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# Congressional Primer on Responding to and Recovering from Major Disasters and Emergencies

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## Summary

In the United States, the principles of disaster management presume a leadership role by the state, local, territorial, and tribal (SLTT) governments affected by the incident. The U.S. federal government does not automatically provide assistance when a disaster occurs. Instead, the federal government provides coordinated, supplemental resources and assistance only if requested and approved. A presidential declaration of emergency or major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act, P.L. 93-288, as amended) must, in almost all cases, be requested by the governor of an affected state or territory, or the tribal chief executive of an affected Indian tribal government. When making such a request, the governor or tribal chief executive has determined that the situation exceeds the state/territory/tribe's capacity to effectively respond without federal assistance. The governor or tribal chief executive also requests assistance for specific parts of the state/territory/tribe and specifies the types of assistance programs that are needed. The Federal Emergency Management Agency (FEMA) evaluates the request and provides a recommendation to the President. The President considers the request, in consultation with FEMA officials, determines whether to declare an emergency or major disaster, and makes the initial decisions authorizing various types of assistance for the disaster-designated areas.

The majority of federal financial disaster assistance is made available from FEMA under the authority of the Stafford Act. Other disaster aid may be available through federal programs provided by the U.S. Small Business Administration (SBA), the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), the U.S. Department of Agriculture (USDA), and the U.S. Army Corps of Engineers (USACE), among other federal programs. State/territorial/Indian tribal and local governments, as well as private and nonprofit sector organizations, may also provide disaster assistance. The National Response Framework (NRF) details the roles and responsibilities of various levels of government, as well as the private and nonprofit sectors and the community, in coordinating disaster response efforts. The NRF provides a scalable framework for incident response and coordination, and it enables recovery. Recovery is guided by the National Disaster Recovery Framework (NDRF). Information on the NRF and NDRF is included in the **Appendix** to this report.

While the disaster response and recovery processes fundamentally involve the relationships between the federal executive branch agencies and the requesting state, territorial, or tribal government, there are roles for congressional offices. For instance, congressional offices may provide letters of support to accompany a state/territorial/Indian tribal government's request for a presidential emergency or major disaster declaration, disseminate information to disaster survivors on available federal and nonfederal assistance, support the coordination of federal efforts in their respective states and districts, and consider legislation to provide supplemental disaster assistance or authorities. Congress also plays a critical role in improving the delivery of supplemental emergency management assistance by passing legislation to support needed emergency management reform, and conducting agency oversight.

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## Overview

Before and after a disaster strikes, it is useful to understand the basic national emergency management structure and where authority rests at various stages of the process. This report provides information to aid policymakers as they navigate the phases of disaster response and recovery, and the associated actions and entity responsibilities. Additionally, it describes the laws and administrative policies governing the disaster response and recovery processes. The report also reviews the legislative framework that exists for providing federal financial assistance following a presidential declaration of emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act, P.L. 93-288, as amended), as well as the policies the executive branch employs to provide supplemental help to state, local, territorial, and tribal (SLTT) governments during and following disasters.<sup>1</sup>

For information on the federal declaration process and assistance programs, see the “Federal Disaster Declarations,” “Selected Examples of Federal Assistance Programs,” and “Other Federal Assistance” sections of this report. For information about how a congressional office may wish to prepare for and respond to disasters in their state or district, see “Congressional Activity in Disasters.”

### Terms

Within this report, the term “state” refers to states and territories. For purposes of the Stafford Act, “‘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” (42 U.S.C. §5122(4)).

The term “tribes” refers to Indian tribal governments. Per the Stafford Act, “[t]he 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” (42 U.S.C. §5122(6)).

References to “states and localities” or “SLTT” are intended to be inclusive, and are meant to be read as including “state, local, territorial, and tribal governments.”

Generally, Stafford Act assistance is requested by the “governor” (i.e., “the chief executive of any State” (42 U.S.C. § 5122(5)), or the “chief executive” (i.e., “the person who is the Chief, Chairman, Governor, President, or similar executive official of an Indian tribal government” (42 U.S.C. §5122(12)).

## Background on the Disaster Response Process

### Who Is in Charge?

#### The Principle of Federalism in Emergency Management

The United States has generally taken a “bottom up” approach to both managing and providing assistance, during and following a disaster.<sup>2</sup> The responsibility for responding to disasters begins

<sup>1</sup> This report seeks to acknowledge the territory governments; any references to states should be read to also include the U.S. territories, per the definition included in Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act, P.L. 93-288, as amended). Only federally recognized tribes are eligible to receive their own Stafford Act declaration (42 U.S.C. §5122(6)).

<sup>2</sup> In this report, the term “disaster,” when used in this context and not referring specifically to a “presidential major disaster declaration,” is intended to encompass the concept of a natural or human-caused hazard that impacts a community resulting in damage that the affected community must then address. See E. Raju, E. Boyd, and F. Otto, (continued...)

at the local level with survivors, emergency services personnel, and elected officials.<sup>3</sup> Many incidents can be managed locally with local resources or through mutual aid agreements.<sup>4</sup> If local government resources are overwhelmed, nongovernmental voluntary organizations in the community and governments in neighboring jurisdictions may be called upon to provide assistance.<sup>5</sup> The state, territorial, and tribal governments may supplement a local government's resources, which may be coupled with the governor declaring a state of disaster or emergency at the state level.<sup>6</sup> If local and state/territorial/Indian tribal government resources have been overwhelmed, and the governor of the state or the tribal chief executive of a tribal nation has requested assistance, the President may authorize the federal government to provide additional help.<sup>7</sup> The role of the federal government, as described in the Stafford Act, is to "supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering."<sup>8</sup>

Given this "bottom up" approach, local and state/territorial/Indian tribal governments manage disaster response and recovery, except in the most extraordinary circumstances.<sup>9</sup> The Federal Emergency Management Agency (FEMA) and other federal agencies are mandated by the Stafford Act to aid the disaster response and recovery processes, coordinating federal resources and services in response to state/territorial/Indian tribal requests through federal emergency planning guidance. This includes the National Response Framework (NRF) and National Disaster Recovery Framework (NDRF).<sup>10</sup>

## Key Emergency Management Officials

A number of individuals have a role in responding to and recovering from disasters across all levels of government:

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"Stop Blaming the Climate for Disasters," *Communications Earth & Environment*, 3, 1 (2022), <https://doi.org/10.1038/s43247-021-00332-2>.

<sup>3</sup> U.S. Department of Homeland Security (DHS), *National Response Framework*, 4<sup>th</sup> ed., October 28, 2019, p. 6, [https://www.fema.gov/media-library-data/1572366339630-0e9278a0ede9ee129025182b4d0f818e/National\\_Response\\_Framework\\_4th\\_20191028.pdf](https://www.fema.gov/media-library-data/1572366339630-0e9278a0ede9ee129025182b4d0f818e/National_Response_Framework_4th_20191028.pdf) (hereinafter DHS, *NRF*)

<sup>4</sup> DHS, *NRF*, p. 12.

<sup>5</sup> Neighboring jurisdictions may have mutual aid agreements to provide assistance when a jurisdiction's response capabilities are overwhelmed. "Mutual aid agreements establish the terms under which one party provides resources—personnel, teams, facilities, equipment, and supplies—to another party." Federal Emergency Management Agency (FEMA), *National Incident Management System Guideline for Mutual Aid*, November 2017, p. 1, [https://www.fema.gov/sites/default/files/2020-07/fema\\_nims\\_mutual\\_aid\\_guideline\\_20171105.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_nims_mutual_aid_guideline_20171105.pdf) (hereinafter FEMA, *NIMS Guideline for Mutual Aid*).

<sup>6</sup> FEMA, "How a Disaster Gets Declared," last updated April 25, 2023, <https://www.fema.gov/disaster/how-declared> (see the section on "State or Indian Tribal Government Resources Overwhelmed") (hereinafter FEMA, "How a Disaster Gets Declared").

<sup>7</sup> 42 U.S.C. §5170 (major disaster) and 42 U.S.C. §5191 (emergency); 44 C.F.R. §206.35 (emergency) and 44 C.F.R. §206.36 (major disaster); FEMA, "How a Disaster Gets Declared."

<sup>8</sup> 42 U.S.C. §5122(2) (see the "major disaster" definition).

<sup>9</sup> There are circumstances when the federal government is the lead for a disaster. This may occur when the incident involves an issue or hazard for which, under the Constitution or a federal law, the President or other federal authority has exclusive or preeminent responsibility and authority. Examples include when federal property is affected or when the disaster is caused by a terrorist act and the Federal Bureau of Investigation becomes the lead federal law enforcement agency. Per the DHS, *National Response Framework*, "the Federal Government may play a leading role in the response where the Federal Government has primary jurisdiction or when incidents occur on federal property (e.g., national parks and military bases)." DHS, *NRF*, p. 34.

<sup>10</sup> DHS, *NRF*; and DHS, *National Disaster Recovery Framework*, 2<sup>nd</sup> ed. June 2016, [https://www.fema.gov/sites/default/files/2020-06/national\\_disaster\\_recovery\\_framework\\_2nd.pdf](https://www.fema.gov/sites/default/files/2020-06/national_disaster_recovery_framework_2nd.pdf) (hereinafter DHS, *NDRF*).

- **Local Chief Elected or Appointed Official:** The local chief elected official, such as a mayor or their appointed representative, leads the disaster response for their community.<sup>11</sup>
- **State/Territory Governor or Tribal Chief Executive:** The governor is the lead for the state/territory response, the tribal chief executive is the lead for an Indian tribal government’s response.<sup>12</sup>
- **U.S. President:** The President is the lead for the federal response, regardless of incident type.<sup>13</sup>

When the President declares an emergency or major disaster under the Stafford Act, disaster officials are appointed to coordinate and carry out the incident response:

- **State Coordinating Officer (SCO) or Tribal Coordinating Officer:** The SCO is designated by the governor of the affected state/territory to coordinate state and local efforts with the federal government.<sup>14</sup> Similarly, the tribal chief executive appoints a Tribal Coordinating Officer.<sup>15</sup>
- **Federal Coordinating Officer (FCO):** At the federal level, the President, FEMA Administrator, or Deputy Administrator appoints an FCO to coordinate federal resources and ensure assistance is appropriately provided.<sup>16</sup>

## Nonfederal Disaster Assistance Resources

If the capacity of a local government has been overwhelmed by an incident, they may be able to turn to voluntary organizations within their community for additional support. In many situations, the local government may request assistance from other, nearby local governments through

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<sup>11</sup> DHS, *NRF*, pp. 29-30; see also FEMA, “Local Elected and Appointed Officials Guide: Roles and Resources in Emergency Management,” September 2022, p. 1, [https://www.fema.gov/sites/default/files/documents/fema\\_local-elected-officials-guide\\_2022.pdf](https://www.fema.gov/sites/default/files/documents/fema_local-elected-officials-guide_2022.pdf).

