1988, the President was to recommend to the Congress proposals to improve the operational and fiscal relationships that exist among Federal, State, and local major disaster and emergency management officials, including provisions which would decrease the amount of time for processing requests for major disaster and emergency declarations and providing Federal assistance for major disasters and emergencies, provide for more effective utilization of State and local resources in relief efforts, and improve the timeliness of reimbursement.

DECLARED DISASTERS AND EMERGENCIES NOT AFFECTED

Pub. L. 100–707, title I, §112, Nov. 23, 1988, 102 Stat. 4711, provided that: ‘‘This title [see Short Title of 1988 Amendment note above] shall not affect the administration of any assistance for a major disaster or emergency declared by the President before the date of the enactment of this Act [Nov. 23, 1988].’’

EXECUTIVE ORDER No. 11749


Ex. Ord. No. 11795, DELEGATION OF PRESIDENTIAL FUNCTIONS


By virtue of the authority vested in me by the Disaster Relief Act of 1974 (Public Law 93–288; 88 Stat. 143) [see References to Disaster Relief Act of 1974 note above], section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:


Sec. 3. The Secretary of Agriculture is designated and empowered to exercise, without the approval, ratification, or other action of the President, all of the authority vested in the President by section 412 of the act [section 5179 of this title] concerning food coupons and distribution.


[References to a ‘‘coupon’’ provided under the Food and Nutrition Act of 2008 considered to refer to a ‘‘benefit’’ under that Act, see section 4115(d) of Pub. L. 110–246, set out as a note under section 7012 of Title 7, Agriculture.]

SEISMIC SAFETY OF FEDERAL AND FEDERALLY ASSISTED OR REGULATED NEW BUILDING CONSTRUCTION

For provisions relating to seismic safety requirements for new construction or total replacement of a building under this chapter after a presidentially declared major disaster or emergency, see Ex. Ord. No. 13717, Feb. 2, 2016, 81 F.R. 6407, set out as a note under section 7040 of this title.

§ 5122. Definitions

As used in this chapter—

(1) EMERGENCY.—‘‘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.—‘‘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 chapter 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) INDIAN TRIBAL GOVERNMENT.—The term ‘‘Indian tribal government’’ means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.).

(7) INDIVIDUAL WITH A DISABILITY.—The term ‘‘individual with a disability’’ means an individual with a disability as defined in section 12102(2) of this title.

(8) LOCAL GOVERNMENT.—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, that is not an Indian tribal government as defined in paragraph (6); 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.

(9) ‘‘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.

(10) PUBLIC FACILITY.—‘‘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.

<sup>1</sup> See References in Text note below.
(C) Any other public building, structure, or system, including those used for educational, recreational, or cultural purposes.

(D) Any park.

(11) 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 art centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, broadcasting facilities, and facilities that provide health and safety services of a governmental nature), as defined by the President.

(12) CHIEF EXECUTIVE.—The term “Chief Executive” means the person who is the Chief, Chairman, Governor, President, or similar executive officer of an Indian tribal government.

...
§ 5123  TITLE 42—THE PUBLIC HEALTH AND WELFARE  Page 5746

lief and Emergency Assistance Act [Pub. L. 93–288, see
Short Title note set out under section 5121 of this
title], as amended by this Act [see Short Title of 1988
Amendment note set out under section 5121 of this
title], as that term had on October 1, 1988, under sec-
tion 102(6) of the Disaster Relief Act of 1974 [par. (6) of
this section] and regulations implementing the Disas-
ter Relief Act of 1974.

“(2) TERMINATION OF EFFECTIVENESS.—Paragraph (1)
shall not be effective on and after the 90th day after the
President transmits to the Committee on Public Works
and Transportation of the House of Representatives
and to the Committee on Environment and Public
Works of the Senate a report which includes an inter-
pretation of the term ‘local government’ for purposes of
the Disaster Relief and Emergency Assistance Act, as
amended by this Act.”

[Functions of President under section 103(e)(2) of Pub.
L. 100–707 delegated to Administrator of Federal Emer-
gency Management Agency by section 3 of Ex. Ord. No.
12873, Mar. 23, 1989, 54 F.R. 12571, set out as a note under
section 5186 of this title.]

