

# TERRORISM INCIDENT ANNEX TO THE FEDERAL RESPONSE PLAN

## INTRODUCTION

In June 1995, the White House issued Presidential Decision Directive 39 (PDD-39), “*United States Policy on Counterterrorism*.” PDD-39 directed a number of measures to reduce the Nation’s vulnerability to terrorism, to deter and respond to terrorist acts, and to strengthen capabilities to prevent and manage the consequences of terrorist use of nuclear, biological, and chemical (NBC) weapons including weapons of mass destruction (WMD). PDD-39 discusses crisis management and consequence management.

**Crisis management** includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism. The laws of the United States assign primary authority to the federal government to prevent and respond to acts of terrorism; state and local governments provide assistance as required. Crisis management is predominantly a law enforcement response. Based on the situation, a federal crisis management response may be supported by technical operations, and by federal consequence management, which may operate concurrently.

**Consequence management** includes measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by the consequences of terrorism. The laws of the United States assign primary authority to the states to respond to the consequences of terrorism; the federal government provides assistance as required.

**Purpose**

The purpose of this Terrorism Incident Annex, hereafter referred to as the Annex, is to describe the federal concept of operations to implement PDD-39, when necessary, to respond to terrorist incidents within the United States. The Annex:

1. Describes crisis management. Guidance is provided in other federal plans.
2. Defines the policies and structures to coordinate crisis management with consequence management.
3. Defines consequence management, which uses Federal Response Plan (FRP) structures, supplemented as necessary by structures that are normally activated through other federal plans.

**Scope**

1. The Annex applies to all threats or acts of terrorism within the United States that the White House determines require a federal response.
2. The Annex applies to all federal departments and agencies that may be directed to respond to a threat or act of terrorism within the United States.
3. The Annex builds upon FRP concepts and procedures by addressing unique policies, assumptions, structures, responsibilities, and actions that will be applied for consequence management as necessary.

**POLICIES****Lead Agency Responsibilities**

PDD-39 validates and reaffirms existing Federal Lead Agency responsibilities for counterterrorism, which are assigned to the Department of Justice, as delegated to the Federal Bureau of Investigation (FBI), for threats or acts of terrorism within the United States. It is FBI policy that crisis management will involve only those federal agencies requested by the FBI to provide expert guidance and/or assistance, as described in the PDD-39 Domestic Guidelines (classified) and FBI Incident Contingency Plans (classified).

**Consequence Management**

PDD-39 states that the Federal Emergency Management Agency (FEMA) shall ensure that the FRP is adequate to respond to the consequences

of terrorism. FEMA, with the support of all agencies in the FRP, shall act in support of the FBI in Washington, DC, and on the scene of the crisis, until such time as the Attorney General shall transfer the Lead Agency role to FEMA. FEMA retains responsibility for consequence management throughout the federal response, and acts in support of the FBI as appropriate, until the Attorney General, in consultation with the FBI Director and the FEMA Director, determines that such support is no longer required. It is FEMA policy to use FRP structures to coordinate all federal assistance to state and local governments for consequence management.

## **Costs**

PDD-39 states that federal agencies directed to participate in the resolution of terrorist incidents or conduct of counterterrorist operations shall bear the costs of their own participation, unless otherwise directed by the President.

## **SITUATION**

### **Conditions**

1. A general concern or actual threat of an act of terrorism occurring at or during a special event within the United States may cause the President to direct federal agencies to implement precautionary measures which may include some of the consequence management actions described in this Annex. When directed, FEMA will coordinate with the FBI and the affected state to identify potential consequence management requirements and with federal consequence management agencies to implement increased readiness operations.

2. A *significant threat* or act of terrorism may cause the FBI to respond and to implement a crisis management response as described in this Annex. FBI requests for assistance from other federal agencies will be coordinated through the Attorney General and the President with coordination of NSC groups as warranted. During the course of a crisis management response, consequences may become imminent or occur that cause the President to direct FEMA to implement a consequence management response as described in this Annex.

3. The occurrence of an incident without warning that produces major consequences involving NBC/WMD may cause the President to direct FEMA to implement a consequence management response as described in this Annex.

## **Planning Assumptions**

1. No single agency at the local, state, federal, or private level possesses the authority and the expertise to act unilaterally on many difficult issues that may arise in response to threats or acts of terrorism, particularly if NBC/WMD are involved.<sup>1</sup>

2. An act of terrorism, particularly an act directed against a large population center within the United States involving NBC/WMD, may produce major consequences that would overwhelm the capabilities of many local and state governments almost immediately. Major consequences involving NBC/WMD may overwhelm existing federal capabilities as well.