<sup>12</sup> DHS, *NRF*, pp. 31-33.

<sup>13</sup> DHS, *NRF*, p. 34. At the federal level, the President has delegated significant leadership responsibilities to the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency (FEMA) (see DHS, *NRF*, pp. 34-35).

<sup>14</sup> 44 C.F.R. §206.41(c). FEMA has developed the National Qualification System (NQS), which is a component of the National Incident Management System (NIMS). The NQS provides guidance on the personnel resources within the NIMS framework, including position titles and qualifications (see FEMA, “NIMS Components—Guidance and Tools,” last updated March 21, 2023, <https://www.fema.gov/emergency-managers/nims/components> (see the section on the “National Qualification System”); see also, for example, FEMA, “State Coordinating Officer: Resource Typing Definition for Response Operational Coordination,” FEMA-509-v20170717, July 2019, [https://www.fema.gov/sites/default/files/2020-05/fema\\_nims\\_509\\_statecoordinatingofficer\\_0.pdf](https://www.fema.gov/sites/default/files/2020-05/fema_nims_509_statecoordinatingofficer_0.pdf)). Per the guidance, “NIMS guides all levels of government, nongovernmental organizations (NGO), and the private sector to work together to prevent, protect against, mitigate, respond to, and recover from incidents.... NIMS applies to all incidents, from traffic accidents to major disasters” (FEMA, “National Incident Management System,” 3<sup>rd</sup> ed., October 2017, p. 1, [https://www.fema.gov/sites/default/files/2020-07/fema\\_nims\\_doctrine-2017.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf); FEMA, “National Incident Management System,” last updated May 9, 2023, <https://www.fema.gov/emergency-managers/nims>). If an incident has been declared by the President as an emergency or major disaster, the Stafford Act directs the President to request that the governor appoint an SCO if they have not done so already (42 U.S.C. §5143(c); see the responsibilities of State Coordinating Officers at 44 C.F.R. §206.42(b)).

<sup>15</sup> FEMA, *Tribal Declarations Pilot Guidance*, January 2017, p. 9, <https://www.fema.gov/sites/default/files/2020-04/tribal-declaration-pilot-guidance.pdf> (hereinafter FEMA, *Tribal Declarations Pilot Guidance*).

<sup>16</sup> 42 U.S.C. §5143(a) and (b); see 44 C.F.R. §206.42(a) for information on the responsibilities of Federal Coordinating Officers.

mutual aid agreements.<sup>17</sup> If these resources are insufficient to deal with the response needs, local governments usually turn to the state to supplement local efforts.<sup>18</sup> When states determine that their capacity is overwhelmed (including state use of mutual aid), the Stafford Act has established a protocol for states to request that the federal government provide disaster relief.<sup>19</sup>

## Assistance from Voluntary Organizations and Nongovernmental Organizations

Voluntary organizations and nongovernmental organizations (NGOs),<sup>20</sup> including faith-based organizations, may provide disaster assistance to an affected community and disaster survivors, including in coordination with SLTT governments, as well as the federal government. Such organizations may be among the first looked to for emergency assistance, and they can also help meet unmet needs that remain following the provision of federal assistance.<sup>21</sup> Although voluntary organizations are not required to provide disaster assistance, they are encouraged by federal statute and regulations to coordinate their assistance through the structure of the NRF.<sup>22</sup> Additionally, the American Red Cross and the National Voluntary Organizations Active in Disaster (National VOAD) are two of the national organizations that have specific responsibilities under the NRF.<sup>23</sup>

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<sup>17</sup> See FEMA's *NIMS Guideline for Mutual Aid*.

<sup>18</sup> DHS, *NRF*, pp. 30-31.

<sup>19</sup> States can use the Emergency Management Assistance Compact (EMA) to request interstate mutual aid (DHS, *NRF*, p. 31). Federal statutes and regulations detail the declaration request process, as does FEMA's guidance (see 42 U.S.C. §5170 (procedure for declaring a major disaster) and 44 C.F.R. §206.36 (requests for major disaster declarations); and 42 U.S.C. §5191 (procedure for declaring an emergency) and 44 C.F.R. §206.35 (requests for emergency declarations); see also FEMA, "How a Disaster Gets Declared.")

<sup>20</sup> The DHS *NRF* describes nongovernmental organizations (NGOs) as including "voluntary, ethnic, faith-based, veteran-based, disability, and nonprofit organizations that provide sheltering, emergency food supplies, and other essential support services for people, household pets, and service animals.... NGOs bolster government efforts at all levels and often provide specialized services to the whole community. NGOs are key partners in preparedness activities and response operations." DHS, *NRF*, pp. 5 and 28.

<sup>21</sup> See the FEMA "Emergency Support Function #6—Mass Care, Emergency Assistance, Temporary Housing, and Human Services Annex," June 2016, [https://www.fema.gov/sites/default/files/2020-07/fema\\_ESF\\_6\\_Mass-Care.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_ESF_6_Mass-Care.pdf). See also the delivery sequence FEMA follows to avoid a statutorily prohibited duplication of benefits from occurring, which includes assistance from voluntary organizations (44 C.F.R. §206.191(d)(2)).

<sup>22</sup> For examples, see 42 U.S.C. §5152 (which relates to the use and coordination of relief organizations) and 44 C.F.R. §206.12.

<sup>23</sup> The American Red Cross is a federally chartered instrumentality of the U.S. government (see 36 U.S.C. §§300101-300113). The National VOAD (National Voluntary Organizations Active in Disaster) is a coalition of many nongovernmental organizations (NGOs), and is a valuable resource in understanding the types of assistance available through NGOs (for more information, see the National VOAD website, available at <http://www.nvoad.org/>). Per the *NRF*, "[s]ome NGOs and functions are officially designated as support elements to national response capabilities, such as the following: ... The American Red Cross is chartered by Congress to provide relief to survivors of disasters and help people prevent, prepare for, respond to, and recover from emergencies. The Red Cross has a legal status of a 'federal chartered instrumentality' and maintains a special relationship with the Federal Government. In this capacity, the American Red Cross is the co-lead of ESF #6 and supports several other ESFs and the delivery of multiple core capabilities.... [Additionally, the] National VOAD is an association of organizations that mitigates and alleviates the impact of disasters; provides a forum promoting cooperation, communication, coordination and collaboration; and fosters more effective delivery of services to communities impacted by a disaster. National VOAD is a consortium of over 70 national organizations and 56 territorial and state equivalents." (DHS, *NRF*, pp. 28-29).

If the President declares an emergency or major disaster under the Stafford Act, FEMA may provide additional support through Voluntary Agency Liaisons (VALs) to coordinate the efforts of voluntary organizations serving affected communities.<sup>24</sup>

## **Mutual Aid Agreements**

Many local governments have pre-negotiated agreements with neighboring jurisdictions to share resources ranging from emergency service equipment (e.g., ambulances, fire trucks) to technical experts (e.g., bridge inspectors, contract managers).<sup>25</sup> The Emergency Management Assistance Compact (EMAC) is an interstate compact that provides a legal structure through which states affected by a disaster may request emergency assistance and aid from other states.<sup>26</sup> All EMAC member states—including the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands—have passed the EMAC legislation.<sup>27</sup> Mutual aid agreements are a common and important source of assistance during incidents that overwhelm local and state capacity.

## **State/Territory Government Assistance**

All states and territories have either an agency or department that is responsible for emergency management and/or homeland security.<sup>28</sup> State- and territory-level emergency management agencies are responsible for providing and coordinating assistance to local governments within their jurisdictions, much in the way that FEMA is responsible for providing supplemental assistance to states, territories, and Indian tribal governments. Though all states and territories have a legal process for declaring a “state of emergency” (or synonymous incident), the processes for declaring a state of emergency, and the powers and assistance authorized pursuant to such a declaration, vary considerably.<sup>29</sup>

## **National Guard**

Although National Guard personnel can be called into federal service under certain circumstances, they normally operate under the control of state and territorial governors.<sup>30</sup> To that end, governors may use their state National Guard forces to assist with disaster response and

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<sup>24</sup> According to the FEMA, “FEMA Voluntary Agency Liaison” webpage, the mission of Voluntary Agency Liaisons (VALs) “is to establish, foster, and maintain relationships among government, voluntary, faith-based, and community partners. Through these relationships, the VALs support the delivery of inclusive and equitable services and empower and strengthen capabilities of communities to address disaster-caused unmet needs.”

<sup>25</sup> For more information on mutual aid, see the DHS, *NRF*, p. 12. See also FEMA, *NIMS Guideline for Mutual Aid*, p. 1.

<sup>26</sup> The Emergency Management Assistance Compact (EMAC) was congressionally ratified in H.J.Res. 193—Granting the consent of Congress to the Emergency Management Assistance Compact (P.L. 104-321). For more information about EMAC, including legislative text and EMAC’s governance structure, as well as eligible expenses and documentation required for reimbursement, see the EMAC website, available at <http://www.emacweb.org/> (hereinafter EMAC).

<sup>27</sup> See EMAC, “EMAC Legislation”; see also the statutes of the EMAC members.

<sup>28</sup> For a listing of state and territorial agencies, see FEMA’s webpage with the “Regions, States and Territories,” available at <https://www.fema.gov/about/organization/regions>, which links through to additional information for the selected states and territories, including related to declared disasters and emergency response resources.

<sup>29</sup> Additional information regarding the state and territory declarations of emergency, including the declaration process and authorized powers, may be found in state/territory statutes.

<sup>30</sup> The President may order National Guard forces to active duty (e.g., see 10 U.S.C. §§12301-12323 (active duty) and §§12401-12408 (National Guard in federal service)).



recovery—members can be activated for full-time duty—referred to as “state active duty.”<sup>31</sup> In this capacity, National Guard personnel operate under the control of their governor, are paid according to state law, can assist civil authorities in a wide variety of tasks, and may be able to perform law enforcement functions.<sup>32</sup> In response to a hurricane, for example, National Guard personnel might perform tasks such as conducting search and rescue, transporting and distributing supplies, setting up emergency shelters, clearing road debris, and providing emergency medical care.<sup>33</sup>

## Federal Disaster Declarations

The federal government does not automatically provide assistance when a disaster occurs. Instead, the federal government provides coordinated, supplemental resources and assistance when requested and approved. The majority of federal disaster assistance is made available from FEMA under the authority of the Stafford Act, but there are also other federal disaster assistance programs that may be made available, including from the U.S. Small Business Administration (SBA), the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), the U.S. Department of Agriculture (USDA), and the U.S. Army Corps of Engineers (USACE), among others.

