

## **APPENDIX 2**

# **NATIONAL PLAN FOR INCIDENT MANAGEMENT**

### **APPENDIX 2-1: Executive Order 12241**

#### **Executive Order 12241, September 29, 1980, National Contingency Plan**

By the authority vested in me as President of the United States of America under Section 304 of Public Law 96-295 (94 Stat. 790) and Section 301 of Title 3 of the United States Code, and in order to provide for the publication of a plan to protect the public health and safety in case of accidents at nuclear power facilities, it is hereby ordered as follows:

1-101. The functions vested in the President by Section 304 of Public Law 96-295 (94 Stat. 790) are delegated to the Director, Federal Emergency Management Agency.

1-102. A copy of the National Contingency Plan shall, from time to time, be published in the Federal Register.

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#### **AMENDMENT(S)**

EO 12657, November 18, 1988

### **APPENDIX 2-2: Executive Order 12472**

#### **Executive Order 12742 (1991), National Security Industrial Responsiveness**

Section 101. Policy The United States must have the capability to rapidly mobilize its resources in the interest of national security. Therefore, to achieve prompt delivery of articles, products, and materials to meet national security requirements, the Government may place orders and require priority performance of these orders.

Section 102. Delegation of Authority under 50 U.S.C. App. 468.

Subject to paragraph (b) of this section, the authorities vested in the President, under 50 U.S.C. App. 468, with respect to the placing of orders for prompt delivery of articles or materials, except for the taking authority under 50 U.S.C. App. 468 (c), are hereby delegated to:

- (1) the Secretary of Agriculture with respect to all food resources;
- (2) the Secretary of Energy with respect to all forms of energy;
- (3) the Secretary of Transportation with respect to all forms of civil transportation; and
- (4) the Secretary of Commerce with respect to all other articles and materials, including construction materials.

The authorities delegated by paragraph (a) of this section shall be exercised only after:

- (1) a determination by the Secretary of Defense that prompt delivery of the articles or materials for the exclusive use of the armed forces of the United States in the interest of national security, or
- (2) a determination by the Secretary of Energy that the prompt delivery of the articles or materials for the Department of Energy's atomic energy programs is in the interest of national security.

All determinations of the type described in paragraph (b) of this section and all delegations -- made prior to the effective date of this order under the Defense Production Act of 1950, as amended, and under its implementing rules and regulation

Section 103. Delegation of Authority under 10 U.S.C. 4501 and 9501, and 50 U.S.C. 82.

Subject to paragraph (b) of this section, the authorities vested in the President under 10 U.S.C. 4501 and 9501 with respect to the placing of orders for necessary products or materials, and under 50 U.S.C. 82 with respect to the placing of orders for ships or war materials, except for the taking authority vested in the President by these acts, are hereby delegated to:

- (1) the Secretary of Agriculture with respect to all food resources;
- (2) the Secretary of Energy with respect to all forms of energy;
- (3) the Secretary of Transportation with respect to all forms of civil transportation; and
- (4) the Secretary of Commerce with respect to all other products and materials, including construction materials.

The authorities delegated in paragraph (a) of this section may be exercised only after the President has made the statutorily required determination.

Section 104. Implementation. (a) The authorities delegated under sections 102 and 103 of this order shall include the power to redelegate such authorities, and the power of successive redelegation of such authorities, to departments and agencies, officers, and employees of the Government. The authorities delegated in this order may be implemented by regulations promulgated and administered by the Secretaries of Agriculture, Defense, Energy, Transportation, and Commerce, and the Director of the Federal Emergency Management Agency, as appropriate.

All departments and agencies delegated authority under this order are hereby directed to amend their rules delegated herein that are to be relied upon to carry out their functions. To the extent authorized by law, including 50 U.S.C. App. 486, 10 U.S.C. 4501 and 9501, and 50 U.S.C. 82, all rules and regulations issued under the Defense Production Act of 1950, as amended, with respect to the placing of priority orders for articles, products, ships, and materials, including war materials, shall be deemed, where appropriate, to implement the authorities delegated by section 102 and 103 of this order, and shall remain in effect until amended or revoked by the respective Secretary. All orders, regulations, and other forms of administrative actions pursuant to the Defense Production Act of 1950, as amended, shall, until amended or revoked by the respective Secretaries or the Director of the Federal Emergency Management Agency, as appropriate, remain in full force and effect, to the extent supported by any law or any authority delegated to the respective Secretary or the Director pursuant to this order.

Upon the request of the Secretary of Defense with respect to particular articles, products, or materials that are determined to be needed to meet national security requirements, and other official receiving a delegation of authority under this Executive order to place orders or to enforce precedence of such orders, shall exercise such authority within 10 calendar days of the receipt of the request; provided, that if the head of any department or agency having delegated responsibilities hereunder disagrees with a request of the Secretary of Defense, such department or agency head shall, within 10 calendar days from the receipt of the request, refer the issue to the Assistant to the President for National Security Affairs, who shall ensure expeditious resolution of the issue.

Proposed department and agency regulations and procedures to implement the delegated authority under this order, and any new determinations made under sections 102 (b)(1) or (2), shall be coordinated by the Director of the Federal Emergency Management Agency with all appropriate departments and agencies.

