

# **Personal Property Authorities Related to Emergencies and Disaster Relief**

## **Use of Agency Property**

As part of their mission, certain agencies have specific authorities provided under law which authorize them to use property in the case of emergencies or to assist in disaster relief.

Agencies may be directed by the President or FEMA to provide personal property to support emergency relief. (See the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Public Law 106-390, October 30, 2000, attached)(44 CFR 206.5)

Agencies may use federal personal property to prevent loss of life or property even if the items were not acquired for this purpose. (FPMR 101-25.100)

## **Transfer of Excess Property**

Agencies may transfer excess personal property to other federal agencies authorized to provide emergency services. (FMR 102-36)

Agencies may transfer computers and research equipment directly to an educational institution to conduct technical and scientific education and research activities (15 USC 3710). Agencies may transfer computers directly to pre-K through 12th grade schools and educational programs through the Computers for Learning program. (EO 12999 and FMR 102-36.475).

## **Donation of Surplus Property**

Agencies may donate surplus property to state agencies for emergency relief purposes after the General Services Administration (GSA) completes federal excess screening. Property must first be reported to GSA for federal excess screening. Federal excess screening may be expedited. Excess personal property becomes available for donation after GSA has determined the property to be surplus.(FMR 102-37.30)

## **Loans to State and Local government**

Agencies may loan property to state and local governments with or without compensation and prior to reporting it as excess to GSA for an emergency or disaster situation. (FMR 102-36.370)

## **Acquisition of Personal Property**

Procurement – Acquisition of property must be in compliance with federal law and regulation. In times of emergency, special provisions may apply.

Transfer – To the greatest extent practicable, agencies should obtain property from within their agency, or from property excess to other agencies.

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Gift acceptance - Certain agencies have specific authorities provided under law which authorize them to accept conditional or unconditional gifts to the agency. These laws may specify what types of gifts may be accepted. For example, GSA may only accept “unconditional” gifts in support of its mission (*See* 40 USC 3175). Other agencies may also accept conditional gifts to be used for a specific situation . For example, the U.S. Department of Justice has authority under 28 USC 524(d) and implementing policy.

**Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Public Law 106-390, October 30, 2000**

**UNITED STATES CODE  
Title 42. THE PUBLIC HEALTH AND WELFARE  
CHAPTER 68. DISASTER RELIEF**

*[As amended by Pub. L. 103-181, Pub. L. 103-337, and Pub. L. 106-390]  
(Pub. L. 106-390, October 30, 2000, 114 Stat. 1552 - 1575)*

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**§ 5170a. GENERAL FEDERAL ASSISTANCE {Sec. 402}**

In any major disaster, 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 assistance efforts;
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 and 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; and
4. assist State and local governments in the distribution of medicine, food, and other consumable supplies, and emergency assistance.

*(Pub. L. 93-288, title IV, § 402, as added Pub. L. 100-707, title I, § 106(a)(3), Nov. 23, 1988, 102 Stat. 4696.)*

[\[ Back To Top \]](#)

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**§ 5170b. ESSENTIAL ASSISTANCE {Sec. 403}**

- a. In general

Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster, as follows:

1. Federal resources, generally

Utilizing, lending, or donating to State and local governments Federal equipment, supplies, facilities, personnel, and other resources, other than the extension of credit, for use or distribution by such governments in accordance with the purposes of this Act.

2. Medicine, food, and other consumables

Distributing or rendering through State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations medicine, food, and other consumable supplies, and other services and assistance to disaster victims.

3. Work and services to save lives and protect property

Performing on public or private lands or waters any work or services essential to saving lives and protecting and preserving property or public health and safety, including--

- A. debris removal;
- B. search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicine, and other essential needs, including movement of supplies or persons;
- C. clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services;
- D. provision of temporary facilities for schools and other essential community services;
- E. demolition of unsafe structures which endanger the public;
- F. warning of further risks and hazards;
- G. dissemination of public information and assistance regarding health and safety measures;
- H. provision of technical advice to State and local governments on disaster management and control; and
- I. reduction of immediate threats to life, property, and public health and safety.

4. Contributions

Making contributions to State or local governments or owners or operators of private nonprofit facilities for the purpose of carrying out the provisions of this subsection.

b. Federal share

The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.

c. Utilization of DOD resources

1. General rule

During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act [42 U.S.C. §§ 5170 et seq. or 5191 et seq.], the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property. If the President determines that such work is essential for the preservation of life and property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days.

2. Rules applicable to debris removal

Any removal of debris and wreckage carried out under this subsection shall be subject to section 5173(b) of this title [42 U.S.C. § 5173(b)], relating to unconditional authorization and indemnification for debris removal.

3. Expenditures out of disaster relief funds

The cost of any assistance provided pursuant to this subsection shall be reimbursed out of funds made available to carry out this Act.

4. Federal share

The Federal share of assistance under this subsection shall be not less than 75 percent.

5. Guidelines

Not later than 180 days after the date of the enactment of the Disaster Relief and Emergency Assistance Amendments of 1988 [enacted Nov. 23, 1988], the President shall issue guidelines for carrying out this subsection. Such guidelines shall consider any likely effect assistance under this subsection will have on the availability of other forms of assistance under this Act.

6. Definitions

For purposes of this section--

A. Department of Defense

The term 'Department of Defense' has the meaning the term "department" has under section 101 of title 10, United States Code.

B. Emergency work

The term "emergency work" includes clearance and removal of debris and wreckage and temporary restoration of essential public facilities and services.

*(Pub. L. 93-288, title IV, § 403, as added Pub. L. 100-707, title I, § 106(a)(3), Nov. 23, 1988, 102 Stat. 4697.)*