

I. TITLE: Procedures for Processing Requests for Emergency or Expedited Major Disaster Declarations

II. DATE: May 15, 2007

III. PURPOSE:

To establish how the Federal Emergency Management Agency will process a gubernatorial request to the President for an Emergency or expedited Major Disaster declaration.

IV. SCOPE AND AUDIENCE:

This policy is applicable to all gubernatorial requests to the President for an Emergency or expedited Major Disaster declaration, until superseded by final policy. All personnel are directed to follow this policy.

V. AUTHORITY:

Titles IV and V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206, and 44 CFR 206.36(d).

VI. POLICY:

A. FEMA Regions will (except as qualified in paragraphs VI-A-2-(c) and VI-A-2-(d)) process a gubernatorial request for an Emergency or expedited Major Disaster declaration by the President, as follows:

1. If the Governor's request does NOT include a request for Public Assistance Category A and/or B, including direct federal assistance to support life-saving/sustaining, property protection, and/or public health and safety requirements, the appropriate FEMA Region will (if not previously requested) initiate and complete, in conjunction with the State, preliminary damage assessments to validate the need for Individual Assistance and/or Public Assistance, prior to formalizing a recommendation to the President.

2. If the Governor's request DOES include a request for Public Assistance Category A and/or B, including direct federal assistance (e.g., emergency teams, equipment, commodities, etc.) to support life-saving/sustaining, property protection, and/or public health and safety requirements which are beyond the capability of the State (and affected local governments), and includes the assurances required by 44 CFR 206.208(b)(1) and (2), the appropriate FEMA Region will:

(a) Immediately evaluate and process the request, and expeditiously submit a recommendation regarding only Public Assistance Category A and/or B, limited to direct federal assistance, to the FEMA Assistant Administrator, Disaster Assistance Directorate. The FEMA Regional recommendation MUST include:

(1) An assessment as to whether a declaration is necessary and appropriate, including a determination that the catastrophe is of such unusual severity and magnitude that preliminary damage assessments are not necessary to validate the requirement for supplemental Federal assistance.

(2) An assessment of the State's capability, or lack thereof, to provide the requested direct assistance.

(b) Withhold a recommendation regarding any concurrent request for Individual Assistance, other categories of Public Assistance, and Hazard Mitigation Grant Program assistance pending the completion of preliminary damage assessments, and the review of the results/findings thereof.

(c) Exception 1: For catastrophic or high-impact events where the level of damage to the public and/or private infrastructure (including residential property) is empirically overwhelming, the appropriate FEMA Region may expedite a recommendation for limited Individual Assistance, Public Assistance (categories A and/or B only), and Hazard Mitigation Grant Program assistance, as situationally appropriate.

(d) Exception 2: For Emergency Requests submitted in accordance with FEMA Disaster Assistance Policy 1001, *Hurricane/Typhoon Pre-Landfall Declaration Requests*, Category B financial assistance may, if requested, also be recommended, in addition to direct federal assistance limited to Category A and/or B.

B. Direct federal assistance under Public Assistance Category A and/or B will be provided at a 75% Federal, 25% State cost-share, unless adjusted in accordance with 44 CFR § 206.47.

C. Under the provisions of the Catastrophic Incident Supplement to the National Response Plan, or when otherwise determined appropriate by the FEMA Administrator, FEMA may proactively deploy direct federal assistance assets to an affected State in advance of a Presidential declaration, to assure immediate availability thereupon.

D. All declaration requests, including expedited requests, must comply with the minimum information and certification requirements established by 44 CFR §§ 206.35 and 206.36.

E. Emergency and Major Disaster declaration determinations are made solely and exclusively by the President of the United States. This policy in no way obligates the President to either approve or disapprove any declaration request, nor does it inhibit the President's authority to approve any type of eligible assistance.

VII. RESPONSIBLE OFFICE: Disaster Assistance Directorate (Declarations Unit).

VIII. REVIEW DATE: This guidance remains effective until superseded or rescinded.

David Garratt
Acting Assistant Administrator
Disaster Assistance Directorate