

(A) at a minimum 3 national response teams; and

(B) sufficient regional response teams, including Regional Office strike teams under section 317 of title 6; and

(C) other response teams as may be necessary to meet the incident management responsibilities of the Federal Government.

**(2) Target capability level**

The Administrator shall ensure that specific target capability levels, as defined pursuant to the guidelines established under section 746(a) of title 6, are established for Federal emergency response teams.

**(3) Personnel**

The President, acting through the Administrator, shall ensure that the Federal emergency response teams consist of adequate numbers of properly planned, organized, equipped, trained, and exercised personnel to achieve the established target capability levels. Each emergency response team shall work in coordination with State and local officials and onsite personnel associated with a particular incident.

**(4) Readiness reporting**

The Administrator shall evaluate team readiness on a regular basis and report team readiness levels in the report required under section 752(a) of title 6.

(Pub. L. 93-288, title III, §303, formerly §304, May 22, 1974, 88 Stat. 148; renumbered §303, Pub. L. 100-707, title I, §105(c), Nov. 23, 1988, 102 Stat. 4691; amended Pub. L. 109-295, title VI, §633, Oct. 4, 2006, 120 Stat. 1421; Pub. L. 111-351, §3(c)(2), Jan. 4, 2011, 124 Stat. 3864.)

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 303 of Pub. L. 93-288 was renumbered section 302 by Pub. L. 100-707 and is classified to section 5143 of this title.

AMENDMENTS

2011—Subsec. (b). Pub. L. 111-351 substituted “Administrator” for “Director” wherever appearing.

2006—Pub. L. 109-295 substituted “Emergency support and response teams” for “Emergency support teams” in section catchline, designated existing provisions as subsec. (a), inserted subsec. heading, and added subsec. (b).

**§§ 5145, 5146. Repealed. Pub. L. 100-707, title I, § 105(d), Nov. 23, 1988, 102 Stat. 4691**

Section 5145, Pub. L. 93-288, title III, §305, May 22, 1974, 88 Stat. 148, related to authority of President to provide assistance in an emergency.

Section 5146, Pub. L. 93-288, title III, §306, May 22, 1974, 88 Stat. 148, related to cooperation of Federal agencies in rendering disaster assistance.

**§ 5147. Reimbursement of Federal agencies**

Federal agencies may be reimbursed for expenditures under this chapter from funds appro-

riated for the purposes of this chapter. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this chapter shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(Pub. L. 93-288, title III, §304, formerly §307, May 22, 1974, 88 Stat. 149; renumbered §304, Pub. L. 100-707, title I, §105(d), Nov. 23, 1988, 102 Stat. 4691.)

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.

PRIOR PROVISIONS

A prior section 304 of Pub. L. 93-288 was renumbered section 303 by Pub. L. 100-707 and is classified to section 5144 of this title.

**§ 5148. Nonliability of Federal Government**

The Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this chapter.

(Pub. L. 93-288, title III, §305, formerly §308, May 22, 1974, 88 Stat. 149; renumbered §305, Pub. L. 100-707, title I, §105(d), Nov. 23, 1988, 102 Stat. 4691.)

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.

PRIOR PROVISIONS

A prior section 305 of Pub. L. 93-288 was classified to section 5145 of this title prior to repeal by Pub. L. 100-707.

**§ 5149. Performance of services**

**(a) Utilization of services or facilities of State and local governments**

In carrying out the purposes of this chapter, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government.

**(b) Appointment of temporary personnel, experts, and consultants; acquisition, rental, or hire of equipment, services, materials and supplies**

In performing any services under this chapter, any Federal agency is authorized—

(1) to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5 governing appointments in competitive service;

(2) to employ experts and consultants in accordance with the provisions of section 3109 of

such title, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(3) to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communications, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

(Pub. L. 93-288, title III, §306, formerly §309, May 22, 1974, 88 Stat. 149; renumbered §306, Pub. L. 100-707, title I, §105(d), Nov. 23, 1988, 102 Stat. 4691.)

#### 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.

#### PRIOR PROVISIONS

A prior section 306 of Pub. L. 93-288 was classified to section 5146 of this title prior to repeal by Pub. L. 100-707.

### § 5150. Use of local firms and individuals

#### (a) Contracts or agreements with private entities

##### (1) In general

In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster or emergency.

##### (2) Construction

This subsection shall not be considered to restrict the use of Department of Defense resources under this chapter in the provision of assistance in a major disaster.

##### (3) Specific geographic area

In carrying out this section, a contract or agreement may be set aside for award based on a specific geographic area.

#### (b) Implementation

##### (1) Contracts not to entities in area

Any expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, not awarded to an organization, firm, or individual residing or doing business primarily in the area affected by such major disaster shall be justified in writing in the contract file.

##### (2) Transition

Following the declaration of an emergency or major disaster, an agency performing re-

sponse, relief, and reconstruction activities shall transition work performed under contracts in effect on the date on which the President declares the emergency or major disaster to organizations, firms, and individuals residing or doing business primarily in any area affected by the major disaster or emergency, unless the head of such agency determines that it is not feasible or practicable to do so.

#### (3) Formulation of requirements

The head of a Federal agency, as feasible and practicable, shall formulate appropriate requirements to facilitate compliance with this section.

#### (c) Prior contracts

Nothing in this section shall be construed to require any Federal agency to breach or renegotiate any contract in effect before the occurrence of a major disaster or emergency.

(Pub. L. 93-288, title III, §307, as added Pub. L. 109-295, title VI, §694, Oct. 4, 2006, 120 Stat. 1459; amended Pub. L. 109-347, title VI, §611, Oct. 13, 2006, 120 Stat. 1943.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2), 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 5150, Pub. L. 93-288, title III, §307, formerly §310, May 22, 1974, 88 Stat. 150; renumbered §307 and amended Pub. L. 100-707, title I, §105(e), Nov. 23, 1988, 102 Stat. 4691; Pub. L. 109-218, §2, Apr. 20, 2006, 120 Stat. 333, provided for the use of local firms and individuals for major disaster or emergency assistance activities, prior to repeal by Pub. L. 109-295, title VI, §694, Oct. 4, 2006, 120 Stat. 1459.

A prior section 307 of Pub. L. 93-288 was renumbered section 304 by Pub. L. 100-707 and is classified to section 5147 of this title.

#### AMENDMENTS

2006—Subsec. (b)(3). Pub. L. 109-347 added par. (3).

### § 5151. Nondiscrimination in disaster assistance

#### (a) Regulations for equitable and impartial relief operations

The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.

#### (b) Compliance with regulations as prerequisite to participation by other bodies in relief operations

As a condition of participation in the distribution of assistance or supplies under this chapter or of receiving assistance under this chapter, governmental bodies and other organizations shall be required to comply with regulations re-