Section 105. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

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## AMENDMENT(S)

**Executive Order 13286 (2003), Executive Order Amendment of Executive Orders, and Other Actions, in Connection with the Transfer of Certain Functions to the Secretary of Homeland Security**

Sec. 36. Executive Order 12742 of January 8, 1991 ("National Security Industrial Responsiveness"), is amended by:  
inserting "Homeland Security," after "Transportation," in section 104(a); and  
striking "the Director of the Federal Emergency Management Agency" in section 104(d) and inserting "the Secretary of Homeland Security" in lieu thereof.

## **APPENDIX 2-3: Executive Order 12580**

### **Executive Order 12580, January 23, 1987, Superfund Implementation**

#### Section 1. National Contingency Plan.

(a)

(1) The National Contingency Plan ('the NCP') shall provide for a National Response Team ('the NRT') composed of representatives of appropriate Federal departments and agencies for national planning and coordination of preparedness and response actions, and regional response teams as the regional counterpart to the NRT for planning and coordination of regional preparedness and response actions.

(2) The following agencies (in addition to other appropriate agencies) shall provide representatives to the National and Regional Response Teams to carry out their responsibilities under the NCP: Department of State, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Energy, Environmental Protection Agency, Federal Emergency Management Agency, United States Coast Guard, and the Nuclear Regulatory Commission.

(3) Except for periods of activation because of a response action, the representative of the Environmental Protection Agency ("EPA") shall be the chairman and the representative of the United States Coast Guard shall be the vice chairman of the NRT and these agencies' representatives shall be co-chairs of the Regional Response Teams ('the RRTs'). When the NRT or an RRT is activated for a response action, the chairman shall be the EPA or United States Coast Guard representative, based on whether the release or threatened release occurs in the island or coastal zone, unless otherwise agreed upon by the EPA and United States Coast Guard representatives.

(4) The RRTs may include representatives from State governments, local governments (as agreed upon by the States), and Indian tribal governments. Subject to the functions and authorities delegated to Executive departments and agencies in other sections of this Order, the NRT shall provide policy and program direction to the RRTs.

(b)

(1) The responsibility for the revision of the NCP and all of the other functions vested in the President by Sections 105(a), (b), (c), and (g), 125, and 301(f) of the Act is delegated to the Administrator of the Environmental Protection Agency ('the Administrator').

(2) The function vested in the President by Section. II 8(p) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) ('SARA') is delegated to the Administrator.

(c) In accord with Section 107(f)(2)(A) of the Act and Section 31 I (f)(5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321 (f)(5)), the following shall be among those designated in the NCP as Federal trustees for natural resources:

- (1) Secretary of Defense;
- (2) Secretary of the Interior,
- (3) Secretary of Agriculture;
- (4) Secretary of Commerce;
- (5) Secretary of Energy.

(d) Revisions to the NCP shall be made in consultation with members of the NRT prior to publication for notice and comment. Revisions shall also be made in consultation with the Director of the Federal Emergency Management Agency and the Nuclear Regulatory Commission in order to avoid inconsistent or duplicative requirements in the emergency planning responsibilities of those agencies.

(e) All revisions to the NCP, whether in proposed or final form, shall be subject to review and approval by the Director of the Office of Management and Budget ("OMB").

Sec. 2. Response and Related Authorities.

(a) The functions vested in the President by the first sentence of Section 104(b)(1) of the Act relating to "illness, disease, or complaints thereof" are delegated to the Secretary of Health and Human Services, who shall, in accord with Section 104(i) of the Act, perform those functions through the Public Health Service.

(b) The functions vested in the President by Sections 104(e)(7)(C), 113(k)(2), 119(c)(7), and 121(f)(1) of the Act, relating to promulgation of regulations and guidelines, are delegated to the Administrator, to be exercised in consultation with the NRT.

(c)

(1) The functions vested in the President by Sections 104(a) and the second sentence of 126(b) of the Act, to the extent they require permanent relocation of residents, businesses, and community facilities or temporary evacuation and housing of threatened individuals not otherwise provided for, are delegated to the Director of the Federal Emergency Management Agency.

(2) Subject to subsection (b) of this Section, the functions vested in the President by Sections 117(a) and (c) and 119 of the Act, to the extent such authority is needed to carry out the functions delegated under paragraph (1) of this subsection, are delegated to the Director of the Federal Emergency Management Agency.

(d) Subject to subsections (a), (b), and (c) of this Section, the functions vested in the President by Sections 104(a), (b), and (c)(4), 113(k), 117(a) and (c), 119, and 121 of the Act are delegated to the Secretaries of Defense and Energy, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of their departments, respectively, including vessels bare-boat chartered and operated. These functions must be exercised consistent with the requirements of Section 120 of the Act.

(e)

(1) Subject to subsections (a), (b), (c), and (d) of this Section, the functions vested in the President by Sections 104(a), (b), and (c)(4), and 121 of the Act are delegated to the heads of Executive departments and agencies, with respect to remedial actions for releases or threatened releases which are not on the National Priorities List ('the NPL') and removal actions other than emergencies, where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments and agencies, including vessels bare-boat chartered and operated. The Administrator shall define the term 'emergency,' solely for the purposes of this subsection, either by regulation or by a memorandum of understanding with the head of an Executive department or agency.

(2) Subject to subsections (b), (c), and (d) of this Section, the functions vested in the President by Sections 104(b)(2), 113(k), 117(a) and (c), and 119, of the Act are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments and agencies, including vessels bare-boat chartered and operated.