For the President to declare an emergency or major disaster under the Stafford Act, generally the capacities of the SLTT governments must be overwhelmed by an incident, and the governor or tribal chief executive must decide to request assistance from the federal government.<sup>34</sup> A Stafford Act declaration provides an orderly means to provide federal assistance to SLTT governments, private nonprofit organizations, and individuals for incident response and recovery. The Stafford Act authorizes the President to issue three types of declarations to authorize federal supplemental assistance: (1) an “emergency declaration” (authorized under Stafford Act Section 501); (2) a “major disaster declaration” (authorized under Stafford Act Section 401); or (3) a Fire Management Assistance Grant (FMAG) (authorized under Stafford Act Section 420).

Emergency declarations may authorize specific forms of Public Assistance (PA) and Individual Assistance (IA).<sup>35</sup> The range of assistance is more limited than assistance that may be available under a major disaster declaration.<sup>36</sup> Emergency declarations authorize federal assistance that can help supplement the capabilities of SLTT governments to carry out essential services and activities to save lives, protect property, protect public health and safety, or reduce or avert the

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<sup>31</sup> For additional information on activations of members of the National Guard and Reserve, see CRS In Focus IF10540, *Defense Primer: Reserve Forces*, by Lawrence Kapp.

<sup>32</sup> In this capacity, National Guard personnel are not subject to the restrictions of the Posse Comitatus Act (18 U.S.C. §1385), which generally bars federal troops from participating in civilian law enforcement. For more information, see CRS In Focus IF10539, *Defense Primer: Legal Authorities for the Use of Military Forces*, by Jennifer K. Elsea.

<sup>33</sup> The NRF describes actions that the National Guard may perform. See DHS, *NRF*, p. 32.

<sup>34</sup> Other types of federal declarations are described in the “Other Federal Declarations” section.

<sup>35</sup> Public Assistance Emergency Work (42 U.S.C. §5192, including subsection (a)(5)) and Individual Assistance limited to the Individuals and Households Program (IHP) and the Crisis Counseling Assistance and Training Program are the only forms of IA that may be authorized pursuant to an emergency declaration under the Stafford Act (42 U.S.C. §5192(a)(6)).

<sup>36</sup> FEMA, “How a Disaster Gets Declared.”

threat of catastrophes.<sup>37</sup> Emergency declarations may be declared before an incident occurs to support efforts to save lives and prevent loss.<sup>38</sup>

The definition for a major disaster is narrower than an emergency declaration, and major disasters may provide a broader range of assistance to SLTT governments; private, nonprofit organizations; and individuals and households.<sup>39</sup> When the President issues a major disaster declaration, states and localities, as well as certain private nonprofit organizations, may be eligible (if so designated) to receive reimbursement through PA for “emergency work” undertaken to save lives, protect property, public health, and safety, and lessen or avert the threat of a catastrophe. Additionally, they may be eligible for reimbursement for “permanent work” undertaken to repair, restore, reconstruct, or replace disaster-damaged public and eligible private nonprofit facilities (e.g., public infrastructure, such as roads and buildings).<sup>40</sup> A major disaster declaration may also include programs to provide aid to affected individuals and households through the IA program. Assistance may include financial and/or direct assistance for housing and financial assistance for other needs through the Individuals and Households Program; Crisis Counseling; Disaster Unemployment Assistance; Disaster Legal Services; and Disaster Case Management services.<sup>41</sup> Additionally, pursuant to a major disaster declaration, the Hazard Mitigation Grant Program (HMGP) may be authorized.<sup>42</sup> The HMGP funds mitigation and resiliency projects, typically across the entire state or territory.<sup>43</sup> SLTT governments, as well as certain private nonprofit organizations, may apply for measures that reduce loss of life or property in future disasters or

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<sup>37</sup> 42 U.S.C. §5122(1).

<sup>38</sup> For example, Puerto Rico received an emergency declaration for Hurricane Maria on September 18, 2017, before Hurricane Maria made landfall in Puerto Rico (see FEMA, “Puerto Rico Hurricane Maria (EM-3391),” <https://www.fema.gov/disaster/3391>). Hurricane Maria made landfall in Puerto Rico on September 20, 2017 (see Richard J. Pasch, Andrew B. Penny, and Robbie Berg, *Tropical Cyclone Report: Hurricane Maria*, National Hurricane Center, AL 152017, February 14, 2019, p. 2, [https://www.nhc.noaa.gov/data/tcr/AL152017\\_Maria.pdf](https://www.nhc.noaa.gov/data/tcr/AL152017_Maria.pdf)).

<sup>39</sup> 42 U.S.C. §5122(2).

<sup>40</sup> Assistance for these PA programs is authorized under 42 U.S.C. §§5170a, 5170b, 5173, 5185, 5186, 5192. See also 44 C.F.R. §206.220 for general eligibility for public assistance. Per 44 C.F.R. §206.225(c) and (d), PA “emergency work” includes emergency communications and emergency transportation authorized under Stafford Act Sections 418 and 419. FEMA’s Public Assistance guidance explains that a state, territorial, tribal, or local government “may provide emergency communication services and public transportation when existing systems are damaged to the extent vital functions of community life or incident response are disrupted. The costs of these services are not eligible for reimbursement. However, FEMA may provide short-term DFA [Direct Federal Assistance] for these services” (FEMA, *Public Assistance Program and Policy Guide (PAPPG)*, FP 104-009-2, v. 4, effective June 1, 2020, p. 114, [https://www.fema.gov/sites/default/files/documents/fema\\_pappg-v4-updated-links\\_policy\\_6-1-2020.pdf](https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf)). For additional information on the PA program, see CRS Report R46749, *FEMA’s Public Assistance Program: A Primer and Considerations for Congress*, by Erica A. Lee.

<sup>41</sup> 42 U.S.C. §5174 (the Individuals and Households Program); 42 U.S.C. §5189d (Disaster Case Management); 42 U.S.C. §5183 (Crisis Counseling Assistance and Training Program); 42 U.S.C. §5182 (Disaster Legal Services); and 42 U.S.C. §5177 (Disaster Unemployment Assistance). The FEMA Individual Assistance programs are described in the FEMA *Individual Assistance Program and Policy Guide (IAPPG)*, FP 104-009-03, v. 1.1, May 2021, [https://www.fema.gov/sites/default/files/documents/fema\\_iappg-1.1.pdf](https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf). For more information on FEMA’s Individual Assistance program, see CRS Report R46014, *FEMA Individual Assistance Programs: An Overview*, by Elizabeth M. Webster.

<sup>42</sup> 42 U.S.C. §5170c.

<sup>43</sup> 42 U.S.C. §5170c. For more information on Hazard Mitigation Assistance, see CRS Insight IN11187, *Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance*, by Diane P. Horn. See also FEMA, *Hazard Mitigation Assistance Program and Policy Guide: Hazard Mitigation Grant Program, Hazard Mitigation Grant Program Post Fire, Building Resilient Infrastructure and Communities, and Flood Mitigation Assistance*, FP-206-21-0001, March 23, 2023, [https://www.fema.gov/sites/default/files/documents/fema\\_hma-program-policy-guide\\_032023.pdf](https://www.fema.gov/sites/default/files/documents/fema_hma-program-policy-guide_032023.pdf) (hereinafter FEMA, *HMA Guide*).

emergencies.<sup>44</sup> A major disaster declaration may also authorize other recovery programs, such as community disaster loans.<sup>45</sup>

The Stafford Act declaration process is described in the following section. There are also many other types of federal declarations and determinations that may trigger additional authorities or assistance separate from, or in conjunction with, the Stafford Act (e.g., the Small Business Administration’s Disaster Loan Program).<sup>46</sup>

**Table 1** lists the forms of Stafford Act assistance available pursuant to an emergency and major disaster declaration.

**Table 1. Assistance Available Under Stafford Act Declarations of Emergency and Major Disaster**

<b>Assistance</b>	<b>Description of Assistance</b>	<b>Emergency Declaration</b>	<b>Major Disaster Declaration</b>
<b>Public Assistance (PA)</b>	Grants and direct aid to SLTT governments and private nonprofit organizations for emergency protective measures and debris removal operations ( <i>Emergency Work</i> ), and the repair or replacement of eligible public and nonprofit facilities ( <i>Permanent Work</i> ).	<i>Emergency Work</i> Category A–Debris Removal Category B–Emergency Protective Measures	<i>Emergency Work</i> Category A–Debris Removal Category B–Emergency Protective Measures <i>Permanent Work</i> Category C–Roads and Bridges Category D–Water Control Facilities Category E–Buildings and Equipment Category F–Utilities Category G–Parks, Recreational, Other Category Z–Management Costs
<b>Individual Assistance (IA)</b>	Grants and direct aid to support the recovery of individuals/households, including for Housing Assistance and Other Needs Assistance (ONA) through the Individuals and Households Program (IHP), as well as Crisis Counseling, Disaster Case Management, Legal Assistance, and Disaster Unemployment Assistance.	Individuals and Households Program (IHP) Crisis Counseling Program	IHP Crisis Counseling Program Disaster Case Management Disaster Unemployment Assistance Disaster Legal Services Disaster Supplemental Nutrition Assistance Program

<sup>44</sup> FEMA, *HMA Guide*.

<sup>45</sup> 42 U.S.C. §5184. For more information on community disaster loans, see CRS In Focus IF11600, *FEMA’s Community Disaster Loan (CDL) Program: A Primer*, by Adam G. Levin.

<sup>46</sup> For more information on the Small Business Administration’s (SBA’s) Disaster Loan Program, see CRS Report R44412, *SBA Disaster Loan Program: Frequently Asked Questions*, by Bruce R. Lindsay.

Assistance	Description of Assistance	Emergency Declaration	Major Disaster Declaration
<b>Hazard Mitigation Assistance (HMA)</b>	Grants to support mitigation and resiliency projects and programs through three HMA programs: (1) Hazard Mitigation Grant Program (HMGP); (2) Flood Mitigation Assistance (FMA); and (3) Building Resilient Infrastructure and Communities (BRIC).	—	Hazard Mitigation Grant Program

**Sources:** Developed by CRS based on the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act, P.L. 93-288, as amended; 42 U.S.C. §§5121 et seq.); and the Federal Emergency Management Agency’s (FEMA’s) webpage on “How a Disaster Gets Declared,” <https://www.fema.gov/disaster/how-declared>.

