

# Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and Related Authorities

FEMA 592, June 2007



**FEMA**

**Robert T. Stafford Disaster Relief and Emergency Assistance Act,  
Public Law 93-288, as amended, 42 U.S.C. 5121-5207,  
and Related Authorities**

**UNITED STATES CODE  
TITLE 42. THE PUBLIC HEALTH AND WELFARE  
CHAPTER 68. DISASTER RELIEF**

**Table of Contents**

<b>Title I -- Findings, Declarations and Definitions.....</b>	<b>1</b>
Sec. 101. Congressional Findings and Declarations (42 U.S.C. 5121) .....	1
Sec. 102. Definitions (42 U.S.C. 5122)* .....	2
<b>Title II -- Disaster Preparedness and Mitigation Assistance .....</b>	<b>3</b>
Sec. 201. Federal and State Disaster Preparedness Programs (42 U.S.C. 5131) .....	3
Sec. 202. Disaster Warnings (42 U.S.C. 5132).....	4
Sec. 203. Predisaster Hazard Mitigation (42 U.S.C. 5133) .....	5
Sec. 204. Interagency Task Force (42 U.S.C. 5134).....	10
<b>Title III -- Major Disaster and Emergency Assistance Administration.....</b>	<b>10</b>
Sec. 301. Waiver of Administrative Conditions (42 U.S.C. 5141).....	10
Sec. 302. Coordinating Officers (42 U.S.C. 5143)* .....	10
Sec. 303. Emergency Support and Response Teams (42 U.S.C. 5144)*.....	11
Sec. 304. Reimbursement of Federal Agencies (42 U.S.C. 5147).....	12
Sec. 305. Nonliability of Federal Government (42 U.S.C. 5148).....	12
Sec. 306. Performance of Services (42 U.S.C. 5149).....	13
Sec. 307. Use of Local Firms and Individuals (42 U.S.C. 5150)*.....	13
Sec. 308. Nondiscrimination in Disaster Assistance (42 U.S.C. 5151)* .....	14
Sec. 309. Use and Coordination of Relief Organizations (42 U.S.C. 5152).....	15

Sec. 310. Priority to Certain Applications for Public Facility and Public Housing Assistance (42 U.S.C. 5153).....	15
Sec. 311. Insurance (42 U.S.C. 5154).....	16
Prohibited Flood Disaster Assistance (42 U.S.C. 5154a).....	17
Sec. 312. Duplication of Benefits (42 U.S.C. 5155).....	18
Sec. 313. Standard of Review (42 U.S.C. 5156).....	19
Sec. 314. Penalties (42 U.S.C. 5157).....	19
Sec. 315. Availability of Materials (42 U.S.C. 5158).....	20
Sec. 316. Protection of Environment (42 U.S.C. 5159).....	20
Sec. 317. Recovery of Assistance (42 U.S.C. 5160).....	20
Sec. 318. Audits and Investigations (42 U.S.C. 5161) .....	21
Sec. 319. Advance of Non-Federal Share (42 U.S.C. 5162) .....	21
Sec. 320. Limitation on Use of Sliding Scale (42 U.S.C. 5163).....	22
Sec. 321. Rules and Regulations (42 U.S.C. 5164) .....	22
Sec. 322. Mitigation Planning (42 U.S.C. 5165) .....	22
Sec. 323. Standards for Public and Private Structures (42 U.S.C. 5165a).....	23
Sec. 324. Management Costs (42 U.S.C. 5165b).....	24
Sec. 325. Public Notice, Comment, and Consultation Requirements (42 U.S.C. 5165c) .....	24
Sec. 326. Designation of Small State and Rural Advocate (42 U.S.C. 5165d)* .....	25
<b>Title IV -- Major Disaster Assistance Programs.....</b>	<b>26</b>
Sec. 401. Procedure for Declaration (42 U.S.C. 5170).....	26
Sec. 402. General Federal Assistance (42 U.S.C. 5170a)* .....	26
Sec. 403. Essential Assistance (42 U.S.C. 5170b)* .....	27
Sec. 404. Hazard Mitigation (42 U.S.C. 5170c)* .....	29