(f) Subject to subsections (a), (b), (c), (d), and (e) of this Section, the functions vested in the President by Sections 104(a), (b), and (c)(4), 113(k), 117(a) and (c), 119, and 121 of the Act are delegated to the Secretary of the Department in which the Coast Guard is operating ("the Coast Guard"), with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(g) Subject to subsections (a), (b), (c), (d), (e), and (f) of this Section, the functions vested in the President by Sections 101(24), 104(a), (b), (c)(4), and (c)(9), 113(k), 117(a) and (c), 119, 121, and 126(b) of the Act are delegated to the Administrator. The Administrator's authority under Section 119 of the Act is retroactive to the date of enactment of SARA.

(h) The functions vested in the President by Section 104(c)(3) of the Act are delegated to the Administrator, with respect to providing assurances for Indian tribes, to be exercised in consultation with the Secretary of the Interior.

(i) Subject to subsections (d), (e), (f), (g), and (h) of this Section, the functions vested in the President by Section 104(c) and (d) of the Act are delegated to the Coast Guard, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, and the Administrator in order to carry out the functions delegated to them by this Section.

(j)

(1) The functions vested in the President by Section 104(e)(5)(A) are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases where either the release is on or

the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of those departments or agencies, to be exercised with the concurrence of the Attorney General.

(2) Subject to subsection (b) of this Section and paragraph (1) of this subsection, the functions vested in the President by Section 104(e) are delegated to the heads of Executive departments and agencies in order to carry out their functions under this Order or the Act.

(k) The functions vested in the President by Section 104(f), (g), (h), (I)(11), and (j) of the Act are delegated to the heads of Executive departments and agencies in order to carry out the functions delegated to them by this Section. The exercise of authority under Section 104(h) of the Act shall be subject to the approval of the Administrator of the Office of Federal Procurement Policy.

#### Sec. 3. Cleanup Schedules.

(a) The functions vested in the President by Sections 116(a) and the first two sentences of 105(d) of the Act are delegated to the heads of Executive departments and agencies with respect to facilities under the jurisdiction, custody or control of those departments and agencies.

(b) Subject to subsection (a) of this Section, the functions vested in the President by Sections 116 and 105(d) are delegated to the Administrator.

#### Sec. 4. Enforcement.

(a) The functions vested in the President by Sections 109(d) and 122(e)(3)(A) of the Act, relating to development of regulations and guidelines, are delegated to the Administrator, to be exercised in consultation with the Attorney General.

(b)

(1) Subject to subsection (a) of this Section, the functions vested in the President by Section 122 (except subsection (b)(1)) are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases not on the NPL where either the release is on or the sole source of the release is from any facility under the jurisdiction, custody or control of those Executive departments and agencies. These functions may be exercised only with the concurrence of the Attorney General.

(2) Subject to subsection (a) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Section 122 of the Act, are delegated to the heads of Executive departments and agencies, with respect to releases or threatened releases not on the NPL where either the release is on or the sole source of the release is from any facility under the jurisdiction, custody or control of those Executive departments and agencies. These functions may be exercised only with the concurrence of the Attorney General.

(c)

(1) Subject to subsection (a) and (b)(1) of this Section, the functions vested in the President by Sections 106(a) and 122 of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(2) Subject to subsection (a) and (b)(2) of this Section, the functions vested in the President by Section 109 of the Act relating to violations of Sections 103 (a) and (b) and 122 of the Act, are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(d)

(1) Subject to subsections (a), (b)(1), and (c)(1) of this Section, the functions vested in the President by Sections 106 and 122 of the Act are delegated to the Administrator.

(2) Subject to subsections (a), (b)(2), and (c)(2) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Sections 103 and 122 of the Act, are delegated to the Administrator.

(e) Notwithstanding any other provision of this Order, the authority under Sections 104(e)(5)(A) and 106(a) of the Act to seek information, entry, inspection, samples, or response actions from Executive departments and agencies may be exercised only with the concurrence of the Attorney General.

#### Sec. 5. Liability.

(a) The function vested in the President by Section 107(c)(1)(C) of the Act is delegated to the Secretary of Transportation.

(b) The functions vested in the President by Section 107(c)(3) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 107(c)(3) of the Act are delegated to the Administrator.

(d) The functions vested in the President by Section 107(f)(1) of the Act are delegated to each of the Federal trustees for natural resources designated in the NCP for resources under their trusteeship.

(e) The functions vested in the President by Section 107(f)(2)(B) of the Act, to receive notification of the state natural resource trustee designations, are delegated to the Administrator.

#### Sec. 6. Litigation.

(a) Notwithstanding any other provision of this Order, any representation pursuant to or under this Order in any judicial proceedings shall be by or through the Attorney General. The conduct and control of all litigation arising under the Act shall be the responsibility of the Attorney General.

(b) Notwithstanding any other provision of this Order, the authority under the Act to require the Attorney General to commence litigation is retained by the President.

(c) The functions vested in the President by Section 133(g) of the Act, to receive notification of a natural resource trustee's intent to file suit, are delegated to the heads of Executive departments and agencies with respect to response actions for which they have been delegated authority under Section 2 of this Order. The Administrator shall promulgate procedural regulations for providing such notification.

(d) The functions vested in the President by Sections 310 (d) and (e) of the Act, relating to promulgation of regulations, are delegated to the Administrator.

#### Sec. 7. Financial Responsibility.

(a) The functions vested in the President by Section 107(k)(4)(B) of the Act are delegated to the Secretary of the Treasury.

The Administrator will provide the Secretary with such technical information and assistance as the Administrator may have available.