## Stafford Act Declaration Process

Federal assistance is intended to supplement—not supplant—the SLTT government’s response and recovery efforts. For this reason, state, territory, and tribal governments do not automatically receive a presidential declaration of emergency or major disaster when an *incident*<sup>47</sup> occurs.<sup>48</sup> Instead, the governor or tribal chief executive must first request that the President declare an emergency or major disaster and authorize various types of assistance (e.g., Public Assistance and Individual Assistance).<sup>49</sup> In making such a request, the governor or tribal chief executive must demonstrate that they are unable to effectively respond and recover without federal assistance.<sup>50</sup>

**Figure 1** depicts the Stafford Act Declaration Process.

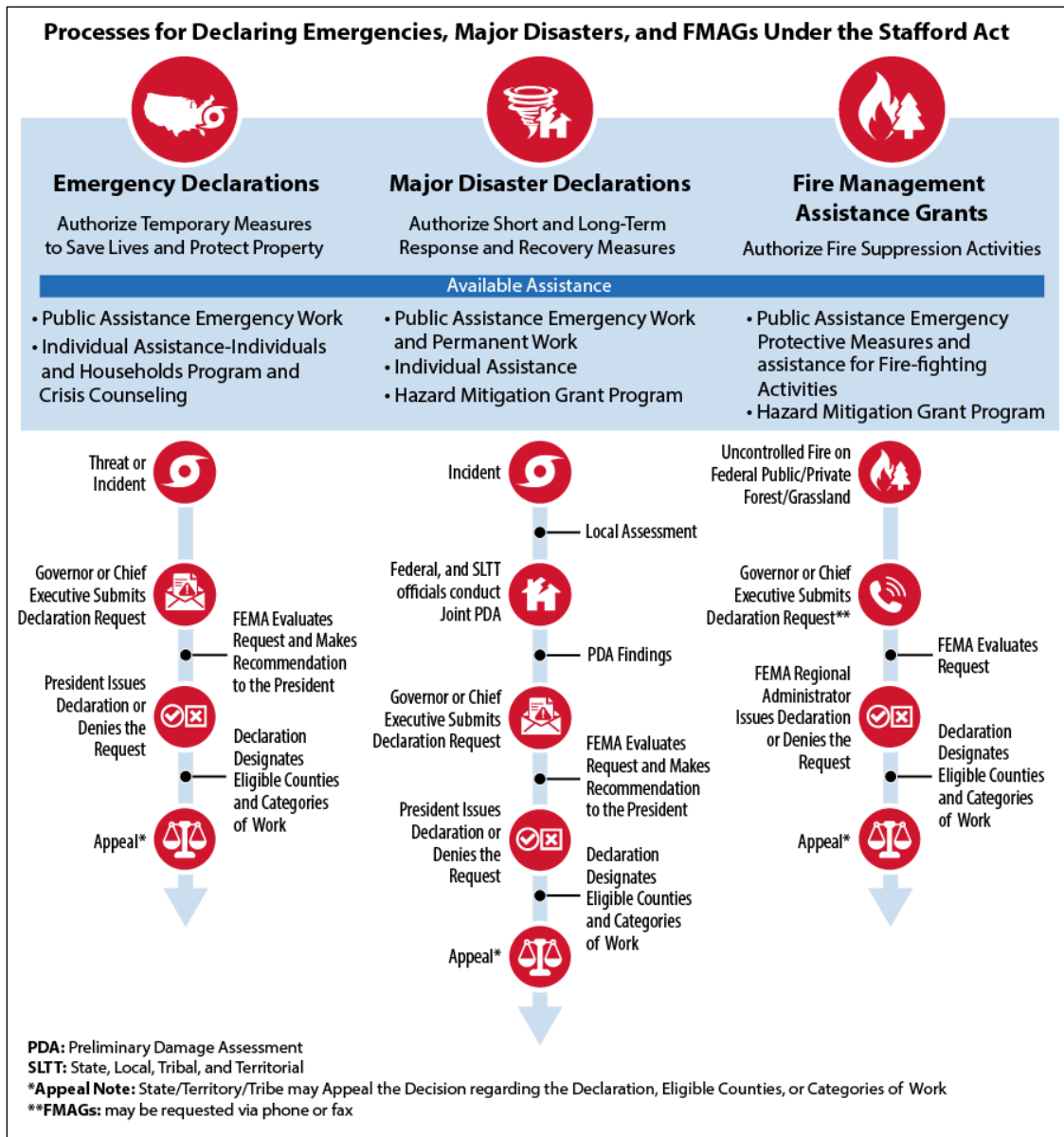
<sup>47</sup> 44 C.F.R. §206.32(e) defines an *incident* as “[a]ny condition which meets the definition of major disaster or emergency as set forth in §206.2 which causes damage or hardship that may result in a Presidential declaration of a major disaster or an emergency.”

<sup>48</sup> The governor or tribal chief executive’s request must document that the “situation is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments” and that supplemental federal assistance is necessary (42 U.S.C. §5170 and 44 C.F.R. §206.36 (major disaster); and 42 U.S.C. §5191 and 44 C.F.R. §206.35 (emergency)). To justify a declaration of emergency, supplemental federal assistance must be needed to “save lives and to protect property, public health and safety, or to lessen or avert the threat of a disaster” (42 U.S.C. §5191 and 44 C.F.R. §206.35). To justify a declaration of major disaster, federal assistance must be needed to “supplement the efforts and available resources of the State, local governments, disaster relief organizations, and compensation by insurance for disaster-related losses” (42 U.S.C. §5170 and 44 C.F.R. §206.36).

<sup>49</sup> 44 C.F.R. §§206.35, 206.36, 206.40(a); FEMA, “How a Disaster Gets Declared”; FEMA, “Tribal Affairs,” last updated December 2, 2022, <https://www.fema.gov/about/organization/tribes>. For more information about the disaster declaration process, see CRS Report R43784, *FEMA’s Disaster Declaration Process: A Primer*, by Bruce R. Lindsay. Presidential declarations of emergency and major disaster include the areas designated as being eligible for federal assistance, as well as the types of assistance the designated areas are eligible to receive (44 C.F.R. §206.40). Additional designated areas and available assistance are published in the *Federal Register* and listed on FEMA’s “Disasters” website (FEMA, “Disaster Information,” <https://www.fema.gov/disaster>). A *designated area* is “[a]ny emergency or major disaster-affected portion of a State which has been determined eligible for Federal assistance.” (44 C.F.R. §206.2(a)(6)).

<sup>50</sup> 42 U.S.C. §5170 and 44 C.F.R. §206.36 (major disaster); and 42 U.S.C. §5191 and 44 C.F.R. §206.35 (emergency). The affected state/tribe must determine whether the incident may exceed its response capabilities.

Figure I. Stafford Act Declaration Process



**Sources:** Developed by CRS based on CRS’s interpretation of 44 C.F.R. §§206.33, 206.35-206.40, 206.46 (for emergency and major disaster declarations), and 44 C.F.R. §§204.21-204.26 (for FMAGs); and the Federal Emergency Management Agency’s (FEMA’s) webpage on “How a Disaster Gets Declared,” <https://www.fema.gov/disaster/how-declared>.

**Notes:** An expedited major disaster declaration may be requested and the Joint Preliminary Damage Assessment requirement may be waived for “incidents of unusual severity and magnitude that do not require field damage assessments to determine the need for supplemental Federal assistance under the Act” (44 C.F.R. §206.33(d) and 44 C.F.R. §206.36(d)).

The governor or tribal chief executive’s request for a presidential declaration of emergency or major disaster must include information about the actions and resources that have been or will be committed, and an estimate of the amount and severity of the disaster-caused damages, as well as

a discussion of the disaster-affected population.<sup>51</sup> For all but the most catastrophic events, this process is deliberative and involves accumulating information from several sources during the Preliminary Damage Assessment (PDA) process.<sup>52</sup>

If the affected locality and state/tribal governments' capacity for effective response is exceeded by the incident, the governor or tribal chief executive may request a Joint PDA with FEMA.<sup>53</sup> The Joint PDA team includes at least one state or tribal official; at least one federal official, typically a representative from the appropriate FEMA regional office; and a local official familiar with the area.<sup>54</sup> In some cases, it may also include representatives from other federal agencies or voluntary relief organizations.<sup>55</sup> The process helps determine the impact and magnitude of the damage, as well as the disaster-caused unmet needs, and the Joint PDA serves as the basis for the governor or tribal chief executive's request for federal disaster assistance.<sup>56</sup>

A PDA is required in order to request a Stafford Act declaration, with a few exceptions. According to FEMA regulation, "the requirement for a joint PDA may be waived for those incidents of unusual severity and magnitude that do not require field damage assessments to determine the need for supplemental federal assistance."<sup>57</sup> However, even when the PDA process is waived or expedited, initial federal assistance is typically limited, and subsequent PDA processes are required to determine what additional assistance is necessary.<sup>58</sup> Regulations require that, at the close of the PDA process, participants reconcile any differences in their findings.<sup>59</sup>

Per regulations, once the PDA has been completed, the governor or tribal chief executive may submit a request for a major disaster declaration. The request is submitted to the appropriate FEMA Regional Administrator who, in turn, is to acknowledge the request, summarize the findings, analyze the data, and submit a recommendation to FEMA Headquarters. FEMA regulations specify that the agency shall consider specific factors when evaluating the need for supplemental federal assistance under the Public Assistance and Individual Assistance programs pursuant to a request for a major disaster declaration.<sup>60</sup> FEMA provides a recommendation to the President, who alone may decide whether to issue a Stafford Act declaration.<sup>61</sup> Although FEMA's regulations delegate the authority to designate forms of assistance to FEMA, in practice, FEMA

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<sup>51</sup> For a list and description of information requirements to accompany a governor or tribal chief executive's request for an emergency declaration and a major disaster declaration, see 44 C.F.R. §206.35 and 44 C.F.R. §206.36, respectively, as well as the FEMA, *FEMA Preliminary Damage Assessment Guide*, August 2021, [https://www.fema.gov/sites/default/files/documents/fema\\_2021-pda-guide.pdf](https://www.fema.gov/sites/default/files/documents/fema_2021-pda-guide.pdf) (hereinafter FEMA, *PDA Guide*); and FEMA, *Tribal Declarations Pilot Guidance*.