3. Local, state, and federal responders may define working perimeters, which may overlap to some degree. Perimeters may be used to control access to the area, target public information messages, assign operational sectors among responding organizations, and assess potential effects on the population and the environment. Control of these perimeters may be enforced by different authorities, which may impede the overall response if adequate coordination is not established.

4. If protective capabilities are not available, responders cannot be required to put their own lives at risk in order to enter a perimeter contaminated with NBC material. It is possible that the perimeter will be closed until the effects of the NBC material have degraded to levels that are safe for first responders.

5. This Annex may be implemented in situations involving major consequences in a single state or multiple states. The FBI will establish coordination relationships among FBI Field Offices and with federal agencies supporting crisis management, including FEMA, based on the locations involved.<sup>2</sup>

6. This Annex may be implemented in situations that also involve consequences in neighboring nations.

## **CONCEPT OF OPERATIONS**

### **Crisis Management (FBI, National Security Division, Domestic Terrorism/Counterterrorism Planning Section)**

PDD-39 reaffirms the FBI's federal lead responsibility for crisis management response to threats or acts of terrorism that take place within United

<sup>1</sup>FEMA will incorporate language into the FRP Basic Plan concerning the incident command system (ICS) and command structures.

<sup>2</sup>FEMA will incorporate language into an FRP procedure and FEMA internal procedures for backup operations concerning support to multiple terrorism operations within a single state or in multiple states.

States territory or in international waters and do not involve the flag vessel of a foreign country. The FBI provides a graduated flexible response to a range of incidents, including:

- A credible threat, which may be verbal, written, intelligence-based, or in another form.
- An act of terrorism which exceeds the local FBI field division capability to resolve.
- The confirmed presence of an explosive device or WMD capable of causing a significant destructive event, prior to actual injury or property loss (e.g., a significant threat).
- The detonation of an explosive device, utilization of a WMD, or other destructive event, with or without warning, that results in limited injury or death (e.g., limited consequences /state and local consequence management response).
- The detonation of an explosive device, utilization of a WMD, or other destructive event, with or without warning, that results in substantial injury or death (e.g., *major consequences /federal consequence management response*).

In response to a credible threat involving NBC/WMD, the FBI initiates a threat assessment process that involves close coordination with federal agencies with technical expertise, in order to determine the viability of the threat from a technical, as well as tactical and behavioral, standpoint.

The FBI provides the initial notification to law enforcement authorities within the affected state of a threat or occurrence that the FBI confirms as an act of terrorism. If warranted, the FBI implements an FBI response and simultaneously advises the Attorney General, who notifies the President and NSC groups as warranted, that a federal crisis management response is required. If federal crisis management response is authorized, the FBI activates multiagency crisis management structures at FBI Headquarters, at the responsible FBI Field Office, and at the incident site. (The FBI provides guidance on the crisis management response in the FBI Nuclear Incident Contingency Plan (classified) and the FBI Chemical/Biological Incident Contingency Plan (classified).)

If the threat involves NBC/WMD, the FBI Director may recommend to the Attorney General, who notifies the President and NSC groups as warranted, to deploy a Domestic Emergency Support Team (DEST). The mission of the DEST is to provide expert advice and assistance to the FBI On-Scene Commander (OSC) related to the capabilities of the DEST agencies and to coordinate follow-on response assets. When deployed, the DEST merges into the existing Joint Operations Center (JOC) structure. (Authorization and coordination procedures and the interagency organizational structure for the DEST are outlined in the PDD-39 Domestic Guidelines (classified)).

During crisis management, the FBI coordinates closely with local law enforcement authorities to provide a successful law enforcement resolution to the incident. The FBI also coordinates with other federal authorities, including FEMA. The FBI Field Office responsible for the incident site modifies its Command Post to function as a JOC. The JOC structure includes the following standard groups: Command, Operations, Support, and Consequence Management. Representation within the JOC includes some federal, state, and local agencies with roles in consequence management. FEMA notifies federal, state, and local consequence management agencies selected by the FBI OSC to request that they deploy representatives to the JOC. Selected federal, state, and local consequence management agencies may be requested to serve in the JOC Command Group, the JOC Support Group/Media component, and the JOC Consequence Management Group.