Sec. 405. Federal Facilities (42 U.S.C. 5171).....	31
Sec. 406. Repair, Restoration, and Replacement of Damaged Facilities (42 U.S.C. 5172)* .....	31
Sec. 407. Debris Removal (42 U.S.C. 5173)* .....	39
Sec. 408. Federal Assistance to Individuals and Households (42 U.S.C. 5174)* .....	40
Sec. 410. Unemployment Assistance (42 U.S.C. 5177) .....	45
Sec. 412. Food Coupons and Distribution (42 U.S.C. 5179).....	46
Sec. 413. Food Commodities (42 U.S.C. 5180).....	46
Sec. 414. Relocation Assistance (42 U.S.C. 5181).....	46
Sec. 415. Legal Services (42 U.S.C. 5182).....	47
Sec. 416. Crisis Counseling Assistance and Training (42 U.S.C. 5183).....	47
Sec. 417. Community Disaster Loans (42 U.S.C. 5184)* .....	47
Sec. 418. Emergency Communications (42 U.S.C. 5185).....	48
Sec. 419. Emergency Public Transportation (42 U.S.C. 5186) .....	48
Sec. 420. Fire Management Assistance (42 U.S.C. 5187).....	48
Sec. 421. Timber Sale Contracts (42 U.S.C. 5188) .....	48
Sec. 422. Simplified Procedures (42 U.S.C. 5189).....	49
Sec. 423. Appeals of Assistance Decisions (42 U.S.C. 5189a) .....	50
Sec. 424. Date of Eligibility; Expenses Incurred Before Date of Disaster (42 U.S.C. 5189b) .....	50
Sec. 425. Transportation Assistance to Individuals and Households (42 U.S.C. 5189c)* .....	50
Sec. 426. Case Management Services (42 U.S.C. 5189d)* .....	50
Sec. 427. Essential Service Providers (42 U.S.C. 5189e)* .....	50

<b>Title V -- Emergency Assistance Programs</b> .....	<b>51</b>
Sec. 501. Procedure for Declaration (42 U.S.C. 5191).....	51
Sec. 502. Federal Emergency Assistance (42 U.S.C. 5192)*.....	52
Sec. 503. Amount of Assistance (42 U.S.C. 5193).....	53
<b>Title VI -- Emergency Preparedness</b> .....	<b>54</b>
Sec. 601. Declaration of Policy (42 U.S.C. 5195).....	54
Sec. 602. Definitions (42 U.S.C. 5195a).....	54
Sec. 603. Administration of Title (42 U.S.C. 5195b).....	56
<i>SUBTITLE A – POWERS AND DUTIES</i> .....	<i>56</i>
Sec. 611. Detailed Functions or Administration (42 U.S.C. 5196)*.....	56
Sec. 612. Mutual Aid Pacts Between States and Neighboring Countries (42 U.S.C. 5196a).....	61
Sec. 613. Contributions for Personnel and Administrative Expenses (42 U.S.C. 5196b)*.....	61
Sec. 614. Requirement for State Matching Funds for Construction of Emergency Operating Centers (42 U.S.C. 5196c).....	63
Sec. 615. Use of Funds to Prepare for and Respond to Hazards (42 U.S.C. 5196d).....	63
Sec. 616. Disaster Related Information Services (42 U.S.C. 5196f)*.....	63
<i>SUBTITLE B – GENERAL PROVISIONS</i> .....	<i>64</i>
Sec. 621. Administrative Authority (42 U.S.C. 5197).....	64
Sec. 622. Security Regulations (42 U.S.C. 5197a).....	65
Sec. 623. Use of Existing Facilities (42 U.S.C. 5197b).....	67
Sec. 624. Annual Report to Congress (42 U.S.C. 5197c).....	67
Sec. 625. Applicability of Subchapter (42 U.S.C. 5197d).....	67
Sec. 626. Authorization of Appropriation and Transfers of Funds (42 U.S.C. 5197e).....	67

Sec. 627. Relation to Atomic Energy Act of 1954 (42 U.S.C. 5197f).....68

Sec. 628. Federal Bureau of Investigation (42 U.S.C. 5197g).....68

**Title VII – Miscellaneous.....68**

Sec. 701. Rules and Regulations (42 U.S.C. 5201) .....68

Sec. 705. Disaster Grant Closeout Procedures (42 U.S.C. 5205).....68

Sec. 706. Firearms Policies (42 U.S.C. 5207)\* .....69

---

*\* This section of the Stafford Act has been amended by either the Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295, 120 Stat.1355 (2006), signed on October 4, 2006, the Pets Evacuation and Transportation Standards Act of 2006, Pub. L. No 109-308, 120 Stat. 1725 (2006), signed on October 6, 2006, or the Security and Accountability for Every Port Act of 2006, Pub. L. No. 109-347, 120 Stat. 1884 (2006), signed on October 13, 2006. The changes are effective for emergencies or major disasters declared on or after October 4, 6, or 13, 2006. For events before those dates, please consult an earlier version of the Stafford Act.*