§ 5123. References

Except as otherwise specifically provided, any
reference in this chapter to “State and local”,
“State or local”, “State, and local”, “State, or
local”, or “State, local” (including plurals) with
respect to governments or officials and any refer-
ce to a “local government” in sections
5172(d)(3) and 5184 of this title is deemed to refer
to Indian tribal governments and officials, as
appropriate.

(Pub. L. 93–288, title I, § 103, as added Pub. L.

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. For complete classification of this Act to the
Code, see Short Title note set out under section 5121 of
this title and Tables.

SUBCHAPTER II—DISASTER PREPARED-
NESS AND MITIGATION ASSISTANCE

§ 5131. Federal and State disaster preparedness
programs

(a) Utilization of services of other agencies

The President is authorized to establish a pro-
gram of disaster preparedness that utilizes serv-
ices of all appropriate agencies and includes—
(1) preparation of disaster preparedness
plans for mitigation, warning, emergency op-
erations, rehabilitation, and recovery;
(2) training and exercises;
(3) postdisaster critiques and evaluations;
(4) annual review of programs;
(5) coordination of Federal, State, and local
preparedness programs;
(6) application of science and technology;
(7) research.

(b) Technical assistance for the development of
plans and programs

The President shall provide technical assistance
(to the States in developing comprehensive
plans and practicable programs for preparation
against disasters, including hazard reduction,
avoidance, and mitigation; for assistance to in-
dividuals, businesses, and State and local gov-
ernments following such disasters; and for recov-
ery of damaged or destroyed public and pri-
ivate facilities.

(c) Grants to States for development of plans and
programs

Upon application by a State, the President is
authorized to make grants, not to exceed in the
aggregate to such State $250,000, for the develop-
ment of plans, programs, and capabilities for
disaster preparedness and prevention. Such
grants shall be applied for within one year from
May 22, 1974. Any State desiring financial assis-
tance under this section shall designate or create
an agency to plan and administer such a disaster
preparedness program, and shall, through such
agency, submit a State plan to the President,
which shall—
(1) set forth a comprehensive and detailed
State program for preparation against and as-
sistance following, emergencies and major dis-
asters, including provisions for assistance to
individuals, businesses, and local govern-
ments; and
(2) include provisions for appointment and
training of appropriate staffs, formulation of
necessary regulations and procedures and con-
duct of required exercises.

(d) Grants for improvement, maintenance, and
updating of State plans

The President is authorized to make grants
not to exceed 50 per centum of the cost of im-
proving, maintaining and updating State disas-
ter assistance plans, including evaluations of
natural hazards and development of the pro-
grams and actions required to mitigate such
hazards; except that no such grant shall exceed
$50,000 per annum to any State.

(Pub. L. 93–288, title II, § 201, May 22, 1974, 88
Stat. 145; Pub. L. 100–707, title I, § 104, Nov. 23,
1988, 102 Stat. 4691.)

AMENDMENTS

out “(including the Defense Civil Preparedness Agen-
cy)” after “agencies”.
Subsec. (d). Pub. L. 100–707, § 104(a), (b)(2), inserted
“including evaluations of natural hazards and develop-
ment of the programs and actions required to mitigate
such hazards; except that no such grant shall exceed
$50,000 for ‘$25,000’.”

§ 5132. Disaster warnings

(a) Readiness of Federal agencies to issue warn-
ings to State and local officials

The President shall insure that all appropriate
Federal agencies are prepared to issue warnings
of disasters to State and local officials.

(b) Technical assistance to State and local gov-
ernments for effective warnings

The President shall direct appropriate Federal
agencies to provide technical assistance to State
and local governments to insure that timely and
effective disaster warning is provided.

(c) Warnings to governmental authorities and
public endangered by disaster

The President is authorized to utilize or to
make available to Federal, State, and local
agencies the facilities of the civil defense com-
munications system established and maintained
pursuant to section 5196(c) of this title or any
other Federal communications system for the