A FEMA representative coordinates the actions of the JOC Consequence Management Group, expedites activation of a federal consequence management response should it become necessary, and works with an FBI representative who serves as the liaison between the Consequence Management Group and the FBI OSC. The JOC Consequence Management Group monitors the crisis management response in order to advise on decisions that may have implications for consequence management, and to provide continuity should a federal consequence management response become necessary.

## Consequence Management

### Preincident

The FBI may notify federal agencies, including FEMA, of a *significant threat* of an act of terrorism. Federal agencies requested by the FBI, including FEMA, will deploy a representative(s) to the FBI Headquarters Strategic Information Operations Center (SIOC). Based on the circumstances, FEMA Headquarters and the responsible FEMA Region(s) may implement a standard procedure to alert involved FEMA officials and federal agencies supporting consequence management. FEMA and other federal agencies requested by the FBI OSC will deploy representatives to the JOC(S) being established by the responsible FBI Field Office(s).<sup>3</sup> Representatives may in-

<sup>3</sup>FEMA Headquarters will develop planning guidance for the FEMA Regions to incorporate language into the Regional Response Plans to explain that the senior FEMA official at the JOC has the authority to expedite activation of a federal consequence management response. Following a Stafford Act declaration, federal consequence management operations will transition from the JOC Consequence Management Group, supported by the ROC, to a DFO.

clude a senior official to serve in the JOC Command Group, in order to assist the FBI OSC and to provide continuity in leadership should a federal consequence management response be required.

Issues arising from the response that affect multiple agency authorities and areas of expertise will be discussed by the FBI OSC and the other members of the JOC Command Group, who are all working in consultation with other local, state, and federal representatives. While the FBI OSC retains authority to make federal crisis management decisions at all times, operational decisions are made cooperatively to the greatest extent possible. The FBI OSC and the senior FEMA official will provide, or obtain from higher authority, an immediate resolution of conflicts in priorities for allocation of critical federal resources (such as airlift or technical operations assets) between the crisis management and the consequence management response.

The JOC Command Group plays an important role in ensuring coordination of Federal crisis management and consequence management actions. Coordination will also be achieved through the exchange of operational reports on the incident. Because reports prepared by the FBI are “law enforcement sensitive,” FEMA representatives with access to the reports will review them, according to standard procedure, in order to identify and forward information to Emergency Support Function (ESF) No. 5 that may affect operational priorities and action plans for consequence management.

As a situation progresses, consequences may become imminent. FEMA will consult immediately with the White House and the Governor’s office in order to determine if FEMA is directed to use authorities of the Robert T. Stafford Disaster Relief and Emergency Assistance (Stafford) Act to mission-assign federal consequence management agencies to predeploy assets, in order to lessen or avert the threat of a catastrophe. These actions will involve appropriate notification and coordination with the FBI, as the overall Federal Lead Agency for counterterrorism. FEMA Headquarters may activate an Emergency Support Team (EST), may convene an executive-level meeting of the Catastrophic Disaster Response Group (CDRG), and may place an Emergency Response Team–National (ERT-N) on alert.<sup>4</sup> When FEMA activates the EST, FEMA will notify FBI Headquarters to request a liaison. The responsible FEMA region(s) may activate a Regional Operations Center (ROC) and deploy a representative(s) to the affected state(s). When the responsible FEMA region(s) activate a ROC, the region(s) will notify the responsible FBI Field Office(s) to request a liaison.

<sup>4</sup>FEMA will incorporate language into the FRP Basic Plan concerning the Emergency Response Team - National.

### **Trans-Incident (Situations Involving a Transition from a Threat to an Act of Terrorism)**

If consequences become imminent or occur that cause the President to direct FEMA to implement a federal consequence management response, then FEMA will initiate procedures to activate additional FRP structures (the EST, the CDRG, the ROC, and a Disaster Field Office (DFO) if necessary). Federal, state, and local consequence management agencies will begin to disengage from the JOC. The senior FEMA official and liaisons will remain at the JOC until the FBI and FEMA agree that a liaison presence is no longer required. FEMA will establish Joint Information Centers (JICS) in the field and Washington, DC, to serve as the primary federal information centers on the consequence management response for the media, Members of Congress, and foreign governments. FEMA JICS will establish coordination with the FBI media component in the field and the FBI Headquarters National Press Office, which serve as the primary federal information centers on the crisis management response.