<sup>52</sup> For example, see the FEMA "Request for Presidential Disaster Declaration" webpage, which includes forms to support a state/territory or tribe's request for federal assistance, available at <https://www.fema.gov/disaster/request-for-presidential-disaster-declaration>. For additional information, see the FEMA *PDA Guide*, and CRS Report R44977, *Preliminary Damage Assessments for Major Disasters: Overview, Analysis, and Policy Observations*, by Bruce R. Lindsay.

<sup>53</sup> FEMA, *PDA Guide*, pp. 12, 18-21, 43-48.

<sup>54</sup> 44 C.F.R. §206.33(b); FEMA, *PDA Guide*, pp. 12, 18-21, 43-48.

<sup>55</sup> 44 C.F.R. §206.33(b).

<sup>56</sup> 44 C.F.R. §206.33.

<sup>57</sup> 44 C.F.R. §206.33(d); see also 44 C.F.R. §206.36(d).

<sup>58</sup> For examples of expedited declarations, see the FEMA "Preliminary Damage Assessment Reports" webpage, available at <http://www.fema.gov/preliminary-damage-assessment-reports>.

<sup>59</sup> 44 C.F.R. §206.33(c).

<sup>60</sup> 44 C.F.R. §206.48.

<sup>61</sup> 44 C.F.R. §206.38.

has stated that they will seek the President's approval when authorizing additional forms of assistance.<sup>62</sup>

## Unilateral Declarations of Emergency Under the Stafford Act

The federal government may also provide assistance without a request by the governor or chief executive in more limited circumstances. Section 501(b) of the Stafford Act allows the President to unilaterally declare an emergency for certain emergencies involving federal primary responsibility.<sup>63</sup> Most recently, and significantly, President Donald J. Trump issued a nationwide emergency declaration for the Coronavirus 2019 (COVID-19) pandemic using the authority in Stafford Act Section 501(b) on the grounds that

our entire country is now facing a significant public health emergency ... [and] [o]nly the Federal Government can provide the necessary coordination to address a pandemic of this national size and scope.... It is the preeminent responsibility of the Federal Government to take action to stem a nationwide pandemic that has its origins abroad, which implicates its authority to regulate matters related to interstate matters and foreign commerce and to conduct the foreign relations of the United States.<sup>64</sup>

Besides the COVID-19 example,<sup>65</sup> a presidential declaration of emergency under the Stafford Act most frequently occurs because the incident involves an issue or hazard for which, under the Constitution or a federal law, the President or other federal authority has exclusive or preeminent responsibility and authority. Examples include the 1995 Oklahoma City bombing at the federal courthouse and the 2003 loss of the Space Shuttle Columbia, both of which related to federal property.<sup>66</sup>

## Declined Requests for Emergency Major Disaster Declarations

In some cases the President may decline a governor or tribal chief executive's request for a major disaster or emergency declaration. For example, the President may conclude the incident does not meet the definition of a major disaster or emergency under the Stafford Act,<sup>67</sup> or may determine that the incident lacks the severity and magnitude to warrant a declaration and, therefore, does not exceed the state's capacity to respond without federal assistance.<sup>68</sup> The governor or tribal chief

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<sup>62</sup> 44 C.F.R. §206.40; and email correspondence from FEMA Congressional Affairs staff, June 12, 2020.

<sup>63</sup> 42 U.S.C. §5191(b).

<sup>64</sup> Letter from Donald J. Trump, President of the United States, to then-Acting Secretary Chad Wolf, then-Secretary Steven Mnuchin, then-Secretary Azar, and then-Administrator Peter Gaynor, March 13, 2020, <https://trumpwhitehouse.archives.gov/briefings-statements/letter-president-donald-j-trump-emergency-determination-stafford-act/>.

<sup>65</sup> For more information on the Stafford Act declarations for COVID-19, see CRS Report R47048, *FEMA's Role in the COVID-19 Federal Pandemic Response*, coordinated by Erica A. Lee.

<sup>66</sup> See, for examples, FEMA, "Oklahoma; Emergency and Related Determinations," 60 *Federal Register* 22579, May 8, 1995, <https://www.govinfo.gov/content/pkg/FR-1995-05-08/pdf/95-11243.pdf>; and FEMA, "Space Shuttle Columbia; Emergency and Related Determinations," 68 *Federal Register* 9667-9668, February 28, 2003, <https://www.govinfo.gov/content/pkg/FR-2003-02-28/pdf/03-4726.pdf>.

<sup>67</sup> The Stafford Act defines emergencies and major disasters (42 U.S.C. §§5122(1) and 5122(2), respectively). For examples of denied declaration requests, see the FEMA "Preliminary Damage Assessment Reports" webpage, available at <http://www.fema.gov/preliminary-damage-assessment-reports>. For example, Michigan Governor Rick Snyder's 2016 request for a major disaster declaration for the water contamination in Flint was denied on the basis that it did not meet the Stafford Act's definition of a major disaster (see FEMA, "Michigan—Contaminated Water: Denial of Appeal," denied on January 22, 2016, <https://www.fema.gov/sites/default/files/2020-09/PDARreportAppealDenialMI.pdf>).

<sup>68</sup> For example, Nebraska Governor Pete Ricketts's request for a major disaster for severe storms, tornadoes, straight-(continued...)

executive may appeal a declaration request denial once.<sup>69</sup> Appeals must be made within 30 days after the date of the letter denying the request, and the appeal must include any additional information that may not have been included in the first request along with the justification for reconsideration.<sup>70</sup> The appeal must be submitted to the President through the appropriate FEMA Regional Administrator.<sup>71</sup>

If the request or the appeal is denied, the governor may consider requesting a disaster declaration from the SBA Administrator.<sup>72</sup> The thresholds used to make determinations for SBA disaster assistance are generally lower than the ones used to determine major disaster assistance.<sup>73</sup>

Government entities are ineligible for SBA disaster loans—the loans are for individuals and businesses, as well as nonprofit organizations.<sup>74</sup>

## Fire Management Assistance Grants

In addition to the emergency and major disaster declarations, there is a unique quasi-declaration “for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.”<sup>75</sup> The President has delegated FEMA the authority to declare an incident eligible for a Fire Management Assistance Grant (FMAG) under the Stafford Act to mitigate the effects of a wildfire and prevent it from becoming a major disaster.<sup>76</sup> Once issued, the FMAG declaration authorizes various forms of federal assistance for fire suppression activities, such as the provision of equipment, personnel, and grants to SLTT governments.<sup>77</sup> Additionally, when an FMAG is approved, regardless of whether a major disaster is declared, the state, territory, or tribal government may be eligible for assistance through the Hazard Mitigation Grant Program.<sup>78</sup>

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line winds, and flooding was denied on the basis that “the impact from this event is not of the severity and magnitude that warrants a major disaster declaration” (FEMA, “Preliminary Damage Assessment Report: Nebraska—Severe Storms, Tornadoes, Straight-line Winds, and Flooding Denial of Appeal,” denied on January 7, 2020, <https://www.fema.gov/sites/default/files/2020-03/PDARreportAppealDenialNE-2020.pdf>).

<sup>69</sup> 44 C.F.R. §206.46(a).

<sup>70</sup> 44 C.F.R. §206.46(a).

<sup>71</sup> 44 C.F.R. §206.46(a).

<sup>72</sup> The SBA Administrator is authorized under the Small Business Act to issue an “Agency” or “SBA declaration” that makes SBA disaster loans available for homeowners, renters, businesses, and nonprofit organizations (13 C.F.R. §123.3(a)(3)). For more information on SBA declarations, see CRS Report R45238, *FEMA and SBA Disaster Assistance for Individuals and Households: Application Processes, Determinations, and Appeals*, by Bruce R. Lindsay and Elizabeth M. Webster.

<sup>73</sup> 13 C.F.R. §123.3(a)(3).

<sup>74</sup> For more information on SBA disaster loans for individuals and businesses, see CRS Report R45238, *FEMA and SBA Disaster Assistance for Individuals and Households: Application Processes, Determinations, and Appeals*, by Bruce R. Lindsay and Elizabeth M. Webster; see also CRS Report R44412, *SBA Disaster Loan Program: Frequently Asked Questions*, by Bruce R. Lindsay.

<sup>75</sup> 42 U.S.C. §5187(a).

<sup>76</sup> 42 U.S.C. §5187(a); 44 C.F.R. §204.21. For more information on FMAGs, see CRS Report R43738, *Fire Management Assistance Grants: Frequently Asked Questions*, coordinated by Bruce R. Lindsay.

<sup>77</sup> 44 C.F.R. §204.42 lists the eligible costs for Fire Management Assistance Grants (FMAGs).

<sup>78</sup> 42 U.S.C. §5187(d).



## Other Federal Declarations

There are numerous other types of declarations and authorities that the federal government could use to activate unique authorities or provide additional assistance to affected communities. They include, but are not limited to:

- a presidential declaration of a “national emergency” pursuant to the National Emergencies Act (P.L. 94-412; 50 U.S.C. §§1601 et seq.) that specifies the standby authorities invoked to respond to the emergency;<sup>79</sup>
- a determination by the Secretary of Health and Human Services (HHS) of a public health emergency (PHE) pursuant to Section 319 of the Public Health Service Act (PHSA; P.L. 78-410, as amended; 42 U.S.C. §§201-300mm-61),<sup>80</sup>
- various disaster declarations from the Administrator of the Small Business Administration (SBA);<sup>81</sup> and
- various disaster declarations and designations from the U.S. Department of Agriculture (USDA).<sup>82</sup>

## Selected Examples of Federal Assistance Programs

### Stafford Act Assistance Programs

If an emergency or major disaster is declared under the Stafford Act, the three principal forms of federal assistance may be available:

- **Public Assistance (PA)**, which provides direct assistance (e.g., personnel, supplies, operations) and grants to SLTT governments, and certain private nonprofit organizations to execute emergency protective measures, conduct debris removal operations, and repair or replace damaged public and nonprofit facilities.<sup>83</sup> Although certain nonprofit organizations may be eligible for these grants, for-profit businesses are ineligible.<sup>84</sup>

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<sup>79</sup> For more information on declarations of national emergency under the National Emergencies Act (NEA), see CRS Report 98-505, *National Emergency Powers*, by Elizabeth M. Webster. For information on standby authorities, see CRS Report R46379, *Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Service Act*, coordinated by Jennifer K. Elsea. For an example of declarations of national emergency under the NEA, PHSA, and Stafford Act and how they differ, see CRS Infographic IG10029, *Federal Emergency Declarations*, by Erica A. Lee, L. Elaine Halchin, and Hassan Z. Sheikh.

<sup>80</sup> For more information, see U.S. Department of Health and Human Services’ (HHS’s) website on the “Legal Authority of the Secretary,” available at <https://aspr.hhs.gov/legal/Pages/Legal-Authority-of-the-Secretary.aspx>.

