

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]."

DELEGATION OF FUNCTIONS

Functions of the President under the Disaster Relief Acts of 1970 and 1974, with certain exceptions, were delegated to the Secretary of Homeland Security, see sections 4-201 and 4-203 of Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43239, as amended, set out as a note under section 5195 of this title.

EXECUTIVE ORDER NO. 11749

Ex. Ord. No. 11749, Dec. 10, 1973, 38 F.R. 34177, which related to consolidation of functions assigned to Secretary of Housing and Urban Development, was revoked by Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43239, set out as a note under section 5195 of this title.

EX. ORD. NO. 11795. DELEGATION OF PRESIDENTIAL FUNCTIONS

Ex. Ord. No. 11795, July 11, 1974, 39 F.R. 25939, as amended by Ex. Ord. No. 11910, Apr. 13, 1976, 41 F.R. 15681; Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43239; Ex. Ord. No. 12673, Mar. 23, 1989, 54 F.R. 12571, provided:

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:

[SECTIONS 1 and 2. Revoked by Ex. Ord. No. 12148, §5-111, July 20, 1979, 44 F.R. 43239.]

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.

[SEC. 4. Revoked by Ex. Ord. No. 12148, §5-111, July 20, 1979, 44 F.R. 43239.]

[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 2012 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 7704 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 need-

ed 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.).¹

(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 non-profit 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:

¹ See References in Text note below.

(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.

(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 (without regard to the religious character of the facility), center-based childcare, 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 social services to the general public (including museums, zoos, performing arts facilities, community arts centers, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, food banks, broadcasting facilities, houses of worship, and facilities that provide health and safety services of a governmental nature), as defined by the President. No house of worship may be excluded from this definition because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice.

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

(Pub. L. 93-288, title I, §102, May 22, 1974, 88 Stat. 144; Pub. L. 100-707, title I, §103(b)-(d), (f), Nov. 23, 1988, 102 Stat. 4689, 4690; Pub. L. 102-247, title II, §205, Feb. 24, 1992, 106 Stat. 38; Pub. L. 106-390, title III, §302, Oct. 30, 2000, 114 Stat. 1572; Pub. L. 109-295, title VI, §688, Oct. 4, 2006, 120 Stat. 1448; Pub. L. 113-2, div. B, §1110(c), Jan. 29, 2013, 127 Stat. 49; Pub. L. 114-111, §2(a), Dec. 18, 2015, 129 Stat. 2240; Pub. L. 115-123, div. B, title VI, §20604(a), Feb. 9, 2018, 132 Stat. 85; Pub. L. 115-254, div. D, §§1214, 1238(b), Oct. 5, 2018, 132 Stat. 3449, 3466.)

REFERENCES IN TEXT

This chapter, referred to in introductory provisions and par. (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.

The Federally Recognized Indian Tribe List Act of 1994, referred to in par. (6), is title I of Pub. L. 103-454, Nov. 2, 1994, 108 Stat. 4791, which was classified principally to section 479a et seq. of Title 25, Indians, prior to editorial reclassification as section 5130 et seq. of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 5101 of Title 25 and Tables.

AMENDMENTS

2018—Par. (11). Pub. L. 115-123 amended subpar. (B) generally by substituting a second subpar. (A) and a

subpar. (B) for former subpar. (B). Prior to amendment, subpar. (B) read as follows: “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 arts 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.”

Par. (11)(A). Pub. L. 115-254, §1238(b)(2), struck out first subpar. (A) which read as follows: “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.”

Pub. L. 115-254, §1238(b)(1), inserted “center-based childcare,” after “facility,” in second subpar. (A) as added by Pub. L. 115-123.

Par. (11)(B). Pub. L. 115-254, §1214, inserted “food banks,” after “shelter workshops.”

2015—Par. (11)(B). Pub. L. 114-111 inserted “broadcasting facilities,” after “workshops.”

2013—Par. (6). Pub. L. 113-2, §1110(c)(3), added par. (6). Former par. (6) redesignated (7).

Par. (7). Pub. L. 113-2, §1110(c)(2), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Par. (7)(B). Pub. L. 113-2, §1110(c)(1), substituted “, that is not an Indian tribal government as defined in paragraph (6); and” for “; and”.

Pars. (8) to (11). Pub. L. 113-2, §1110(c)(2), redesignated pars. (7) to (10) as (8) to (11), respectively.

Par. (12). Pub. L. 113-2, §1110(c)(4), added par. (12).

2006—Pars. (6) to (8). Pub. L. 109-295, §688(2), added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively. Former par. (8) redesignated (9).

Par. (9). Pub. L. 109-295, §688(2), redesignated par. (8) as (9). Former par. (9) redesignated (10).

