

## Lesson 5: Disaster Declaration Process

### Lesson Overview

This lesson provides an overview of the disaster declaration process. Upon completion of this lesson, you will be able to:

- Describe the disaster declaration process.
- Differentiate between the different types of declarations and assistance provided by FEMA and other Federal agencies.
- Explain the relationships and responsibilities of Federal, State, local, tribal, and territorial partners in the disaster declaration process.
- Given an incident scenario, identify the appropriate sequence of declaration events and actions.

Remember you can access the glossary by selecting the Glossary button in the top right corner of each main content screen.

This lesson should take approximately 40 minutes to complete.

### Federal Declarations and Assistance

As you learned earlier in this course, the Stafford Act allows Federal assistance for major disasters and emergencies upon a declaration by the President. However, even when the President does not issue a declaration, FEMA may perform certain activities to support the State, tribal, and territorial planning and preparedness functions. FEMA may also be tasked for response activities that are not declared but require the agency's expertise in disaster response, recovery, and mitigation.

Note that an emergency or major disaster declaration request may be denied or partially denied for a portion of the requested geographic area or specific recovery programs. If this is the case, the decision may be appealed. The appeal process is described in 44 CFR.

### Different types of Declarations

- **Emergencies:** Any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property, public health, and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.
- **Major Disasters:** Any natural or manmade catastrophe—including those caused by hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought—or, regardless of the cause, any fire, flood, or explosion in any part of the United States, for which the President determines Federal assistance is required to alleviate damage, loss, hardship, and suffering.
- **Fire Management Assistance:** Warranted when wildfire is threatening habitation.

- Pre-Declaration Activities: When a declaration is reasonably likely and imminent, FEMA has limited authority to assess the impact of an event through PDAs and prepare and pre-position Federal resources. An example is as preparing for a hurricane to make landfall.

### **Ways FEMA can Provide Assistance**

- Federal to Federal: FEMA can provide assistance to other Federal agencies, upon request.
- National Special Security Events: FEMA may also provide assistance for non-emergency events, such as political conventions.

### **The Stafford Act**

The Stafford Act is designed to bring an orderly and systemic means of Federal disaster assistance for State, tribal, territorial, and local governments in carrying out their responsibilities to aid citizens. You learned in Lesson 1 that the Stafford Act constitutes the statutory authority for most Federal disaster response activities—disasters, emergencies, fire management assistance, and pre-declaration activities—especially as they pertain to FEMA. This lesson will first address pre-declaration activities.

Stafford Act Declarations and Activities include:

- Disaster
- Emergency
- Fire Management Assistance
- Pre-Declaration Activities

### **Pre-Disaster Declaration (Surge)**

Surge activities are authorized activities undertaken when an incident is imminent, or has occurred but has not been declared, and resources and assets are required to prepare for, be positioned for, or assess the effects of such imminent incident or declaration.

### **Primary authorized pre-declaration activities**

- Preliminary damage assessments (PDAs)
- Activating the NRCC and RRCC

### **Other examples of pre-declaration activities**

- Deploying response teams to the impacted areas; for example, Urban Search and Rescue (USAR)
- Prepositioning assets or commodities to enable the more rapid engagement of those resources during or after the event
- Activating Federal operational support for pre-event deployment or readiness through the use of MAs
- Activating, preparing, or staging resources to respond to impending events

### **A partial list of some FEMA assets that could be deployed pre-declaration**

- FEMA Liaison Officers serve as a point of contact for representatives of assigned and cooperating agencies and organizations—usually to a State EOC.
- IMATs that respond to Level 1, 2, and 3 incidents. As you learned in previous lessons, the IMAT is a highly mobile, scalable, responsive force of qualified and experienced Federal emergency management personnel and resources that FEMA can immediately deploy to support any all-hazard incident response in the Nation. These teams make preliminary arrangements to set up Federal field facilities and initiate the establishment of JFO.
- FEMA will “push” resources and supplies regularly needed during a response—including food, water, medical supplies, and generators.