(b)

(1) The functions vested in the President by Section 108(a)(1) of the Act are delegated to the Coast Guard.

(2) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the act, relating to violations of Section 108(a)(1) of the Act, are delegated to the Coast Guard.

(c)

(1) The functions vested in the President by Section 108(b) of the Act are delegated to the Secretary of Transportation with respect to all transportation-related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(2) Subject to Section 4(a) of this Order, the functions vested in the President by Section 108(a)(3) of the Act, relating to violations of Section 108(a)(3) of the Act, are delegated to the Secretary of Transportation.

(3) Subject to Section 4(a) of this Order, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108(b) of the Act, are delegated to the Secretary of Transportation with respect to all transportation-related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(d)

(1) Subject to subsection (c)(1) of this Section, the functions vested in the President by Section 108 (a)(4) and (b) of the Act are delegated to the Administrator.

(2) Subject to Section 4(a) of this Order and subsection (c)(3) of this Section, the functions vested in the President by Section 109 of the Act, relating to violations of Section 108 (a)(4) and (b) of the Act, are delegated to the Administrator.

#### Sec. 6. Employee Protection and Notice to Injured.

(a) The functions vested in the President by Section 110(e) of the Act are delegated to the Administrator.

(b) The functions vested in the President by Section 111(g) of the Act are delegated to the Secretaries of Defense and Energy with respect to releases from facilities or vessels under the jurisdiction, custody or control of their departments, respectively, including vessels bare-boat chartered and operated.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 111(g) of the Act are delegated to the Administrator.

#### Sec. 9. Management of the Hazardous Substance Superfund and Claims.

(a) The functions vested in the President by Section I I I (a) of the Act are delegated to the Administrator, subject to the provisions of this Section and other applicable provisions of this Order.

(b) The Administrator shall transfer to other agencies, from the Hazardous Substance Superfund out of sums appropriated, such amounts as the Administrator may determine necessary to carry out the purposes of the Act. These amounts shall be consistent with the President's Budget, within the total approved by the Congress, unless a revised amount is approved by OMB. Funds appropriated specifically for the Agency

for Toxic Substances and Disease Registry ("ATSDR"), shall be directly transferred to ATSDR, consistent with fiscally responsible investment of trust fund money.

(c) The Administrator shall chair a budget task force composed of representatives of Executive departments and agencies having responsibilities under this Order or the Act. The Administrator shall also, as part of the budget request for the Environmental Protection Agency, submit to OMB a budget for the Hazardous Substance Superfund which is based on recommended levels developed by the budget task force. The Administrator may prescribe reporting and other forms, procedures, and guidelines to be used by the agencies of the Task Force in preparing the budget request, consistent with budgetary reporting requirements issued by OMB. The Administrator shall prescribe forms to agency task force members for reporting the expenditure of funds on a site-specific basis.

(d) The Administrator and each department and agency head to whom funds are provided pursuant to this Section, with respect to funds provided to them, are authorized in accordance with Section 111(f) of the Act to designate Federal officials who may obligate such funds.

(e) The functions vested in the President by Section 112 of the Act are delegated to the Administrator for all claims presented pursuant to Section 111 of the Act.

(f) The functions vested in the President by Section 111 (o) of the Act are delegated to the Administrator.

(g) The functions vested in the President by Section 117(e) of the Act are delegated to the Administrator, to be exercised in consultation with the Attorney General.

(h) The functions vested in the President by Section 123 of the Act are delegated to the Administrator.

(i) Funds from the Hazardous Substance Superfund may be used, at the discretion of the Administrator or the Coast Guard, to pay for removal actions for releases or threatened releases from facilities or vessels under the jurisdiction, custody or control of Executive departments and agencies but must be reimbursed to the Hazardous Substance Superfund by such Executive department or agency.

#### Sec. 10. Federal Facilities.

(a) When necessary, prior to selection of a remedial action by the Administrator under Section 120(e)(4)(A) of the Act, Executive agencies shall have the opportunity to present their views to the Administrator after using the procedures under Section 1-6 of Executive Order No. 12088 of October 13, 1978, or any other mutually acceptable process. Notwithstanding subsection 1-602 of Executive Order No. 12088, the Director of the Office of Management and Budget shall facilitate resolution of any issues.

(b) Executive Order No. 12088 of October 13, 1978, is amended by renumbering the current Section 1-802 as Section 1-803 and inserting the following new Section 1-802:

"1-802. Nothing in this Order shall create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person."

#### Sec. 11. General Provisions.

(a) The function vested in the President by Section 101(37) of the Act is delegated to the Administrator.

(b)

(1) The function vested in the President by Section 105(f) of the Act, relating to reporting on minority participation in contracts, is delegated to the Administrator.

(2) Subject to paragraph 1 of this subsection, the functions vested in the President by Section 105(f) of the Act are delegated to the heads of Executive departments and agencies in order to carry out the functions delegated to them by this Order. Each Executive department and agency shall provide to the Administrator any requested information on minority contracting for inclusion in the Section 105(f) annual report.

(c) The functions vested in the President by Section 126(c) of the Act are delegated to the Administrator, to be exercised in consultation with the Secretary of the Interior.

(d) The functions vested in the President by Section 301(c) of the Act are delegated to the Secretary of the Interior.

(e) Each agency shall have authority to issue such regulations as may be necessary to carry out the functions delegated to them by this Order.