<b>MISCELLANEOUS STATUTORY PROVISIONS THAT RELATE TO THE STAFFORD ACT.....</b>	<b>71</b>
Excess Disaster Assistance Payments as Budgetary Emergency Requirements (42 U.S.C. 5203).....	71
Insular Areas Disaster Survival and Recovery; Definitions (42 U.S.C. 5204).....	71
Authorization of Appropriations for Insular Areas (Disaster Recovery) (42 U.S.C. 5204a).....	71
Technical Assistance for Insular Areas (Disaster Recovery) (42 U.S.C. 5204b).....	72
Hazard Mitigation for Insular Areas (Limitation on Amount of Contributions, Local Match) (42 U.S.C. 5204c).....	72
Buy American (Requirements) (42 U.S.C. 5206).....	73
<b>U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Pub. L. No. 110-28, 121 Stat. 112 (2007), Signed on May 25, 2007.....</b>	<b>74</b>
Sec. 4501. (100% Federal Share for Katrina, Wilma, Dennis, and Rita) .....	74
Sec. 4502. (Allowing Community Disaster Loans To Be Canceled).....	74
Sec. 4503. (Paying Utility Costs for 2005 Hurricanes Extended to 24 Months).....	75
<b>Department of Homeland Security Appropriations Act, 2007, Pub. L. No. 109-295, 120 Stat. 1355 (2006), Signed on October 4, 2006 [Includes Post-Katrina Emergency Reform Act (PKEMRA)] .....</b>	<b>75</b>
Sec. 508. (Notifying Congressional Committees before Announcement of Grants FY 2007) .....	75
Sec. 536. (Accounting for Needs of Individuals with Household Pets and Service Animals).....	75
<b>Title VI – National Emergency Management.....</b>	<b>76</b>
Sec. 601. Short Title (6 U.S.C. 701 note) .....	76
Sec. 612. (References to Director of FEMA Considered to Refer to Administrator of FEMA) (6 U.S.C. 313 note and 6 U.S.C. 311 note).....	76

Sec. 640a. Disclosure of Certain Information to Law Enforcement Agencies (6 U.S.C. 727) .....	76
Sec. 653. Federal Preparedness (Prescribed Mission Assignments) (6 U.S.C. 753) .....	76
<i>SUBTITLE E – STAFFORD ACT AMENDMENTS</i> .....	77
Sec. 682. National Disaster Recovery Strategy (6 U.S.C. 771).....	77
Sec. 683. National Disaster Housing Strategy (6 U.S.C. 772).....	78
Sec. 689. Individuals with Disabilities (6 U.S.C. 773).....	79
Sec. 689b. Reunification (Child Locator Center) (6 U.S.C. 774).....	80
Sec. 689c. National Emergency Family Registry and Locator System (6 U.S.C. 775) .....	81
Sec. 689i. Individuals and Households Pilot Program (6 U.S.C. 776) .....	82
Sec. 689j. Public Assistance Pilot Program (6 U.S.C. 777).....	84
Sec. 689k. Disposal of Unused Temporary Housing Units .....	85
<i>SUBTITLE F – PREVENTION OF FRAUD, WASTE, AND ABUSE</i> .....	86
Sec. 691. Advance Contracting (6 U.S.C. 791) .....	86
Sec. 692. Limitations on Tiering of Subcontractors (6 U.S.C. 792).....	87
Sec. 693. Oversight and Accountability of Federal Disaster Expenditures (6 U.S.C. 793) .....	87
Sec. 695. Limitation on Length of Certain Noncompetitive Contracts (6 U.S.C. 794) .....	89
Sec. 696. Fraud, Waste, and Abuse Controls (6 U.S.C. 795) .....	89
Sec. 697. Registry of Disaster Response Contractors (6 U.S.C. 796) .....	90
Sec. 698. Fraud Prevention Training Program (6 U.S.C. 797) .....	91

**Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, Pub. L. No. 109-234, 120 Stat. 418 (2006), Signed on June 15, 2006.....91**

