrator [of the Federal Emergency Management Agency] shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives a report containing a summary of any projects carried out, and any funding provided to those projects, under subsection (d) of section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) (as amended by this section).”

### § 5188. Timber sale contracts

#### (a) Cost-sharing arrangement

Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than \$1,000 for sales under one million board feet, (2) of more than \$1 per thousand board feet for sales of one to three million board feet, or (3) of more than \$3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

#### (b) Cancellation of authority

If the appropriate Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, he may allow cancellation of a contract entered into by his Department notwithstanding contrary provisions therein.

#### (c) Public notice of sale

The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by section 476<sup>1</sup> of title 16, in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

#### (d) State grants for removal of damaged timber; reimbursement of expenses limited to salvage value of removed timber

The President, when he determines it to be in the public interest, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

(Pub. L. 93-288, title IV, §421, formerly §418, May 22, 1974, 88 Stat. 158; renumbered §421, Pub. L. 100-707, title I, §106(j), Nov. 23, 1988, 102 Stat. 4705.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 476 of title 16, referred to in subsec. (c), was repealed by Pub. L. 94-588, §13, Oct. 22, 1976, 90 Stat. 2958.

### § 5189. Simplified procedure

#### (a) In general

If the Federal estimate of the cost of—

(1) repairing, restoring, reconstructing, or replacing under section 5172 of this title any damaged or destroyed public facility or private nonprofit facility,

(2) emergency assistance under section 5170b or 5192 of this title, or

(3) debris removed under section 5173 of this title,

is less than \$1,000,000 (or, if the Administrator has established a threshold under subsection (b), the amount established under subsection (b)), the President (on application of the State or local government or the owner or operator of the private nonprofit facility) may make the contribution to such State or local government or owner or operator under section 5170b, 5172, 5173, or 5192 of this title, as the case may be, on the basis of such Federal estimate. Such \$1,000,000 amount or, if applicable, the amount established under subsection (b), shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

<sup>1</sup> See References in Text note below.

**(b) Threshold****(1) Report**

Not later than 1 year after January 29, 2013, the President, acting through the Administrator of the Federal Emergency Management Agency (in this section referred to as the “Administrator”), shall—

(A) complete an analysis to determine whether an increase in the threshold for eligibility under subsection (a) is appropriate, which shall include consideration of cost-effectiveness, speed of recovery, capacity of grantees, past performance, and accountability measures; and

(B) submit 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 report regarding the analysis conducted under subparagraph (A).

**(2) Amount**

After the Administrator submits the report required under paragraph (1), the President shall direct the Administrator to—

(A) immediately establish a threshold for eligibility under this section in an appropriate amount, without regard to chapter 5 of title 5; and

(B) adjust the threshold annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

**(3) Review and report**

Not later than 3 years after the date on which the Administrator establishes a threshold under paragraph (2), and every 3 years thereafter, the President, acting through the Administrator, shall review the threshold for eligibility under this section and submit 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 report regarding such review, including any recommendations developed pursuant to such review.

(Pub. L. 93-288, title IV, §422, as added Pub. L. 100-707, title I, §106(k), Nov. 23, 1988, 102 Stat. 4705; amended Pub. L. 113-2, div. B, §1107, Jan. 29, 2013, 127 Stat. 46; Pub. L. 117-189, §2(a), Oct. 10, 2022, 136 Stat. 2204.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 5189, Pub. L. 93-288, title IV, §419, May 22, 1974, 88 Stat. 159, related to alternate contributions, prior to repeal by Pub. L. 100-707, §106(k).

**AMENDMENTS**

2022—Subsec. (a). Pub. L. 117-189, §2(a)(1), substituted “\$1,000,000” for “\$35,000” in two places in concluding provisions.

Subsec. (b)(3). Pub. L. 117-189, §2(a)(2), inserted “and report” after “Review” in heading and “and submit 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 report regarding such review, including any recommendations developed pursuant to such review” after “under this section” in text.

2013—Subsec. (a). Pub. L. 113-2, §1107(3), which directed insertion of “or, if applicable, the amount established under subsection (b),” after “\$35,000 amount” the second place appearing, was executed by making the insertion after “\$35,000 amount” the only place that phrase appeared, to reflect the probable intent of Congress.

Pub. L. 113-2, §1107(1), (2), designated existing provisions as subsec. (a), inserted heading, and inserted “(or, if the Administrator has established a threshold under subsection (b), the amount established under subsection (b))” after “less than \$35,000” in concluding provisions.

Subsec. (b). Pub. L. 113-2, §1107(4), added subsec. (b).

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 2022 AMENDMENT**

Pub. L. 117-189, §2(b), Oct. 10, 2022, 136 Stat. 2204, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to any amounts appropriated after the date of enactment of this Act [Oct. 10, 2022].”

**§ 5189a. Appeals of assistance decisions****(a) Right of appeal**

Any decision regarding eligibility for, from, or amount of assistance under this subchapter may be appealed within 60 days after the date on which the applicant for such assistance is notified of the award or denial of award of such assistance.

**(b) Period for decision**

A decision regarding an appeal under subsection (a) shall be rendered within 90 days after the date on which the Federal official designated to administer such appeals receives notice of such appeal.

**(c) Rules**

The President shall issue rules which provide for the fair and impartial consideration of appeals under this section.

**(d) Right of arbitration****(1) In general**

Notwithstanding this section, an applicant for assistance under this subchapter may request arbitration to dispute the eligibility for assistance or repayment of assistance provided for a dispute of more than \$500,000 for any disaster that occurred after January 1, 2016. Such arbitration shall be conducted by the Civilian Board of Contract Appeals and the decision of such Board shall be binding.

**(2) Review**

The Civilian Board of Contract Appeals shall consider from the applicant all original and additional documentation, testimony, or other such evidence supporting the applicant's position at any time during arbitration.

**(3) Rural areas**

For an applicant for assistance in a rural area under this subchapter, the assistance amount eligible for arbitration pursuant to this subsection shall be \$100,000.

**(4) Rural area defined**

For the purposes of this subsection, the term “rural area” means an area with a population of less than 200,000 outside an urbanized area.