Pub. L. 109-295, §688(1), amended par. (9) generally. Prior to amendment, text read as follows: “‘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), other private nonprofit facilities which provide essential services of a governmental nature to the general public, and facilities on Indian reservations as defined by the President.”

Par. (10). Pub. L. 109-295, §688(2), redesignated par. (9) as (10).

2000—Par. (3). Pub. L. 106-390, §302(1), substituted “and the Commonwealth of the Northern Mariana Islands” for “the Northern Mariana Islands, and the Trust Territory of the Pacific Islands”.

Par. (4). Pub. L. 106-390, §302(1), substituted “and the Commonwealth of the Northern Mariana Islands” for “the Northern Mariana Islands, or the Trust Territory of the Pacific Islands”.

Par. (6). Pub. L. 106-390, §302(2), added par. (6) and struck out former par. (6) which read as follows: “‘Local government’ means (A) any county, city, village, town, district, or other political subdivision of any State, any Indian tribe or authorized tribal organization, or Alaska Native village or organization, and (B) includes any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by a State or political subdivision thereof.”

Par. (9). Pub. L. 106-390, §302(3), inserted “irrigation,” after “utility.”

1992—Pars. (3), (4). Pub. L. 102-247 inserted “the Northern Mariana Islands,” after “American Samoa.”

1988—Par. (1). Pub. L. 100-707, §103(b), inserted heading and amended text generally. Prior to amendment, text read as follows: “‘Emergency’ means any hurricane, tornado, storm, flood, high water, wind-driven

water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.”

Par. (2). Pub. L. 100-707, §103(c), inserted heading and amended text generally. Prior to amendment, text read as follows: “‘Major disaster’ means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe 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, above and beyond emergency services by the Federal Government, 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.”

Pars. (3), (4). Pub. L. 100-707, §103(d), struck out “the Canal Zone,” after “American Samoa.”

Pars. (8), (9). Pub. L. 100-707, §103(f), added pars. (8) and (9).

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-254, div. D, §1238(c), Oct. 5, 2018, 132 Stat. 3466, provided that: “The amendment made by subsection (b)(1) [amending this section] shall apply to any major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) on or after the date of enactment of this Act [Oct. 5, 2018].”

Amendment 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 a note under section 5121 of this title.

Pub. L. 115-123, div. B, title VI, §20604(c), Feb. 9, 2018, 132 Stat. 86, provided that: “This section [amending this section and section 5172 of this title] and the amendments made by this section shall apply—

“(1) to the provision of assistance in response to a major disaster or emergency declared on or after August 23, 2017; or

“(2) with respect to—

“(A) any application for assistance that, as of the date of enactment of this Act [Feb. 9, 2018], is pending before Federal Emergency Management Agency; and

“(B) any application for assistance that has been denied, where a challenge to that denial is not yet finally resolved as of the date of enactment of this Act.”

REGULATIONS

Pub. L. 113-2, div. B, §1110(e), Jan. 29, 2013, 127 Stat. 49, provided that:

“(1) **ISSUANCE.**—The President shall issue regulations to carry out the amendments made by this section [enacting section 5123 of this title and amending this section and sections 5170 and 5191 of this title].

“(2) **FACTORS.**—In issuing the regulations, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.”

LOCAL GOVERNMENT

Pub. L. 100-707, title I, §103(e), Nov. 23, 1988, 102 Stat. 4690, provided that:

“(1) **IN GENERAL.**—The term ‘local government’ is deemed to have the same meaning in the Disaster Relief 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 section 102(6) of the Disaster Relief Act of 1974 [par. (6) of this section] and regulations implementing the Disaster 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 interpretation 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 Emergency Management Agency by section 3 of Ex. Ord. No. 12673, Mar. 23, 1989, 54 F.R. 12571, set out as a note under section 5195 of this title.]

DEFINITIONS

Pub. L. 115-254, div. D, §1203, Oct. 5, 2018, 132 Stat. 3438, provided that: “In this division [see Short Title of 2018 Amendment note set out under section 5121 of this title]:

“(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) **AGENCY.**—The term ‘Agency’ means the Federal Emergency Management Agency.

“(3) **STATE.**—The term ‘State’ has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).”

§ 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 reference to a “local government” in sections 5172(d)(3) and 5184 of this title is deemed to refer also to Indian tribal governments and officials, as appropriate.

(Pub. L. 93-288, title I, §103, as added Pub. L. 113-2, div. B, §1110(d), Jan. 29, 2013, 127 Stat. 49.)

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 PREPAREDNESS AND MITIGATION ASSISTANCE

§ 5131. Federal and State disaster preparedness programs

(a) Utilization of services of other agencies

The President is authorized to establish a program of disaster preparedness that utilizes services of all appropriate agencies and includes—

(1) preparation of disaster preparedness plans for mitigation, warning, emergency operations, 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;