



US EMERGENCY AUTHORITIES

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US LEGISLATION PROVIDING STATUTORY AUTHORITY FOR EMERGENCY RESPONSE

- The Stafford Act (1988)
 - Provides statutory authority for federal disaster response activities.
 - The president may declare an emergency declaration upon the request of the affected governor, enabling financial and operational assistance from the Federal Emergency Management Agency (FEMA).
 - The president decides how to distribute FEMA-led disaster assistance to state and local governments. Assistance includes “food, clothing, shelter, and the repair of physical damage resulting from a disaster.”¹

- The Public Health Service Act (1944)
 - Provides authority for the secretary of the Department of Health and Human Services to declare a “public health emergency.”
 - A public health emergency includes “significant outbreaks of infectious diseases or a bioterrorist attack.”
 - Following section 318, the secretary may take appropriate actions, including accessing the Public Health Emergency Fund, distributing stockpiles of countermeasures, and temporarily (re)assigning personnel to respond.
 - Was amended in 2006 via the Pandemic and All Hazards Preparedness Act, which established the position of Assistant Secretary for Preparedness and Response.^{2,3}

- State of Emergency (federal)
 - Under the National Emergencies Act (1976), the president may declare a national state of emergency.
 - It grants the president emergency powers, such as the ability to mobilize military forces or impose targeted financial sanctions.
 - States of emergency have been invoked in response to a range of threats, from foreign hostilities such as the 9/11 attacks to domestic disasters, such as Hurricane Katrina. The measure is often symbolic, and the US has been in an uninterrupted state of emergency since 1979.⁴

- State of Emergency (state)
 - In most states, the governor may declare a state of emergency in response to a disaster or catastrophic event.



- The declaration typically authorizes the governor to direct and re-direct resources and assets to affected municipalities, enabling the governor to “make resources immediately available to rescue, evacuate, shelter, provide essential commodities, and quell disturbances in affected localities.”
- Responders may include local law enforcement, state police, the national guard, and assets from environmental protection, transportation, and health agencies.⁵

REFERENCES

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Date: May 1, 2018