### **Postincident (Situations without Warning)**

If an incident occurs without warning that produces major consequences and appears to be caused by an act of terrorism, then FEMA and the FBI will initiate consequence management and crisis management actions concurrently. FEMA will consult immediately with the White House and the Governor's office to determine if a federal consequence management response is required. If the President directs FEMA to implement a federal consequence management response, then FEMA will implement portions of this Annex and other FRP annexes as required. FEMA will support the FBI as required and will lead a concurrent federal consequence management response.

During the consequence management response, the FBI provides a liaison to either the ROC Director or the Federal Coordinating Officer (FCO) in the field, and a liaison to the EST Director at FEMA Headquarters. Issues arising from the response that affect multiple agency authorities and areas of expertise will be discussed by the ROC Director or FCO, in consultation with the FBI liaison, the on-scene decision-makers of the federal agencies supporting the technical operation, and the ESF Leaders, who are all working in consultation with local, state, and other federal representatives. While the ROC Director or FCO retains authority to make federal consequence management decisions at all times, operational decisions are made cooperatively to the greatest extent possible. Meetings will continue to be scheduled until the FBI and FEMA agree that coordination is no longer required. Op-



erational reports will continue to be exchanged, as described in the preincident phase. The FBI liaisons will remain at the EST and the ROC or DFO until FEMA and the FBI agree that a liaison presence is no longer required.

### Disengagement

If an act of terrorism does not occur, then the consequence management response disengages when the FEMA Director, in consultation with the FBI Director, directs FEMA Headquarters and the responsible region(s) to issue a cancellation notification by standard procedure to appropriate FEMA officials and FRP agencies. FRP agencies disengage according to standard procedure.

If an act of terrorism occurs that results in major consequences, then each FRP structure (the EST, the CDRG, the ROC, and the DFO if necessary) disengages at the appropriate time according to standard procedures. Following FRP disengagement, operations by individual federal agencies or by multiple federal agencies under other federal plans may continue, in order to support the affected state and local governments with long-term hazard monitoring, environmental decontamination, and site restoration (clean-up).

## RESPONSIBILITIES

### FBI

PDD-39 clarifies and expands upon the responsibilities of the FBI as the Federal Lead Agency for crisis management. The FBI will:

- Appoint an FBI OSC to provide leadership and direction to the federal crisis management response. The FBI OSC will convene meetings with decision-makers representing FEMA, the federal agencies involved in technical operations, and the state (as *appropriate*). These meetings will be held in order to formulate incident action plans, define priorities, review status, resolve conflicts, identify issues that require decisions from higher authorities, and evaluate the need for additional resources.
- Issue and track the status of crisis management actions assigned to federal agencies. A common system should be used by the FBI and FEMA, in order to provide a capability to control, prioritize, and deconflict taskings to federal agencies, several of which support crisis management and consequence management.
- Establish the primary federal operations centers for crisis management in the field and Washington, DC.

- Establish the primary federal centers for information on the crisis management response for the media, Members of Congress, and foreign governments in the field and Washington, DC.
- Designate appropriate liaison and advisory personnel to support FEMA.
- Determine when a threat of an act of terrorism warrants consultation with the White House.
- Advise the White House, through the Attorney General, when the FBI requires assistance for a federal crisis management response, in accordance with the PDD-39 Domestic Guidelines.
- Coordinate the federal crisis management response with the lead state and local crisis management agencies.

## **FEMA**

PDD-39 clarifies and expands upon the responsibilities of FEMA as the Federal Lead Agency for consequence management. FEMA will:

- Appoint a ROC Director or FCO to provide leadership and direction to the federal consequence management response. The ROC Director or FCO will convene meetings with decision-makers representing the FBI, the federal agencies involved in technical operations, and the state (as appropriate). These meetings will be held in order to formulate incident action plans, define priorities, review status, resolve conflicts, identify issues that require decisions from higher authorities, and evaluate the need for additional resources.
- Issue and track the status of consequence management actions assigned to federal agencies. A common system should be used by the FBI and FEMA, in order to provide a capability to control, prioritize, deconflict, and (as appropriate) audit and reimburse taskings to federal agencies, several of which support crisis management and consequence management.
- Establish the primary federal operations centers for consequence management in the field and Washington, DC.
- Establish the primary federal centers for information on the consequence management response for the media, Members of Congress, and foreign governments in the field and Washington, DC.
- Designate appropriate liaison and advisory personnel to support the FBI.
- Determine when consequences are imminent that warrant consultation with the White House and the Governor's office.
- Consult with the White House and the Governor's office to determine if a federal consequence management response is required

and if FEMA is directed to use Stafford Act authorities. This process will involve appropriate notification and coordination with the FBI.

