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(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.


REFERENCES IN TEXT
This chapter, referred to in subsecs. (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.

CONSTRUCTION

SUBCHAPTER IV—MAJOR DISASTER ASSISTANCE PROGRAMS
§ 5170. Procedure for declaration
All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As part of such request, and as a prerequisite to major disaster assistance under this chapter, the Governor shall take appropriate response action under State law and direct execution of the State’s emergency plan. The Governor shall furnish information on the nature and amount of State and local resources which have been or will be committed to alleviating the results of the disaster, and shall certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will comply with all applicable cost-sharing requirements of this chapter. Based on the request of a Governor under this section, the President may declare under this chapter that a major disaster or emergency exists.

§ 5170a. General Federal assistance

In any major disaster, the President may—
(1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance response or recovery efforts, including precautionary evacuations;
(2) coordinate all disaster relief assistance (including voluntary assistance) provided by Federal agencies, private organizations, and State and local governments, including precautionary evacuations and recovery;
(3) provide technical and advisory assistance to affected State and local governments for—
(A) the performance of essential community services;
(B) issuance of warnings of risks and hazards;
(C) public health and safety information, including dissemination of such information;
(D) provision of health and safety measures;
(E) management, control, and reduction of immediate threats to public health and safety; and
(F) recovery activities, including disaster impact assessments and planning;
(4) assist State and local governments in the distribution of medicine, food, and other consumable supplies, and emergency assistance; and
(5) provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request and in which case the President—
(A) shall, to the fullest extent practicable, promptly notify and coordinate with officials in a State in which such assistance or support is provided; and
(B) shall not, in notifying and coordinating with a State under subparagraph (A), delay or impede the rapid deployment, use, and distribution of critical resources to victims of a major disaster.


PRIOR PROVISIONS
A prior section 402 of Pub. L. 93–288 was renumbered section 405 by Pub. L. 100–707 and is classified to section 5171 of this title.

§ 5170b. Essential assistance

(a) In general

Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster, as follows:

(1) Federal resources, generally

Utilizing, lending, or donating to State and local governments Federal equipment, supplies, facilities, personnel, and other resources, other than the extension of credit, for use or distribution by such governments in accordance with the purposes of this chapter.

(2) Medicine, food, and other consumables

Distributing or rendering through State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations medicine durable medical equipment, food, and other consumable supplies, and other services and assistance to disaster victims.

(3) Work and services to save lives and protect property

Performing on public or private lands or waters any work or services essential to saving lives and protecting and preserving property or public health and safety, including—

(A) debris removal;
(B) search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicine durable medical equipment,, food, and other essential needs, including movement of supplies or persons;
(C) clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services;
(D) provision of temporary facilities for schools and other essential community services;
(E) demolition of unsafe structures which endanger the public;
(F) warning of further risks and hazards;
(G) dissemination of public information and assistance regarding health and safety measures;
(H) provision of technical advice to State and local governments on disaster management and control;
(I) reduction of immediate threats to life, property, and public health and safety; and
(J) provision of rescue, care, shelter, and essential needs—

1 So in original. The extra comma probably should follow "medicine".

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 93–288, May 22, 1974, 88 Stat. 143, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 402 of this title and Tables.

AMENDMENTS

2006—Par. (1). Pub. L. 109–295, § 681(a)(1), substituted "response or recovery efforts, including precautionary evacuations" for "efforts".