(f) The performance of any function under this Order shall be done in consultation with interested Federal departments and agencies represented on the NRT, as well as with any other interested Federal agency.

(g) The following functions vested in the President by the Act which have been delegated or assigned by this Order may be redelegated to the head of any Executive department or agency with his consent: functions set forth in Sections 2 (except subsection (b)), 3, 4(b), 4(c), 4(d), 5(b), 5(c), and 8(c) of this Order.

(h) Executive Order No. 12316 of August 14, 1981, is revoked.

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## AMENDMENT(S)

### **Executive Order 13016 (1996), Amendment to Executive Order No. 12580, Superfund Implementation**

Section 1. A new subsection (c)(3) is added to read as follows:

"(3) Subject to subsections (a) and (b)(1) of this section, the functions vested in the President by sections 106(a) and 122 (except subsection (b)(1)) of the Act are delegated to the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, and the Secretary of Energy, to be exercised only with the concurrence of the Coast Guard, with respect to any release or threatened release in the coastal zone, Great Lakes waters, ports, and harbors, affecting (1) natural resources under their trusteeship, or (2) a vessel or facility subject to their custody, jurisdiction, or control. Such authority shall not be exercised at any vessel or facility at which the Coast Guard is the lead Federal agency for the conduct or oversight of a response action. Such authority shall not be construed to authorize or permit use of the Hazardous Substance Superfund to implement section 106 or to fund performance of any response action in lieu of the payment by a person who receives but does not comply with an order pursuant to section 106(a), where such order has been issued by the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, or the Secretary of Energy. This subsection shall not be construed to limit any authority delegated by any other section of this order. Authority granted under this subsection shall be exercised in a manner to ensure interagency coordination that enhances efficiency and effectiveness."

Section. 2. A new subsection (d) (3) is added to section 4 to read as follows:

"(3) Subject to subsections (a), (b)(1), and (c)(1) of this section, the functions vested in the President by sections 106(a) and 122 (except subsection (b)(1)) of the Act are delegated to the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, and the Department of Energy, to be exercised only with the concurrence of the Administrator, with respect to any release or threatened release affecting (1) natural resources under their trusteeship, or (2) a vessel or facility subject to their custody, jurisdiction, or control. Such authority shall not be exercised at any vessel or facility at which the Administrator is the lead Federal official for the conduct or oversight of a response action. Such authority shall not be construed to authorize or permit use of the Hazardous Substance Superfund to implement section 106 or to fund performance of any response action in lieu of the payment by a person who receives but does not comply with an order pursuant to section 106(a), where such order has been issued by the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, or the Secretary of Energy. This subsection shall not be construed to limit any authority delegated by any other section of this order. Authority granted under this subsection shall be exercised in a manner to ensure interagency coordination that enhances efficiency and effectiveness."

### **Executive Order 13286 (2003), Executive Order Amendment of Executive Orders, and Other Actions, in Connection with the Transfer of Certain Functions to the Secretary of Homeland Security**

Sec. 43. Executive Order 12580 of January 23, 1987 ("Superfund Implementation"), as amended, is further amended by:

- (a) inserting "Department of Homeland Security," after "Department of Energy," in section 1(a)(2); and
- (b) striking "Federal Emergency Management Agency" in section 1(a)(2)

## **APPENDIX 2-4: Executive Order 12656**

### **Executive Order 12656--Assignment of emergency preparedness responsibilities**

**Source:** The provisions of Executive Order 12656 of Nov. 18, 1988, appear at 53 FR 47491, 3 CFR, 1988 Comp., p. 585, unless otherwise noted.

WHEREAS our national security is dependent upon our ability to assure continuity of government, at every level, in any national security emergency situation that might confront the Nation; and

WHEREAS effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

WHEREAS effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

WHEREAS the Congress has directed the development of such national security emergency preparedness plans and has provided funds for the accomplishment thereof;

NOW, THEREFORE, by virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, it is hereby ordered that the responsibilities of the Federal departments and agencies in national security emergencies shall be as follows:

## **Part 1--Preamble**

### **Section 101. National Security Emergency Preparedness Policy.**

(a) The policy of the United States is to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency. A national security emergency is any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or seriously threatens the national security of the United States. Policy for national security emergency preparedness shall be established by the President. Pursuant to the President's direction, the National Security Council shall be responsible for developing and administering such policy. All national security emergency preparedness activities shall be consistent with the Constitution and laws of the United States and with preservation of the constitutional government of the United States.

(b) Effective national security emergency preparedness planning requires: identification of functions that would have to be performed during such an emergency; development of plans for performing these functions; and development of the capability to execute those plans.

### **Sec. 102. Purpose.**

(a) The purpose of this Order is to assign national security emergency preparedness responsibilities to Federal departments and agencies. These assignments are based, whenever possible, on extensions of the regular missions of the departments and agencies.

(b) This Order does not constitute authority to implement the plans prepared pursuant to this Order. Plans so developed may be executed only in the event that authority for such execution is authorized by law.

### **Sec. 103. Scope.**

(a) This Order addresses national security emergency preparedness functions and activities. As used in this Order, preparedness functions and activities include, as appropriate, policies, plans, procedures, and readiness measures that enhance the ability of the United States Government to mobilize for, respond to, and recover from a national security emergency.

(b) This Order does not apply to those natural disasters, technological emergencies, or other emergencies, the alleviation of which is normally the responsibility of individuals, the private sector, volunteer organizations, State and local governments, and Federal departments and agencies unless such situations also constitute a national security emergency.

