



## 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.”<sup>1</sup>
  
- 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.<sup>2,3</sup>
  
- 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.<sup>4</sup>
  
- 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.<sup>5</sup>

## REFERENCES

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3. US Department of Health & Human Services. Pandemics and All Hazards Preparedness Act. Reviewed September 24, 2014. <https://www.phe.gov/preparedness/legal/pahpa/pages/default.aspx>. Accessed May 7, 2018.
4. Padhi C. Emergencies without end: a primer on federal states of emergency. *Lawfare* December 8, 2017. The Lawfare Institute/Brookings. <https://lawfareblog.com/emergencies-without-end-primer-federal-states-emergency>. Accessed May 7, 2018.
5. State of New Jersey, Office of Emergency Management. State of emergency. <http://ready.nj.gov/about-us/state-of-emergency.shtml>. Accessed May 7, 2018.

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