Sec. 2401. (Paying Utility Costs for 2005 Hurricanes) .....91

Sec. 2403 (Alternative Housing Pilot Programs).....91

<b>HOMELAND SECURITY ACT OF 2002, as amended, 6 U.S.C. 311-321j</b> .....	<b>93</b>
<b>Title V--National Emergency Management</b> .....	<b>93</b>
Sec. 501. Definitions (6 U.S.C. 311) .....	93
Sec. 502. Definition (6 U.S.C. 312).....	94
Sec. 503. Federal Emergency Management Agency (6 U.S.C. 313).....	94
Sec. 504. Authorities and Responsibilities (6 U.S.C. 314).....	96
Sec. 505. Functions Transferred (U.S.C. 315).....	99
Sec. 506. Preserving the Federal Emergency Management Agency (6 U.S.C. 316).....	99
Sec. 507. Regional Offices (6 U.S.C. 317).....	100
Sec. 508. National Advisory Council (6 U.S.C. 318).....	103
Sec. 509. National Integration Center (6 U.S.C. 319) .....	104
Sec. 510. Credentialing and Typing (6 U.S.C. 320) .....	106
Sec. 511. The National Infrastructure Simulation and Analysis Center (6 U.S.C. 321) .....	106
Sec. 512. Evacuation Plans and Exercises (6 U.S.C. 321a).....	107
Sec. 513. Disability Coordinator (6 U.S.C. 321b) .....	108
Sec. 514. Department and Agency Officials (6 U.S.C. 321c) .....	109
Sec. 515. National Operations Center (6 U.S.C. 321d) .....	110
Sec. 516. Chief Medical Officer (6 U.S.C. 321e).....	110
Sec. 517. Nuclear Incident Response (6 U.S.C. 321f).....	111
Sec. 518. Conduct of Certain Public Health-related Activities (6 U.S.C. 321g).....	111
Sec. 519. Use of National Private Sector Networks in Emergency Response (6 U.S.C. 321h).....	111

Sec. 520. Use of Commercially Available Technology, Goods and Services  
(6 U.S.C. 321i).....112

Sec. 521. Procurement of Security Countermeasures for Strategic National  
Stockpile (6 U.S.C. 321j).....112

# **Title I -- Findings, Declarations and Definitions**

## **Sec. 101. Congressional Findings and Declarations (42 U.S.C. 5121)**

(a) The Congress hereby finds and declares that -

- (1) because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and
- (2) because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity; special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by -

- (1) revising and broadening the scope of existing disaster relief programs;
- (2) encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and by local governments;
- (3) achieving greater coordination and responsiveness of disaster preparedness and relief programs;
- (4) encouraging individuals, States, and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance;
- (5) encouraging hazard mitigation measures to reduce losses from disasters, including development of land use and construction regulations; and
- (6) providing Federal assistance programs for both public and private losses sustained in disasters

**Sec. 102. Definitions (42 U.S.C. 5122)\***

As used in this Act -

- (1) "Emergency" means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.
- (2) "Major disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.
- (3) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
- (4) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
- (5) "Governor" means the chief executive of any State.
- (6) "Individual with a Disability"- The term "individual with a disability" means an individual with a disability as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).
- (7) The term "local government" means –
  - (A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;
  - (B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and
  - (C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.
- (8) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government,

including the United States Postal Service, but shall not include the American National Red Cross.

(9) "Public facility" means the following facilities owned by a State or local government:

(A) Any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility.

(B) Any non-Federal-aid street, road, or highway.

(C) Any other public building, structure, or system, including those used for educational, recreational, or cultural purposes.

(D) Any park.

(10) Private nonprofit facility -

(A) In General - The term "private nonprofit facility" means private nonprofit educational, utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled) and facilities on Indian reservations, as defined by the President.

(B) Additional Facilities - In addition to the facilities described in subparagraph (A), the term "private nonprofit facility" includes any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, and facilities that provide health and safety services of a governmental nature), as defined by the President.