- Coordinate the federal consequence management response with the lead state and local consequence management agencies.

## **Federal Agencies Supporting Technical Operations**

### **Department of Defense**

As directed in PDD-39, the Department of Defense (DOD) will activate technical operations capabilities to support the federal response to threats or acts of NBC/WMD terrorism. As required under the Constitution and laws of the United States, DOD will coordinate military operations within the United States with the appropriate civilian lead agency(ies) for the technical operations.

### **Department of Energy**

As directed in PDD-39, the Department of Energy (DOE) will activate nuclear response capabilities to support the federal response to threats or acts of nuclear/WMD terrorism. DOE may coordinate with individual agencies identified in the FRERP to use the structures, relationships, and capabilities described in the FRERP to support response operations. The FRERP does not require formal implementation. Under the FRERP:

- The federal OSC under the FRERP will coordinate the FRERP response with the FEMA official (either the senior FEMA official at the JOC, the ROC Director, or the FCO), who is responsible under PDD-39 for on-scene coordination of all federal support to state and local governments.
- The FRERP response may include on-site management, radiological monitoring and assessment, development of federal protective action recommendations, and provision of information on the radiological response to the public, the White House and Members of Congress, and foreign governments. The Lead Federal Agency (LFA) of the FRERP will serve as the primary federal source of information regarding on-site radiological conditions and off-site radiological effects.
- The LFA/FRERP will issue taskings that draw upon tidings from the responding FRERP agencies.

### Department of Health and Human Services

As directed in PDD-39, the Department of Health and Human Services (DHHS) will activate health and medical response capabilities to support the federal response to threats or acts of NBC/WMD terrorism. DHHS may coordinate with individual agencies identified in the *DHHS Health and Medical Services Support Plan for the Federal Response to Acts of Chemical/Biological Terrorism*, to use the structures, relationships, and capabilities described in the DHHS plan to support response operations. If the DHHS plan is *formally* implemented:

- The DHHS on-scene representative will coordinate, through the ESF No. 8 Leader, the DHHS plan response with the FEMA official (the senior FEMA official at the JOC, the ROC Director, or the FCO), who is responsible under PDD-39 for on-scene coordination of all federal support to state and local governments.
- The DHHS plan response may include threat assessment, consultation, agent identification, epidemiological investigation, hazard detection and reduction, decontamination, public health support, medical support, and pharmaceutical support operations.
- DHHS will issue taskings that draw upon funding from the responding DHHS plan agencies.

### Environmental Protection Agency

As directed in PDD-39, the Environmental Protection Agency (EPA) will activate environmental response capabilities to support the Federal response to acts of NBC/WMD terrorism. EPA may coordinate with individual agencies identified in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to use the structures, relationships, and capabilities of the National Response System as described in the NCP to support response operations. If the NCP is formally implemented:

- The On-Scene Coordinator under the NCP will coordinate, through the ESF No. 10 Leader, the NCP response with the FEMA official (the senior FEMA official at the JOC, the ROC Director, or the FCO), who is responsible under PDD-39 for on-scene coordination of all federal support to state and local governments.
- The NCP response may include threat assessment, consultation, agent identification, hazard detection and reduction, environmental monitoring, decontamination, and long-term site restoration (environmental clean-up) operations.

## **FUNDING GUIDELINES**

As stated in PDD-39, federal agencies directed to participate in the resolution of terrorist incidents or conduct of counterterrorist operations bear the costs of their own participation, unless otherwise directed by the President. This does not preclude federal agencies from reallocating funds from current agency operating budgets, accepting reimbursable work orders offered by other federal agencies, and/or submitting requests for supplemental appropriation to the Office of Management and Budget for consideration.

If the President directs FEMA to use Stafford Act authorities, FEMA will issue mission assignments through the FRP to support consequence management. FEMA provides the following finding guidance to the FRP agencies:

### **Special Events and the Stafford Act**

Commitments by individual agencies to take precautionary measures in anticipation of special events will not be reimbursed under the Stafford Act, unless mission-assigned by FEMA to support consequence management.