(c) This Order does not require the provision of information concerning, or evaluation of, military policies, plans, programs, or states of military readiness.

(d) This Order does not apply to national security emergency preparedness telecommunications functions and responsibilities that are otherwise assigned by Executive Order 12472.

**Sec. 104. *Management of National Security Emergency Preparedness.***

(a) The National Security Council is the principal forum for consideration of national security emergency preparedness policy.

(b) The National Security Council shall arrange for Executive branch liaison with, and assistance to, the Congress and the Federal judiciary on national security-emergency preparedness matters.

(c) The Director of the Federal Emergency Management Agency shall serve as an advisor to the National Security Council on issues of national security emergency preparedness, including mobilization preparedness, civil defense, continuity of government, technological disasters, and other issues, as appropriate. Pursuant to such procedures for the organization and management of the National Security Council process as the President may establish, the Director of the Federal Emergency Management Agency also shall assist in the implementation of and management of the National Security Council process as the President may establish, the Director of the Federal Emergency Management Agency also shall assist in the implementation of national security emergency preparedness policy by coordinating with the other Federal departments and agencies and with State and local governments, and by providing periodic reports to the National Security Council on implementation of national security emergency preparedness policy.

(d) National security emergency preparedness functions that are shared by more than one agency shall be coordinated by the head of the Federal department or agency having primary responsibility and shall be supported by the heads of other departments and agencies having related responsibilities.

(e) There shall be a national security emergency exercise program that shall be supported by the heads of all appropriate Federal departments and agencies.

(f) Plans and procedures will be designed and developed to provide maximum flexibility to the President for his implementation of emergency actions.

**Sec. 105. *Interagency Coordination.***

(a) All appropriate Cabinet members and agency heads shall be consulted regarding national security emergency preparedness programs and policy issues. Each department and agency shall support interagency coordination to improve preparedness and response to a national security emergency and shall develop and maintain decentralized capabilities wherever feasible and appropriate.

(b) Each Federal department and agency shall work within the framework established by, and cooperate with those organizations assigned responsibility in, Executive Order No. 12472, to ensure adequate national security emergency preparedness telecommunications in support of the functions and activities addressed by this Order.

**Part 2--General Provisions**

**Sec. 201. *General.*** The head of each Federal department and agency, as appropriate, shall:

(1) Be prepared to respond adequately to all national security emergencies, including those that are international in scope, and those that may occur within any region of the Nation;

(2) Consider national security emergency preparedness factors in the conduct of his or her regular functions, particularly those functions essential in time of emergency. Emergency plans and programs, and an appropriate state of readiness, including organizational infrastructure, shall be developed as an integral part of the continuing activities of each Federal department and agency;

(3) Appoint a senior policy official as Emergency Coordinator, responsible for developing and maintaining a multi-year, national security emergency preparedness plan for the department or agency to include objectives, programs, and budgetary requirements;

(4) Design preparedness measures to permit a rapid and effective transition from routine to emergency operations, and to make effective use of the period following initial indication of a probable national security emergency. This will include:

- (a) Development of a system of emergency actions that defines alternatives, processes, and issues to be considered during various stages of national security emergencies;
  - (b) Identification of actions that could be taken in the early stages of a national security emergency or pending national security emergency to mitigate the impact of or reduce significantly the lead times associated with full emergency action implementation;
- (5) Base national security emergency preparedness measures on the use of existing authorities, organizations, resources, and systems to the maximum extent practicable;
  - (6) Identify areas where additional legal authorities may be needed to assist management and, consistent with applicable Executive orders, take appropriate measures toward acquiring those authorities;
  - (7) Make policy recommendations to the National Security Council regarding national security emergency preparedness activities and functions of the Federal Government;
  - (8) Coordinate with State and local government agencies and other organizations, including private sector organizations, when appropriate. Federal plans should include appropriate involvement of and reliance upon private sector organizations in the response to national security emergencies;
  - (9) Assist State, local, and private sector entities in developing plans for mitigating the effects of national security emergencies and for providing services that are essential to a national response;
  - (10) Cooperate, to the extent appropriate, in compiling, evaluating, and exchanging relevant data related to all aspects of national security emergency preparedness;
  - (11) Develop programs regarding congressional relations and public information that could be used during national security emergencies;
  - (12) Ensure a capability to provide, during a national security emergency, information concerning Acts of Congress, presidential proclamations, Executive orders, regulations, and notices of other actions to the Archivist of the United States, for publication in the **Federal Register**, or to each agency designated to maintain the **Federal Register** in an emergency;
  - (13) Develop and conduct training and education programs that incorporate emergency preparedness and civil defense information necessary to ensure an effective national response;
  - (14) Ensure that plans consider the consequences for essential services provided by State and local governments, and by the private sector, if the flow of Federal funds is disrupted;
  - (15) Consult and coordinate with the Director of the Federal Emergency Management Agency to ensure that those activities and plans are consistent with current National Security Council guidelines and policies.

**Sec. 202. Continuity of Government.** The head of each Federal department and agency shall ensure the continuity of essential functions in any national security emergency by providing for: succession to office and emergency delegation of authority in accordance with applicable law; safekeeping of essential resources, facilities, and records; and establishment of emergency operating capabilities.