## **Title II -- Disaster Preparedness and Mitigation Assistance**

### **Sec. 201. Federal and State Disaster Preparedness Programs (42 U.S.C. 5131)**

(a) Utilization of services of other agencies - The President is authorized to establish a program of disaster preparedness that utilizes services of all appropriate agencies and includes -

(1) preparation of disaster preparedness plans for mitigation, warning, emergency operations, rehabilitation, and recovery;

(2) training and exercises;

(3) postdisaster critiques and evaluations;

(4) annual review of programs;

**Sec. 306. Performance of Services (42 U.S.C. 5149)**

- (a) Utilization of services or facilities of State and local governments - In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government.
- (b) Appointment of temporary personnel, experts, and consultants; acquisition, rental, or hire of equipment, services, materials and supplies - In performing any services under this Act, any Federal agency is authorized
  - (1) to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, governing appointments in competitive service;
  - (2) to employ experts and consultants in accordance with the provisions of section 3109 of such title, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and
  - (3) to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communications, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

**Sec. 307. Use of Local Firms and Individuals (42 U.S.C. 5150)\***

- (a) Contracts or Agreements With Private Entities-
  - (1) In General - In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster or emergency.
  - (2) Construction - This section shall not be considered to restrict the use of Department of Defense resources under this Act in the provision of assistance in a major disaster.
  - (3) Specific Geographic Area - In carrying out this section, a contract or agreement may be set aside for award based on a specific geographic area.

(b) Implementation-

- (1) Contracts not to entities in area - Any expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, not awarded to an organization, firm, or individual residing or doing business primarily in the area affected by such major disaster shall be justified in writing in the contract file.
  - (2) Transition - Following the declaration of an emergency or major disaster, an agency performing response, relief, and reconstruction activities shall transition work performed under contracts in effect on the date on which the President declares the emergency or major disaster to organizations, firms, and individuals residing or doing business primarily in any area affected by the major disaster or emergency, unless the head of such agency determines that it is not feasible or practicable to do so.
  - (3) Formation of Requirements - The head of a Federal agency, as feasible and practicable, shall formulate appropriate requirements to facilitate compliance with this section.
- (c) Prior Contracts - Nothing in this section shall be construed to require any Federal agency to breach or renegotiate any contract in effect before the occurrence of a major disaster or emergency.

**Sec. 308. Nondiscrimination in Disaster Assistance (42 U.S.C. 5151)\***

- (a) Regulations for equitable and impartial relief operations - The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.
- (b) Compliance with regulations as prerequisite to participation by other bodies in relief operations - As a condition of participation in the distribution of assistance or supplies under this Act or of receiving assistance under this Act, governmental bodies and other organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the President, and such other regulations applicable to activities within an area affected by a major disaster or emergency as he deems necessary for the effective coordination of relief efforts.

**Sec. 627. Relation to Atomic Energy Act of 1954 (42 U.S.C. 5197f)**

Nothing in this title shall be construed to alter or modify the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

**Sec. 628. Federal Bureau of Investigation (42 U.S.C. 5197g)**

Nothing in this title shall be construed to authorize investigations of espionage, sabotage, or subversive acts by any persons other than personnel of the Federal Bureau of Investigation.

**Title VII -- Miscellaneous**

**Sec. 701. Rules and Regulations (42 U.S.C. 5201)**

(a) Rules and regulations

(1) The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency or agencies as he may designate.

(2) Deadline for payment of assistance - Rules and regulations authorized by paragraph (1) shall provide that payment of any assistance under this Act to a State shall be completed within 60 days after the date of approval of such assistance.

(b) In furtherance of the purposes of this Act, the President or his delegate may accept and use bequests, gifts, or donations of service, money, or property, real, personal, or mixed, tangible, or intangible. All sums received under this subsection shall be deposited in a separate fund on the books of the Treasury and shall be available for expenditure upon the certification of the President or his delegate. At the request of the President or his delegate, the Secretary of the Treasury may invest and reinvest excess monies in the fund. Such investments shall be in public debt securities with maturities suitable for the needs of the fund and shall bear interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The interest on such investments shall be credited to, and form a part of, the fund.

**Sec. 705. Disaster Grant Closeout Procedures (42 U.S.C. 5205)**

(a) Statute of Limitations -

- (1) In general - Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.
  - (2) Fraud exception - The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.
- (b) Rebuttal of Presumption of Record Maintenance -
- (1) In general - In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.
  - (2) Affirmative evidence - The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.
  - (3) Inability to produce documentation - The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).
  - (4) Right of access - The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.
- (c) Binding Nature of Grant Requirements - A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if -
- (1) the payment was authorized by an approved agreement specifying the costs;
  - (2) the costs were reasonable; and
  - (3) the purpose of the grant was accomplished.

**Sec. 706. Firearms Policies (42 U.S.C. 5207)\***

- (a) Prohibition on Confiscation of Firearms - No officer or employee of the United States (including any member of the uniformed services), or person operating pursuant to or under color of Federal law, or receiving Federal funds, or under control of any Federal official, or providing services to such an officer,