

(A) identify acquisition planning time frames and considerations across the entire acquisition planning process of the Agency; and

(B) clearly communicate the purpose and use of a master acquisition planning schedule.

(Pub. L. 109–295, title VI, § 691, Oct. 4, 2006, 120 Stat. 1457; Pub. L. 116–272, § 3(a), Dec. 31, 2020, 134 Stat. 3349.)

### Editorial Notes

#### AMENDMENTS

2020—Subsecs. (e), (f). Pub. L. 116–272 added subsecs. (e) and (f).

### Statutory Notes and Related Subsidiaries

#### FINDINGS

Pub. L. 116–272, § 2, Dec. 31, 2020, 134 Stat. 3349, provided that:

“Congress finds that—

“(1) the Post-Katrina Emergency Management and Reform Act of 2006 [Post-Katrina Emergency Management Reform Act of 2006] (Public Law 109–925 [Pub. L. 109–295, title VI]; 120 Stat. 1394) required the Federal Emergency Management Agency to establish advance contracts, which are established prior to disasters and are typically needed to quickly provide life-sustaining goods and services in the immediate aftermath of a disaster;

“(2) the catastrophic hurricanes and wildfires in the United States in 2017 highlighted the importance of these advance contracts in disaster response;

“(3) in a report issued by the Government Accountability Office entitled ‘2017 Disaster Contracting: Action Needed to Better Ensure More Effective Use and Management of Advance Contracts’, the Government Accountability Office identified a number of challenges with advance contracts and recommended actions to improve management by the Federal Emergency Management Agency of these contracts for future disasters; and

“(4) section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791) should be amended to incorporate the recommendations made by the report described in paragraph (3) to ensure more effective use and management of advance contracts.”

#### 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.