**Sec. 203. Resource Management.** The head of each Federal department and agency, as appropriate within assigned areas of responsibility, shall:

- (1) Develop plans and programs to mobilize personnel (including reservist programs), equipment, facilities, and other resources;
- (2) Assess essential emergency requirements and plan for the possible use of alternative resources to meet essential demands during and following national security emergencies;
- (3) Prepare plans and procedures to share between and among the responsible agencies resources such as energy, equipment, food, land, materials, minerals, services, supplies, transportation, water, and workforce needed to carry out assigned responsibilities and other essential functions, and cooperate with other agencies in developing programs to ensure availability of such resources in a national security emergency;
- (4) Develop plans to set priorities and allocate resources among civilian and military claimants;
- (5) Identify occupations and skills for which there may be a critical need in the event of a national security emergency.

**Sec. 204. Protection of Essential Resources and Facilities.** The head of each Federal department and agency, within assigned areas of responsibility, shall:

- (1) Identify facilities and resources, both government and private, essential to the national defense and national welfare, and assess their vulnerabilities and develop strategies, plans, and programs to provide for the security of such facilities and resources, and to avoid or minimize disruptions of essential services during any national security emergency;
- (2) Participate in interagency activities to assess the relative importance of various facilities and resources to essential military and civilian needs and to integrate preparedness and response strategies and procedures;
- (3) Maintain a capability to assess promptly the effect of attack and other disruptions during national security emergencies.

**Sec. 205. Federal Benefit, Insurance, and Loan Programs.** The head of each Federal department and agency that administers a loan, insurance, or benefit program that relies upon the Federal Government payment system shall coordinate with the Secretary of the Treasury in developing plans for the continuation or restoration, to the extent feasible, of such programs in national security emergencies.

**Sec. 206. Research.** The Director of the Office of Science and Technology Policy and the heads of Federal departments and agencies having significant research and development programs shall advise the National Security Council of scientific and technological developments that should be considered in national security emergency preparedness planning.

**Sec. 207. Redefinition.** The head of each Federal department and agency is hereby authorized, to the extent otherwise permitted by law, to redelegate the functions assigned by this Order, and to authorize successive redelegations to organizations, officers, or employees within that department or agency.

**Sec. 208. Transfer of Functions.** Recommendations for interagency transfer of any emergency preparedness function assigned under this Order or for assignment of any new emergency preparedness function shall be coordinated with all affected Federal departments and agencies before submission to the National Security Council.

**Sec. 209. Retention of Existing Authority.** Nothing in this Order shall be deemed to derogate from assignments of functions to any Federal department or agency or officer thereof made by law.

### **Part 3--Department of Agriculture**

**Sec. 301. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Agriculture shall:

- (1) Develop plans to provide for the continuation of agricultural production, food processing, storage, and distribution through the wholesale level in national security emergencies, and to provide for the domestic distribution of seed, feed, fertilizer, and farm equipment to agricultural producers;
- (2) Develop plans to provide food and agricultural products to meet international responsibilities in national security emergencies;
- (3) Develop plans and procedures for administration and use of Commodity Credit Corporation inventories of food and fiber resources in national security emergencies;
- (4) Develop plans for the use of resources under the jurisdiction of the Secretary of Agriculture and, in cooperation with the Secretaries of Commerce, Defense, and the Interior, the Board of Directors of the Tennessee Valley Authority, and the heads of other government entities, plan for the national security emergency management, production, and processing of forest products;
- (5) Develop, in coordination with the Secretary of Defense, plans and programs for water to be used in agricultural production and food processing in national security emergencies;

- (6) In cooperation with Federal, State, and local agencies, develop plans for a national program relating to the prevention and control of fires in rural areas of the United States caused by the effects of enemy attack or other national security emergencies;
- (7) Develop plans to help provide the Nation's farmers with production resources, including national security emergency financing capabilities;
- (8) Develop plans, in consonance with those of the Department of Health and Human Services, the Department of the Interior, and the Environmental Protection Agency, for national security emergency agricultural health services and forestry, including:
  - (a) Diagnosis and control or eradication of diseases, pests, or hazardous agents (biological, chemical, or radiological) against animals, crops, timber, or products thereof;
  - (b) Protection, treatment, and handling of livestock and poultry, or products thereof, that have been exposed to or affected by hazardous agents;
  - (c) Use and handling of crops, agricultural commodities, timber, and agricultural lands that have been exposed to or affected by hazardous agents; and
  - (d) Assuring the safety and wholesomeness, and minimizing losses from hazards, of animals and animal products and agricultural commodities and products subject to continuous inspection by the Department of Agriculture or owned by the Commodity Credit Corporation or by the Department of Agriculture;
- (9) In consultation with the Secretary of State and the Director of the Federal Emergency Management Agency, represent the United States in agriculture-related international civil emergency preparedness planning and related activities.

**Sec. 302. Support Responsibility.** The Secretary of Agriculture shall assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical agricultural materials.