<sup>81</sup> The SBA Administrator is authorized under the Small Business Act to issue an “Agency” or “SBA declaration” that makes SBA disaster loans available for homeowners, renters, businesses, and nonprofit organizations (13 C.F.R. §123.3(a)(3)). For more information, see CRS Report R44412, *SBA Disaster Loan Program: Frequently Asked Questions*, by Bruce R. Lindsay.

<sup>82</sup> For more information on agricultural emergencies, see CRS Report RS21212, *Agricultural Disaster Assistance*, by Megan Stubbs.

<sup>83</sup> For more information on the Public Assistance (PA) program, see CRS Report R46749, *FEMA’s Public Assistance Program: A Primer and Considerations for Congress*, by Erica A. Lee; and CRS In Focus IF11529, *A Brief Overview of FEMA’s Public Assistance Program*, by Erica A. Lee.

<sup>84</sup> 42 U.S.C. §§5170a, 5170b, 5173, 5185, 5186, and 5192. For more on FEMA’s PA grant program, see FEMA, “Assistance for Governments and Private Non-Profits After a Disaster,” last updated February 23, 2023, <https://www.fema.gov/assistance/public>.

- **Individual Assistance (IA)**, which provides aid to affected individuals and households, can take the form of financial and/or direct housing assistance and financial assistance for other needs,<sup>85</sup> crisis counseling, disaster case management services, disaster legal services, and disaster unemployment assistance.<sup>86</sup>
- **Hazard Mitigation Assistance (HMA)**, which funds mitigation and resiliency projects and programs, and may be available for the entire state if requested.<sup>87</sup> Mitigation projects can include the construction of safe rooms, buyouts of frequently flooded properties, and retrofitting of facilities.<sup>88</sup>

The forms of assistance authorized by an emergency or major disaster declaration may vary by the designated areas, per the declaration (which can be amended to request additional forms of relief).<sup>89</sup> The Federal-State Agreement (or FEMA-Tribal Agreement), which is signed by both the governor/chief executive and FEMA, “states the understandings, commitments, and conditions for assistance under which FEMA disaster assistance shall be provided.... ” and “describes ... the incident period for which assistance will be made available, the type and extent of the Federal assistance to be made available, and ... the commitment of the State and local government(s) with respect to the amount of funds to be expended in alleviating damage and suffering caused by the major disaster or emergency.... ”<sup>90</sup>

## Other Federal Assistance Programs

The majority of federal financial disaster assistance is made available from FEMA under the authority of the Stafford Act and the National Flood Insurance Act (42 U.S.C. §§4001 et seq.; related to the National Flood Insurance Program<sup>91</sup>). In addition, there are a number of other

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<sup>85</sup> There are limitations on the amount of financial assistance an individual or household may receive for a single disaster for housing and for other needs—this maximum amount of financial assistance is adjusted annually based on the Consumer Price Index (42 U.S.C. §5174(h)(3)). There are some exceptions to this cap, including financial assistance to rent alternate housing accommodations and financial assistance for accessibility-related real and personal property costs (42 U.S.C. §5174(h)(1) and (4)). For more information on the Individual Assistance (IA)—Individuals and Households Program (IHP), through which FEMA provides assistance to disaster survivors for housing and other needs, see CRS Report R47015, *FEMA’s Individuals and Households Program (IHP)—Implementation and Considerations for Congress*, by Elizabeth M. Webster; and CRS In Focus IF12049, *FEMA’s Individuals and Households Program (IHP)*, by Elizabeth M. Webster.

<sup>86</sup> For more information on the Individual Assistance (IA) programs, see CRS Report R46014, *FEMA Individual Assistance Programs: An Overview*, by Elizabeth M. Webster; and CRS In Focus IF11298, *A Brief Overview of FEMA’s Individual Assistance Program*, by Elizabeth M. Webster. See also FEMA, “Individual Assistance,” last updated February 3, 2023, <https://www.fema.gov/assistance/individual>. For additional information on disaster unemployment assistance, see CRS Report RS22022, *Disaster Unemployment Assistance (DUA)*, by Julie M. Whittaker.

<sup>87</sup> FEMA, “Hazard Mitigation Assistance Grants,” last updated April 20, 2023, <https://www.fema.gov/grants/mitigation>.

<sup>88</sup> For more on the various Hazard Mitigation Assistance (HMA) programs, see FEMA, *HMA Guide*; and CRS Insight IN11187, *Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance*, by Diane P. Horn.

<sup>89</sup> Some forms of PA and IA may be available when the President has declared an emergency, and PA, IA, and HMA may be available when the President has declared a major disaster (44 C.F.R. §206.40(a)); see also FEMA, “How a Disaster Gets Declared.” After the President declares an emergency or major disaster, the governor or chief executive may request that the declaration be amended to include additional areas and/or types of assistance (44 C.F.R. §206.40(c)).

<sup>90</sup> 44 C.F.R. §206.44(a) and (b).

<sup>91</sup> For additional information on the National Flood Insurance Program, see CRS Report R44593, *Introduction to the National Flood Insurance Program (NFIP)*, by Diane P. Horn and Baird Webel; and CRS Report R44808, *Federal Disaster Assistance: The National Flood Insurance Program and Other Federal Disaster Assistance Programs Available to Individuals and Households After a Flood*, by Diane P. Horn.

programs not administered by the U.S. Department of Homeland Security (DHS) or FEMA that can provide disaster assistance in certain circumstances. They include federal programs provided by the U.S. Small Business Administration (SBA), the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), the U.S. Department of Agriculture (USDA), and the U.S. Army Corps of Engineers (USACE), among other federal programs. Five significant programs include the following:

- **SBA Disaster Loan Program:** The SBA provides federally subsidized loans to repair or replace homes, personal property, or businesses that sustained uninsured damages following a disaster. The SBA Disaster Loan Program also provides subsidized loans to businesses that suffered economic loss as a result of a disaster.<sup>92</sup>
- **HUD Community Development Block Grant Disaster Recovery (CDBG-DR) Program:** These funds can be used to meet a wide range of unmet disaster needs, but the program requires Congress to authorize a supplemental appropriation.<sup>93</sup>
- **DOT Federal-Aid Highway (FHWA) Emergency Relief (ER) Program:** The ER program is the major source of grant funds for the repair and reconstruction of roads on the federal highway system that have suffered serious damage as a result of either: (1) a natural disaster over a wide area, such as a flood, hurricane, tidal wave, earthquake, tornado, severe storm, or landslide; or (2) a catastrophic failure from any external cause.<sup>94</sup>
- **USDA Agriculture and Rural Assistance:** The USDA has multiple programs that provide food, housing, and financial assistance, primarily to agricultural and rural communities.<sup>95</sup>
- **USACE Emergency Assistance:** The USACE provides assistance to repair damaged flood control works (e.g., levees) and federally constructed hurricane or shore protection projects that participate in the agency's Rehabilitation and Inspection Program.<sup>96</sup> The USACE has an emergency response authority, under which it performs flood-fighting, and other emergency response (e.g., emergency water supplies) and disaster assistance focused on actions to save lives and

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<sup>92</sup> For additional information on the SBA Disaster Loan Program, see CRS Report R44412, *SBA Disaster Loan Program: Frequently Asked Questions*, by Bruce R. Lindsay.

<sup>93</sup> For more on how Community Development Block Grants (CDBG) can be used to support disaster relief efforts, see CRS Report R46475, *The Community Development Block Grant's Disaster Recovery (CDBG-DR) Component: Background and Issues*, by Joseph V. Jaroscak. The program website for the Community Development Block Grant Disaster Recovery (CDBG-DR) program is available at <https://www.hudexchange.info/programs/cdbg-dr/>.

<sup>94</sup> For more on the Federal-Aid Highway (FHWA) Emergency Relief (ER) program and its comparable program for transit, see CRS Report R45298, *Emergency Relief for Disaster-Damaged Roads and Public Transportation Systems*, by Robert S. Kirk and William J. Mallett.

<sup>95</sup> For more information, see the U.S. Department of Agriculture's (USDA's) fact sheet on their programs (USDA, "Fact Sheet: USDA Programs That Assist Individuals and Small Businesses: USDA Assistance Programs—Disaster," updated March 9, 2017, [https://www.usda.gov/sites/default/files/documents/fact-sheet-usda-programs-assist-individuals-small-businesses\\_1.pdf](https://www.usda.gov/sites/default/files/documents/fact-sheet-usda-programs-assist-individuals-small-businesses_1.pdf)); CRS Report RS21212, *Agricultural Disaster Assistance*, by Megan Stubbs; and CRS Report RL33816, *Broadband Loan and Grant Programs in the USDA's Rural Utilities Service*, by Lennard G. Kruger and Alyssa R. Casey.

<sup>96</sup> For more information on the Rehabilitation and Inspection Program, see CRS Report R41243, *Army Corps of Engineers: Water Resource Authorizations, Appropriations, and Activities*, by Nicole T. Carter and Charles V. Stern.

protect improved property.<sup>97</sup> The USACE also has limited authorities to assist with selected activities during times of drought.<sup>98</sup>

## Other Federal Assistance

As described in the above section on “Other Federal Declarations,” Stafford Act declarations are not the only authority pursuant to which federal assistance may be provided. Further, many federal departments and agencies have standing authorities to assist SLTT governments, or can be directed by the President to take certain actions in accordance with their standby authorities.<sup>99</sup>

Additionally, under a Stafford Act major disaster declaration, the President is authorized to direct federal agencies to use their resources and authorities to support SLTT response and recovery efforts, among other things.<sup>100</sup> The President can also request federal agencies to detail staff to temporary duty to provide support as part of an emergency support team.<sup>101</sup>

If another federal agency is called upon to assist during a Stafford Act-declared disaster, typically they receive a *mission assignment*—or work order to complete a specific task—from FEMA and are reimbursed through the Disaster Relief Fund (mission assignments are a form of direct federal assistance under FEMA’s Public Assistance program).<sup>102</sup> Federal government agencies also have numerous authorized deployable federal assets that can support the immediate response to disaster.<sup>103</sup>

The federal government or a federal asset may also provide immediate assistance, primarily to prevent the direct loss of life or significant property damage, without the request rising through the “normal” request procedures.<sup>104</sup>

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<sup>97</sup> Most of the U.S. Army Corps of Engineers’ (USACE’s) disaster response work generally is funded through supplemental appropriations. Until supplemental appropriations are provided, Congress has provided the USACE with authority to transfer money from ongoing USACE projects to emergency operations (33 U.S.C. §701n). For more on USACE-related supplemental appropriations, see CRS Report R42841, *Army Corps Supplemental Appropriations: History, Trends, and Policy Issues*, by Nicole T. Carter and Charles V. Stern.

