

- (C) The total amount of contracts awarded with no competitive bidding.
- (D) The damage category codes, if applicable, for contracts awarded without competitive bidding.

(e) Collection of public assistance recipient and subrecipient contracts

(1) In general

Not later than 180 days after October 5, 2018, the Administrator of the Federal Emergency Management Agency shall initiate and maintain an effort to collect and store information, prior to the project closeout phase on any contract entered into by a public assistance recipient or subrecipient that through the base award, available options, or any subsequent modifications has an estimated value of more than \$1,000,000 and is funded through section 5165b, 5170b, 5170c, 5172, 5173, 5189f, or 5192 of this title, including—

- (A) the disaster number, project worksheet number, and the category of work associated with each contract;
- (B) the name of each party;
- (C) the date the contract was awarded;
- (D) the amount of the contract;
- (E) the scope of the contract;
- (F) the period of performance for the contract; and
- (G) whether the contract was awarded through a competitive bidding process.

(2) Availability of information collected

The Administrator of the Federal Emergency Management Agency shall make the information collected and stored under paragraph (1) available to the Inspector General of the Department of Homeland Security, the Government Accountability Office, and appropriate committees of Congress, upon request.

(3) Report

Not later than 365 days after October 5, 2018, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the efforts of the Federal Emergency Management Agency to collect the information described in paragraph (1).

(Pub. L. 93-288, title IV, §430, as added Pub. L. 115-254, div. D, §1224, Oct. 5, 2018, 132 Stat. 3455.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Enactment of section 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 an Effective Date of 2018 Amendment note under section 5121 of this title.

SUBCHAPTER IV-A—EMERGENCY ASSISTANCE PROGRAMS

§ 5191. Procedure for declaration

(a) Request and declaration

All requests for a declaration by the President that an emergency exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the situation 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 a part of such request, and as a prerequisite to emergency assistance under this chapter, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. The Governor shall furnish information describing the State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. Based upon such Governor's request, the President may declare that an emergency exists.

(b) Certain emergencies involving Federal primary responsibility

The President may exercise any authority vested in him by section 5192 of this title or section 5193 of this title with respect to an emergency when he determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority. In determining whether or not such an emergency exists, the President shall consult the Governor of any affected State, if practicable. The President's determination may be made without regard to subsection (a).

(c) Indian tribal government requests

(1) In general

The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

(2) References

In implementing assistance authorized by the President under this subchapter in response to a request of the Chief Executive of an affected Indian tribal government for an emergency declaration, any reference in this subchapter or subchapter III (except sections 5153 and 5165d of this title) to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

(3) Savings provision

Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this subchapter through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.

(Pub. L. 93-288, title V, §501, as added Pub. L. 100-707, title I, §107(a), Nov. 23, 1988, 102 Stat. 4706; amended Pub. L. 113-2, div. B, §1110(b), Jan. 29, 2013, 127 Stat. 48.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

PRIOR PROVISIONS

A prior section 501 of Pub. L. 93-288 enacted subchapter VIII (§3231 et seq.) of chapter 38 of this title.

AMENDMENTS

2013—Subsec. (c). Pub. L. 113-2 added subsec. (c).

§5192. Federal emergency assistance

(a) Specified

In any emergency, 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 emergency assistance efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe, including precautionary evacuations;

(2) coordinate all disaster relief assistance (including voluntary assistance) provided by Federal agencies, private organizations, and State and local governments;

(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 or hazards;

(C) public health and safety information, including dissemination of such information;

(D) provision of health and safety measures; and

(E) management, control, and reduction of immediate threats to public health and safety;

(4) provide emergency assistance through Federal agencies;

(5) remove debris in accordance with the terms and conditions of section 5173 of this title;

(6) provide assistance in accordance with section 5174 of this title and section 5183 of this title;

(7) assist State and local governments in the distribution of medicine, food, and other consumable supplies, and emergency assistance; and

(8) 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 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 an emergency.

(b) General

Whenever the Federal assistance provided under subsection (a) with respect to an emergency is inadequate, the President may also provide assistance with respect to efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe, including precautionary evacuations.

(c) Guidelines

The President shall promulgate and maintain guidelines to assist Governors in requesting the declaration of an emergency in advance of a natural or man-made disaster (including for the purpose of seeking assistance with special needs and other evacuation efforts) under this section by defining the types of assistance available to affected States and the circumstances under which such requests are likely to be approved.

(Pub. L. 93-288, title V, §502, as added Pub. L. 100-707, title I, §107(a), Nov. 23, 1988, 102 Stat. 4706; amended Pub. L. 106-390, title II, §206(b), Oct. 30, 2000, 114 Stat. 1570; Pub. L. 109-295, title VI, §681(b), Oct. 4, 2006, 120 Stat. 1444; Pub. L. 117-263, div. G, title LXXIII, §7321(a), Dec. 23, 2022, 136 Stat. 3691.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(6). Pub. L. 117-263 inserted “and section 5183 of this title” after “section 5174 of this title”.

2006—Subsec. (a)(1). Pub. L. 109-295, §681(b)(1)(A), inserted “, including precautionary evacuations” before semicolon at end.

Subsec. (a)(8). Pub. L. 109-295, §681(b)(1)(B)-(D), added par. (8).

Subsec. (b). Pub. L. 109-295, §681(b)(2), inserted “, including precautionary evacuations” before period at end.

Subsec. (c). Pub. L. 109-295, §681(b)(3), added subsec. (c).

2000—Subsec. (a)(6). Pub. L. 106-390 struck out “temporary housing” after “provide”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117-263, div. G, title LXXIII, §7321(b), Dec. 23, 2022, 136 Stat. 3691, provided that: ‘The amendment made by subsection (a) [amending this section] shall only apply to amounts appropriated on or after the date of enactment of this Act [Dec. 23, 2022].’

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-390 effective 18 months after Oct. 30, 2000, see section 206(d) of Pub. L. 106-390, set out as a note under section 5174 of this title.

§5193. Amount of assistance

(a) Federal share

The Federal share for assistance provided under this subchapter shall be equal to not less than 75 percent of the eligible costs.