#### **Part 4--Department of Commerce**

**Sec. 401. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Commerce shall:

- (1) Develop control systems for priorities, allocation, production, and distribution of materials and other resources that will be available to support both national defense and essential civilian programs in a national security emergency;
- (2) In cooperation with the Secretary of Defense and other departments and agencies, identify those industrial products and facilities that are essential to mobilization readiness, national defense, or post-attack survival and recovery;
- (3) In cooperation with the Secretary of Defense and other Federal departments and agencies, analyze potential effects of national security emergencies on actual production capability, taking into account the entire production complex, including shortages of resources, and develop preparedness measures to strengthen capabilities for production increases in national security emergencies;
- (4) In cooperation with the Secretary of Defense, perform industry analyses to assess capabilities of the commercial industrial base to support the national defense, and develop policy alternatives to improve the international competitiveness of specific domestic industries and their abilities to meet defense program needs;
- (5) In cooperation with the Secretary of the Treasury, develop plans for providing emergency assistance to the private sector through direct or participation loans for the financing of production facilities and equipment;
- (6) In cooperation with the Secretaries of State, Defense, Transportation, and the Treasury, prepare plans to regulate and control exports and imports in national security emergencies;
- (7) Provide for the collection and reporting of census information on human and economic resources, and maintain a capability to conduct emergency surveys to provide information on the status of these resources as required for national security purposes;
- (8) Develop overall plans and programs to ensure that the fishing industry continues to produce and process essential protein in national security emergencies;

(9) Develop plans to provide meteorological, hydrologic, marine weather, geodetic, hydrographic, climatic, seismic, and oceanographic data and services to Federal, State, and local agencies, as appropriate;

(10) In coordination with the Secretary of State and the Director of the Federal Emergency Management Agency, represent the United States in industry-related international (NATO and allied) civil emergency preparedness planning and related activities.

**Sec. 402. Support Responsibilities.** The Secretary of Commerce shall:

(1) Assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical materials;

(2) Support the Secretary of Agriculture in planning for the national security management, production, and processing of forest and fishery products;

(3) Assist, in consultation with the Secretaries of State and Defense, the Secretary of the Treasury in the formulation and execution of economic measures affecting other nations.

## **Part 5--Department of Defense**

**Sec. 501. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Defense shall:

(1) Ensure military preparedness and readiness to respond to national security emergencies;

(2) In coordination with the Secretary of Commerce, develop, with industry, government, and the private sector, reliable capabilities for the rapid increase of defense production to include industrial resources required for that production;

(3) Develop and maintain, in cooperation with the heads of other departments and agencies, national security emergency plans, programs, and mechanisms to ensure effective mutual support between and among the military, civil government, and the private sector;

(4) Develop and maintain damage assessment capabilities and assist the Director of the Federal Emergency Management Agency and the heads of other departments and agencies in developing and maintaining capabilities to assess attack damage and to estimate the effects of potential attack on the Nation;

(5) Arrange, through agreements with the heads of other Federal departments and agencies, for the transfer of certain Federal resources to the jurisdiction and/or operational control of the Department of Defense in national security emergencies;

(6) Acting through the Secretary of the Army, develop, with the concurrence of the heads of all affected departments and agencies, overall plans for the management, control, and allocation of all usable waters from all sources within the jurisdiction of the United States. This includes:

(a) Coordination of national security emergency water resource planning at the national, regional, State, and local levels;

(b) Development of plans to assure emergency provision of water from public works projects under the jurisdiction of the Secretary of the Army to public water supply utilities and critical defense production facilities during national security emergencies;

(c) Development of plans to assure emergency operation of waterways and harbors; and

(d) Development of plans to assure the provision of potable water;

(7) In consultation with the Secretaries of State and Energy, the Director of the Federal Emergency Management Agency, and others, as required, develop plans and capabilities for identifying, analyzing, mitigating, and responding to hazards related to nuclear weapons, materials, and devices; and maintain liaison, as appropriate, with the Secretary of Energy and the Members of the Nuclear Regulatory Commission to ensure the continuity of nuclear weapons production and the appropriate allocation of scarce resources, including the recapture of special nuclear materials from Nuclear Regulatory Commission licensees when appropriate;

(8) Coordinate with the Administrator of the National Aeronautics and Space Administration and the Secretary of Energy, as appropriate, to prepare for the use, maintenance, and development of technologically advanced aerospace and aeronautical-related systems, equipment, and methodologies applicable to national security emergencies;

(9) Develop, in coordination with the Secretary of Labor, the Directors of the Selective Service System, the Office of Personnel Management, and the Federal Emergency Management

Agency, plans and systems to ensure that the Nation's human resources are available to meet essential military and civilian needs in national security emergencies;

(10) Develop national security emergency operational procedures, and coordinate with the Secretary of Housing and Urban Development with respect to residential property, for the control, acquisition, leasing, assignment and priority of occupancy of real property within the jurisdiction of the Department of Defense;

(11) Review the priorities and allocations systems developed by other departments and agencies to ensure that they meet Department of Defense needs in a national security emergency; and develop and maintain the Department of Defense programs necessary for effective utilization of all priorities and allocations systems;

(12) Develop, in coordination with the Attorney General of the United States, specific procedures by which military assistance to civilian law enforcement authorities may be requested, considered, and provided;

(13) In cooperation with the Secretary of Commerce and other departments and agencies, identify those industrial products and facilities that are essential to mobilization readiness, national defense, or post-attack survival and recovery;

(14) In cooperation with the Secretary of Commerce and other Federal departments and agencies, analyze potential effects of national security emergencies on actual production capability, taking into account the entire production complex, including shortages of resources, and develop preparedness measures to strengthen capabilities for production increases in national security emergencies;

(15) With the assistance of the heads of other Federal departments and agencies, provide management direction for the stockpiling of strategic and critical materials, conduct storage, maintenance, and quality assurance operations for the stockpile of strategic and critical materials, and formulate plans, programs, and reports relating to the stockpiling of strategic and critical materials.

**Sec. 502. Support Responsibilities.** The Secretary of Defense shall:

(1) