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.”

- **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.

- **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.

- **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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