<sup>98</sup> For example, 33 U.S.C. §549a.

<sup>99</sup> For additional information on the three main federal declaration frameworks and authorities they can trigger, see CRS Report R46379, *Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Service Act*, coordinated by Jennifer K. Elsea.

<sup>100</sup> 42 U.S.C. §5170a.

<sup>101</sup> 42 U.S.C. §5144.

<sup>102</sup> 44 C.F.R. §206.208. See FEMA, *FEMA Policy: Mission Assignments*, FP 104-010-2, August 17, 2018, [https://www.fema.gov/sites/default/files/2020-04/MA\\_Policy\\_aug172018.pdf](https://www.fema.gov/sites/default/files/2020-04/MA_Policy_aug172018.pdf); and FEMA, “Federal Agency Mission Assignments,” last updated April 8, 2022, <https://www.fema.gov/partnerships/mission-assignments>.

<sup>103</sup> For more on these assets, see CRS Report R43560, *Deployable Federal Assets Supporting Domestic Disaster Response Operations: Summary and Considerations for Congress*, coordinated by Jared T. Brown.

<sup>104</sup> See 42 U.S.C. §5192(a)(8). This authority allows the federal assistance to be provided pursuant to a Stafford Act emergency declaration “where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request....” As another example, the Department of Defense (DOD) can, in certain circumstances, immediately respond to requests for assistance from a civil authority “to save lives, prevent human suffering, or mitigate great property damage within the United States”—known as “immediate response authority.” For more information on the DOD’s immediate response authority, see CRS In Focus IF11324, *Defense Primer: Defense Support of Civil Authorities*, by Lawrence Kapp.

## Congressional Activity in Disasters

Federal disaster assistance requires a relationship between the federal and SLTT governments. Congressional input and support, such as the distribution of information, can aid response and recovery efforts. Congressional offices may wish to take the following steps before a disaster occurs and/or prior to a Stafford Act declaration (see **Figure 2**):

- Encourage individuals and families to prepare for disasters using resources such as Ready.gov, available at <http://www.ready.gov>, which provide pre-disaster planning advice.
- Establish a working relationship with the local and/or SLTT emergency management office(s) in the congressional district or state/territory to understand the most valuable contributions that the office can make. The lead agency for each state can be found at <https://www.fema.gov/locations>.
- Learn about existing mutual aid agreements.
- Consider a letter of support for the governor/chief executive's request for a Stafford Act declaration by framing the problems confronted by the affected jurisdiction, and the importance of specific federal, supplemental assistance (note that congressional offices cannot request a Stafford Act declaration).
- Provide input to the PDA teams, through SLTT officials, regarding pockets of need or constituents who have noted problem areas that should be reviewed. Help to manage the expectations of residents by explaining or connecting them with resources regarding the assistance application process and potential forms of assistance, as well as eligibility requirements and programmatic limitations.

If a declaration is approved by the President, congressional offices can:

- Establish their relationship with DHS/FEMA congressional liaisons to obtain accurate and timely information, both at the headquarters level and in the field at the Joint Field Office (JFO) level.
- Consider publicizing the online process for applying for many federal assistance programs as described at [DisasterAssistance.gov](https://www.disasterassistance.gov), available at <https://www.disasterassistance.gov/>.
- If needed, provide suggestions to DHS/FEMA on potential locations for Disaster Recovery Centers (DRCs), and for possible sites for Mobile Disaster Recovery Centers. DRCs are typically staffed by FEMA and other federal agencies, as well as SLTT government agencies and voluntary organizations, and they provide citizens with the opportunity for face-to-face sessions with recovery staff. There are also online and telephone options to help disaster survivors seek assistance.
- Work with DHS/FEMA to get an accurate listing of communities that are participating in the National Flood Insurance Program (NFIP) and those that are either sanctioned, or have chosen not to participate.
- Consider publicizing the "Applicant Briefing" to local government and nongovernmental organizations that sustained damage from the incident. This briefing is the session in which the Recipient (i.e., the affected state/territory/tribe) explains the PA program (i.e., emergency and permanent work that may be eligible for reimbursement), including an overview of seeking project funding and various program requirements.

- Engage the State Hazard Mitigation Officer (SHMO) to understand the state/territory’s plan for mitigation, the priorities it has established, and the timeline of its implementation. FEMA’s website lists the SHMOs at <https://www.fema.gov/grants/mitigation/state-contacts>.
- Be cognizant of the financial status of the Disaster Relief Fund (DRF) that funds the Stafford Act programs, as well as other missions assigned to other federal departments and agencies to carry out response and recovery missions. Depending on the severity of the disaster and existing accounting balances, the Administration may request, and Congress could act on, legislation to provide supplemental appropriations to the DRF and other disaster assistance program accounts.<sup>105</sup>

In addition to supporting disaster-affected communities, Congress can help improve the delivery of supplemental disaster assistance by passing legislation to support needed emergency management reform and conducting agency oversight. Congress may make selective changes to FEMA’s programs. For example, in December 2022, Congress amended the Stafford Act to allow Crisis Counseling to be authorized pursuant to an emergency declaration.<sup>106</sup> Congress has also, on occasion, made more sweeping changes to federal emergency management policies and programs following some notable catastrophic disasters. For example, natural disasters—including Hurricanes Harvey, Irma, and Maria in 2017 and the devastating California wildfires in 2017 and 2018—served as catalysts for significant changes to federal emergency management policy effectuated through the enactment of the Disaster Recovery Reform Act of 2018 (DRRA; Div. D of P.L. 115-254). DRRA required the most comprehensive reform of FEMA’s disaster assistance programs since the passage of the Sandy Recovery Improvement Act of 2013 (SRIA, Division B of P.L. 113-2) and the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295).<sup>107</sup>

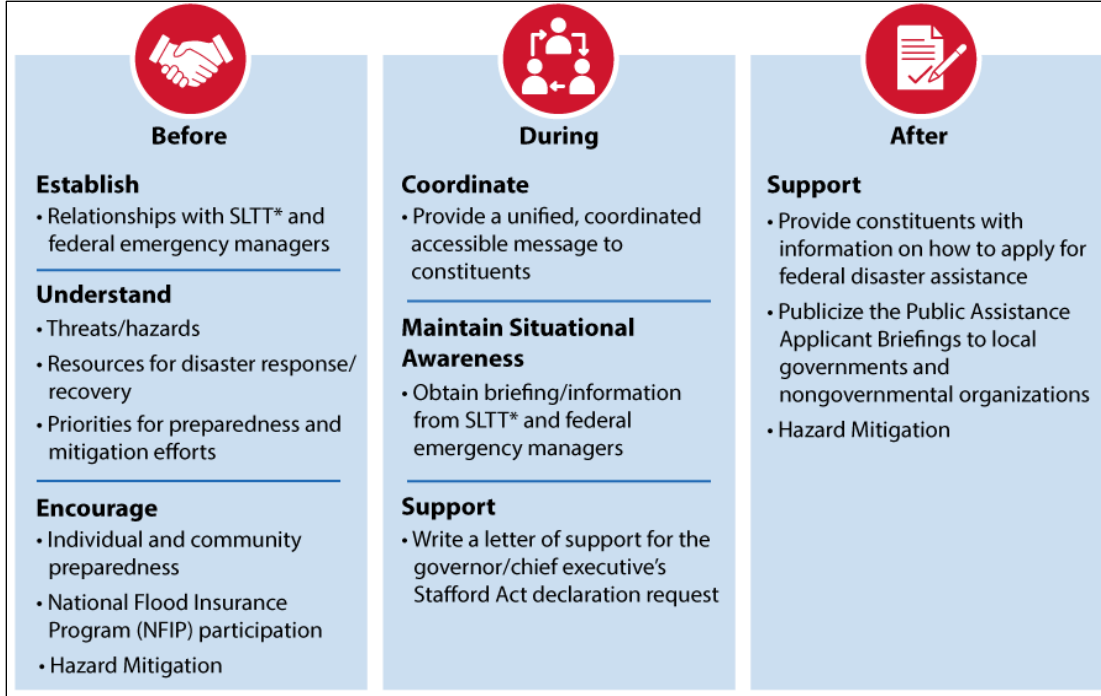
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<sup>105</sup> For more information on the Disaster Relief Fund, see CRS Report R45484, *The Disaster Relief Fund: Overview and Issues*, by William L. Painter. See also FEMA, “Disaster Relief Fund: Monthly Reports,” <https://www.fema.gov/about/reports-and-data/disaster-relief-fund-monthly-reports>.

<sup>106</sup> See Sec. 7321 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (P.L. 117-263).

<sup>107</sup> The Disaster Recovery Reform Act of 2018 (DRRA; Div. D of P.L. 115-254) explicitly intended to improve disaster preparedness, response, recovery, and mitigation, including pre-disaster mitigation by clarifying assistance program eligibility, processes, and limitations; and increasing FEMA’s transparency and accountability. Thus, DRRA amended many sections of the Stafford Act and included new standalone authorities. DRRA also required reports to Congress, rulemaking, and other actions. For more information on DRRA, see CRS Report R46776, *The Disaster Recovery Reform Act of 2018 (DRRA): Implementation Updates for Select Provisions*, coordinated by Elizabeth M. Webster and Bruce R. Lindsay; and CRS Report R46774, *The Disaster Recovery Reform Act of 2018 (DRRA): Implementation Update Tables for Select Provisions*, coordinated by Elizabeth M. Webster.

**Figure 2. Potential Actions Congressional Offices May Take**



**Source:** Developed by CRS.

**Notes:** \*SLTT: State, Local, Tribal, and Territorial

## Where to Obtain Further Information

Online sources for current disaster response information are publicly available as follows:

- Current Stafford Act declarations: FEMA, “Disaster Information,” <https://www.fema.gov/disaster>.
- FEMA news releases: FEMA, “Press Releases,” <https://www.fema.gov/about/news-multimedia/press-releases>.
- FEMA blog, Facebook page, and Twitter feed:
  - FEMA, “Blog,” <https://www.fema.gov/about/news-multimedia/blog>;
  - @FEMA Facebook: <https://www.facebook.com/FEMA>; and
  - @fema Twitter: <https://twitter.com/fema>.
- Congressional offices may also request to be added to the distribution lists for FEMA’s Office of External Affairs, Congressional Affairs Division (FEMA-Congressional-Affairs@fema.dhs.gov; 202-646-4500), including to receive:
  - the FEMA Daily Operations Briefing, which provides information regarding current operations, including updates on active response efforts, forecast information, the status of joint PDAs, and declaration requests in process, as well as the national FEMA common operating picture; and
  - disaster-specific information (e.g., Congressional Advisories released for specific declared emergencies and major disasters).