### **Disaster Declaration Process:**

1. Incident
2. State or tribal government collects initial damage estimates
3. Governor or Tribal Chief Executive requests Joint Preliminary Damage Assessments from FEMA’s Regional Office
4. Joint Federal/State/local/tribal PDAs are conducted in the areas requested by the State or tribal government
5. Governor or Tribal Chief Executive submits a request to the President through FEMA’s Regional Administrator for a major disaster or emergency declaration the request is based on PDA findings and specifies programs and areas for designation
6. The Regional Office reviews the declaration request and sends its recommendations to FEMA Headquarters
7. FEMA Headquarters reviews the State or tribal governments request and the Regional Office’s recommendations the Declarations Unit prepares a White House package containing FEMA’s recommendation to the President for the Administrator’s signature
8. A draft White House package is emailed to the Department of Homeland Security Secretary for review and approval for transmission to the White House
9. FEMA forwards the White House package to the President for decision.

### **Expedited Declaration**

When disasters are clearly catastrophic, there may be an expedited request from the Governor or Tribal Chief Executive. This request follows the same process; however, the request may be submitted before formal joint PDAs are conducted. Limited forms of assistance are usually provided until the joint PDAs can be completed. Accelerated Federal assistance and support may be provided to save lives, prevent human suffering, or mitigate severe damage.

### **Tiered Response**

FEMA leads and coordinates the Federal response for disasters in support of States, tribes, and territories. Response to disasters is always a tiered process and involves the whole community—the people and the commercial, economic, governmental, infrastructural, and social systems that make up a jurisdiction. The response starts at the local level with citizens and businesses. FEMA sponsors programs

for these elements as part of the preparedness and mitigation process of emergency management. There is then a tiered response from the various levels of government.

### **Federal Government (Regional and National)**

The Federal Government maintains a wide array of capabilities and resources that can be made available upon request from State Governors or Tribal Chief Executives. When an incident occurs that exceeds or is anticipated to exceed State, tribal, or local resources, the Federal Government may provide resources and capabilities to support the State response. The Federal Government also maintains working relationships with the private sector and NGOs.

### **States/Tribes/ Territories**

State and local governments are closest to those impacted by incidents and have always had the lead in response and recovery. During response, States play a key role coordinating resources and capabilities throughout the State and obtaining resources and capabilities from other States. States are sovereign entities, and the State Governor has responsibility for public safety and welfare.

### **Local Government**

Resilient communities begin with prepared individuals and depend on the leadership and engagement of local government, NGOs, and the private sector. Individuals, families, and caregivers to those with special needs should enhance their awareness of risks and threats, develop household emergency plans that include care for pets and service animals, and prepare emergency supply kits.

### **Tribal Disaster Declarations**

As you learned earlier in this course, tribal groups were previously treated as local governments and thus not permitted to directly request disaster declarations from the Federal Government. However, SRIA amends the Stafford Act to authorize tribal governments to request a declaration of an emergency or major disaster.

This policy helps eliminate or diminish procedural impediments to working directly and effectively with tribal governments and reinforces that tribal governments are sovereign nations. The SRIA also authorizes the President to establish criteria to adjust the non-Federal cost share for a tribal government to the extent allowed by current authorities.

Under this change, FEMA is required to consider the unique circumstances of tribes when it develops regulations to implement the provision. The SRIA also amends the Stafford Act to include federally recognized tribal governments in numerous references to State and local governments within the Stafford Act.

### **Federal Response Functioning Entities**

Remember that key operational components that may be activated to respond to an incident include the NRCC, RRCC, and JFO, representing the national, regional, and incident levels of Federal incident response.

When a State, tribe, or territory requests Federal assistance from the FEMA Regional Office, that office will:

- Activate the RRCC.
- Notify national leadership.
- Deploy an IMAT in support of disaster response operations and to lay the foundation for establishing a JFO.
- Operate under the direction of the FEMA Regional Administrator.
- Direct the RRCC to coordinate Federal regional response efforts until the JFO is established.

When the JFO is established, its primary function is coordinating the resource needs of the State, tribe, territory, and local community through the Federal response and recovery system. However, FEMA also has a control and coordinating role in managing Federal resources using an ICS structure and practicing the ICS principles at the incident level. You learned about this in Lesson 4.

## Lesson Summary

Let's summarize what you have learned in this lesson:

- Response to disasters is always a tiered response process. The response starts at the local level, with the citizens and businesses. Then the response moves to the various levels of government.
- FEMA can provide assistance to other Federal agencies, and for non-emergency events.
- Federal, State, tribal, territorial, and local governments and the private sector work together to support disaster response and share resources and capabilities.

Now that you have learned about the disaster declaration process, you will learn more about key FEMA programs in the next lesson.