

**§ 5189e. Essential service providers****(a) Definition**

In this section, the term “essential service provider” means an entity that—

- (1) provides—
  - (A) telecommunications service;
  - (B) electrical power;
  - (C) natural gas;
  - (D) water and sewer services; or
  - (E) any other essential service, as determined by the President;
- (2) is—
  - (A) a municipal entity;
  - (B) a nonprofit entity; or
  - (C) a private, for profit entity; and

(3) is contributing to efforts to respond to an emergency or major disaster.

**(b) Authorization for accessibility**

Unless exceptional circumstances apply, in an emergency or major disaster, the head of a Federal agency, to the greatest extent practicable, shall not—

- (1) deny or impede access to the disaster site to an essential service provider whose access is necessary to restore and repair an essential service; or
- (2) impede the restoration or repair of the services described in subsection (a)(1).

**(c) Implementation**

In implementing this section, the head of a Federal agency shall follow all applicable Federal laws, regulations, and policies.

(Pub. L. 93-288, title IV, § 425, as added Pub. L. 109-347, title VI, § 607, Oct. 13, 2006, 120 Stat. 1941.)

## CODIFICATION

Another section 425 of Pub. L. 93-288 is classified to section 5189c 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 sec-

tion 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) of this section.

(Pub. L. 93-288, title V, § 501, as added Pub. L. 100-707, title I, § 107(a), Nov. 23, 1988, 102 Stat. 4706.)

## 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, as amended. 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.

**§ 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;

(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