Disaster assistance programs:

- How citizens can apply to receive disaster assistance: <http://www.disasterassistance.gov/>.
- Background on all federal assistance programs: <https://sam.gov/content/assistance-listings>.
- Information on government programs: USA.gov, “Disasters and Emergencies,” <https://www.usa.gov/disasters-and-emergencies>.

Scientific information on selected natural hazards:

- Relating to hurricanes: National Hurricane Center and Central Pacific Hurricane Center, <http://www.nhc.noaa.gov/>.
- Relating to earthquakes: U.S. Geological Survey (USGS), “Earthquakes,” <https://www.usgs.gov/programs/earthquake-hazards/earthquakes>.
- Current flood and drought maps: USGS, “Water Watch,” <http://waterwatch.usgs.gov/new/>.
- Current severe weather warnings, including tornados, thunderstorms, and flooding: National Oceanic and Atmospheric Administration and National Weather Service, “Storm Prediction Center,” <https://www.spc.noaa.gov/>.

Personal preparedness:

- How citizens can prepare for disasters: DHS, “Ready.gov,” <http://www.ready.gov/>.



## Appendix. Federal Guidance and Frameworks<sup>108</sup>

### The National Preparedness System

The Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295), enacted October 4, 2006, mandated that the President develop a national preparedness goal and a national preparedness system to “prepare the Nation for all hazards, including natural disasters, acts of terrorism, and other man-made disasters.”<sup>109</sup> On March 30, 2011, former President Barack Obama issued Presidential Policy Directive 8: National Preparedness (PPD-8), establishing the National Preparedness System (NPS).<sup>110</sup> In accordance with PKEMRA, the purpose of PPD-8 was to:

strength[en] the security and resilience of the United States through systemic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters.<sup>111</sup>

The NPS is “an integrated set of guidance, programs, and processes that will enable the Nation to meet the national preparedness goal.”<sup>112</sup> It is designed to help “ensure the Nation’s ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters.”<sup>113</sup> In brief, the NPS and its many component policies embody the strategic vision and planning of the federal government, with input from the *whole community*,<sup>114</sup> as it relates to preparing the nation for all hazards. The NPS also establishes methods for achieving the nation’s desired level of preparedness for both federal and nonfederal partners by identifying the *core capabilities*.<sup>115</sup> A key component of the NPS is the National Incident Management System (NIMS) that provides a consistent approach for the whole community to work “together seamlessly and manage incidents involving all threats and hazards—regardless of cause, size, location, or complexity—in order to reduce loss of life, property and harm to the environment.”<sup>116</sup> Further, as directed by PPD-8, the NPS is supported by numerous strategic

<sup>108</sup> For additional information on national preparedness, see CRS Report R46696, *National Preparedness: A Summary and Select Issues*, by Shawn Reese and Lauren R. Stienstra; and CRS Infographic IG10027, *Strengthening National Preparedness*, by Lauren R. Stienstra.

<sup>109</sup> Section 642 of the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295), 6 U.S.C. §742.

<sup>110</sup> U.S. Department of Homeland Security, “Presidential Policy Directive 8: National Preparedness (PPD-8),” March 30, 2011, <https://www.dhs.gov/presidential-policy-directive-8-national-preparedness> (hereinafter PPD-8).

<sup>111</sup> PPD-8.

<sup>112</sup> PPD-8. The national preparedness goal is “[a] secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to and recover from the threats and hazards that pose the greatest risk.” FEMA, “National Preparedness,” last updated December 28, 2022, <https://www.fema.gov/emergency-managers/national-preparedness>.

<sup>113</sup> 6 U.S.C. §§743-744.

<sup>114</sup> The “whole community” includes individuals and families, including those with access and functional needs; businesses; faith-based and community organizations; nonprofit groups; schools and academia; media outlets; and all levels of government, including state, local, tribal, territorial, and federal partners. See FEMA, “Whole Community,” last updated October 6, 2020, <https://www.fema.gov/glossary/whole-community>.

<sup>115</sup> 6 U.S.C. §741(1) defines *capability* as “the ability to provide the means to accomplish one or more tasks under specific conditions and to specific performance standards. A capability may be achieved with any combination of properly planned, organized, equipped, trained, and exercised personnel that achieves the intended outcome.” A *core capability* is one that is “necessary to prepare for the specific types of incidents that pose the greatest risk to the security of the Nation.” See PPD-8.

<sup>116</sup> FEMA, “National Incident Management System,” last updated May 9, 2023, [https://www.fema.gov/emergency-\(continued...\)](https://www.fema.gov/emergency-(continued...))

component policies, including National Planning Frameworks for each of the five mission areas: Prevention, Protection, Mitigation, Response, and Recovery.<sup>117</sup> Each National Planning Framework is supported by a federal interagency operational plan (FIOP) that describes how the federal government aligns its supporting resources and delivers core capabilities. Two of the most significant frameworks for responding to a disaster are described below.

## National Response Framework

The National Response Framework (NRF) guides the nation’s response to all kinds of incidents regardless of cause or size, including emergencies and major disasters.<sup>118</sup> Although the NRF is often closely linked with the Stafford Act, the NRF is always in effect and does not require a formal Stafford Act declaration to be used.<sup>119</sup> Moreover, the NRF is guidance—not law. As such, it may be revised, as needed.

The NRF is designed to aid in the management of any disaster requiring federal coordination, including those declared under other federal authorities.<sup>120</sup> The NRF is built on the concepts included in the NIMS, and the NRF’s structure is intended to help federal and SLTT government agencies. The NRF envisions that these agencies would coordinate with private and nongovernmental organizations, and members of the community during a response, using commonly understood terminology and management structures.

The NRF establishes 15 Emergency Support Functions (ESFs) to organize the response capabilities of the federal government. ESFs “provide the structure for coordinating Federal interagency support for a Federal response to an incident.”<sup>121</sup> They group federal agencies with pertinent authorities, resources, and expertise to accomplish the capabilities needed in disaster response, regardless of the type of hazard.<sup>122</sup> For instance, ESF #8—Public Health and Medical Services—is designed to provide planning support and help coordinate federal public health, healthcare delivery, and emergency response systems to deliver services to supplement SLTT government resources in responding to an incident.<sup>123</sup>

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managers/nims. For additional information on NIMS, see FEMA, *National Incident Management System*, 3<sup>rd</sup> ed., October 2017, [https://www.fema.gov/sites/default/files/2020-07/fema\\_nims\\_doctrine-2017.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf).

<sup>117</sup> FEMA, “National Preparedness,” last updated December 28, 2022, <https://www.fema.gov/emergency-managers/national-preparedness>.

<sup>118</sup> U.S. Department of Homeland Security, *National Response Framework*, 4<sup>th</sup> ed., October 28, 2019, [https://www.fema.gov/sites/default/files/2020-04/NRF\\_FINALApproved\\_2011028.pdf](https://www.fema.gov/sites/default/files/2020-04/NRF_FINALApproved_2011028.pdf) (hereinafter DHS, *NRF*).

<sup>119</sup> DHS, *NRF*, p. 22.

<sup>120</sup> DHS, *NRF*, p. 3. Examples include public health emergencies declared under Section 319 of the Public Health Services Act (42 U.S.C. §§201 et seq.), or spills of national significance under the Oil Pollution Act (P.L. 101-380).

<sup>121</sup> FEMA, “Emergency Support Functions,” <https://www.fema.gov/emergency-managers/national-preparedness/frameworks/response#esf>.

<sup>122</sup> FEMA, “Emergency Support Functions,” <https://www.fema.gov/emergency-managers/national-preparedness/frameworks/response#esf> (see the links to each annex on FEMA’s webpage for the “National Response Framework”).

<sup>123</sup> Each ESF has a coordinating agency, typically several different primary agencies, and a larger number of support agencies. ESF #8 is coordinated by the U.S. Department of Health and Human Services. FEMA, “Emergency Support Function #8—Public Health and Medical Services Annex,” June 2016, [https://www.fema.gov/sites/default/files/2020-07/fema\\_ESF\\_8\\_Public-Health-Medical.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_ESF_8_Public-Health-Medical.pdf).

## National Disaster Recovery Framework

The National Disaster Recovery Framework (NDRF) guides the nation’s recovery from disasters.<sup>124</sup> The NDRF designates coordinating structures to assist with short-, intermediate, and long-term recovery following a disaster incident. These include basic recovery principles, and an explanation of roles and responsibilities at the respective levels of government. As with the NRF, the NDRF uses a support function model to organize the delivery of federal capabilities. For the recovery phase, FEMA and its partners may identify six Recovery Support Functions (RSFs).<sup>125</sup> An example of a Recovery Support Function is the Economic Recovery Support Function, which is coordinated by the U.S. Department of Commerce.<sup>126</sup>

In addition, the NDRF describes three positions that may provide focal points for incorporating recovery considerations into the decisionmaking process following a disaster. Those positions are the Federal Disaster Recovery Coordinator (FDRC), State or Tribal Disaster Recovery Coordinators (SDRCs or TDRCs), and Local Disaster Recovery Managers (LDRMs).<sup>127</sup>

## Author Information

Elizabeth M. Webster  
Analyst in Emergency Management and Disaster  
Recovery

Bruce R. Lindsay  
Analyst in American National Government

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<sup>124</sup> DHS, *National Disaster Recovery Framework*, 2<sup>nd</sup> ed., June 2016, [https://www.fema.gov/sites/default/files/2020-06/national\\_disaster\\_recovery\\_framework\\_2nd.pdf](https://www.fema.gov/sites/default/files/2020-06/national_disaster_recovery_framework_2nd.pdf) (hereinafter DHS, *NDRF*).

<sup>125</sup> FEMA, “Recovery Support Function Overviews,” <https://www.fema.gov/emergency-managers/national-preparedness/frameworks/recovery> (see the links to each annex on FEMA’s webpage for the “National Disaster Recovery Framework”).

<sup>126</sup> See, for example, FEMA, “National Disaster Recovery Framework: Economic Recovery Support Function,” last accessed May 12, 2023, [https://www.fema.gov/sites/default/files/2020-06/rsf\\_economic.pdf](https://www.fema.gov/sites/default/files/2020-06/rsf_economic.pdf).

<sup>127</sup> DHS, *NDRF*, pp. 9-10.

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