### **Crisis Management /Law Enforcement and the Stafford Act**

Stafford Act authorities do not pertain to law enforcement functions. Law enforcement or crisis management actions will not be mission-assigned for reimbursement under the Stafford Act.<sup>5</sup>

## **REFERENCES (NOT OTHERWISE REFERENCED IN THE FRP)**

A. Presidential Decision Directive 39 (classified). An unclassified extract may be obtained from FEMA.

B. FBI Chemical/Biological Incident Contingency Plan (classified). An unclassified version may be obtained from the FBI.

C. FBI Nuclear Incident Contingency Plan (classified). An unclassified version may be obtained from the FBI.

D. PDD-39 Domestic Guidelines (classified).

<sup>5</sup>FEMA will review and update language concerning Stafford Act declarations and mission assignments in the FRP Basic Plan, as follows:

E. DHHS Health and Medical Services Support Plan for the Federal Response to Acts of Chemical/Biological Terrorism.

## PRIMARY POINT OF CONTACT

Inquiries concerning this Annex should be addressed to the Federal Emergency Management Agency, Response and Recovery Directorate, Operations and Planning Division, Planning and Coordination Branch.<sup>6,7</sup>

<sup>6</sup>FEMA will update FRP Appendix A. The following acronyms and abbreviations used in the Annex will be incorporated:

DEST, Domestic Emergency Support Team  
FBI OSC, On-Scene Commander  
JOC, Joint Operations Center  
NBC, Nuclear, Biological, and Chemical  
NSC, National Security Council  
PPD-39, Presidential Decision Directive 39  
SIOC, Strategic Information Operations Center  
WMD, Weapons of Mass Destruction

<sup>7</sup>FEMA will incorporate these terms and definitions into the FRP Appendix B:

1. **Biological agents** are microorganisms or toxins from living organisms that have infectious or noninfectious properties which produce lethal or serious effects in plants and animals. (FBI)
2. **Chemical agents** are solids, liquids, or gases that have chemical properties that produce lethal or serious effects in plants and animals. (FBI)
3. **Limited consequences** are within state and local capabilities.
4. **Major consequences** exceed state and local capabilities, requiring a federal response.
5. **Nuclear weapons** release nuclear energy in an explosive manner as the result of nuclear chain reactions involving fission and/or fusion of atomic nuclei. (DOE)
6. **Significant threat.** The confirmed presence of an explosive device or WMD capable of causing a significant destructive event, prior to actual injury or property loss. (FBI)
7. **Technical operations** include operations to identify, assess, dismantle, transfer, dispose, and decontaminate personnel and property exposed to explosive ordnance or NBC/WMD material.
8. **Terrorist Incident.** A violent act, or an act dangerous to human life, in violation of the criminal laws of the United States or of any state, to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.
9. **Weapon of Mass Destruction.** (A) Any destructive device as defined in Section 921 of this title, (which reads) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge or more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine or device similar to the above; (B) poison gas; (C) any weapon involving a disease organisms; or (D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life (18 U.S.C., Section 2332a)

## —FOLLOW-ON PLANNING REQUIREMENTS—

FEMA can use limited predeployment authorities in advance of a Stafford Act declaration to “lessen or avert the threat of a catastrophe,” only if the President expresses intent to go forward with a declaration (Section 201). This authority is further interpreted by Congressional intent, to the effect that the President must determine that assistance under existing federal programs is inadequate to meet the crisis before FEMA may directly intervene under the Stafford Act.

The Stafford Act authorizes the President to issue “emergency” and “major disaster” declarations (Section 501). Emergency declarations may be issued in response to a Governor’s request, or in response to those rare emergencies, including some acts of terrorism, for which the federal government is assigned in the laws of the United States the exclusive or preeminent responsibility and authority to respond. Major disaster declarations may be issued in response to a Governor’s request for any natural catastrophe or, regardless of cause, any fire, flood, or explosion which has caused damage of sufficient severity and magnitude, as determined by the President, to warrant major disaster assistance under the Act.

If a Stafford Act declaration is provided, funding for consequence management may continue to be allocated from responding department and agency operating budgets, the Disaster Relief Fund, and supplemental appropriations.

Mission assignments are reimbursable work orders issued by FEMA to federal agencies directing completion of a specific task. While the Stafford Act states that “Federal agencies may (emphasis added) be reimbursed for expenditures under the Act” from the Disaster Relief Fund (Section 304), it is FEMA policy to reimburse Federal agencies for work performed under mission assignments. Mission assignments issued to support consequence management will follow FEMA’s “Standard Operating Procedures for the Management of Mission Assignments (May 1994)” or applicable superseding documentation.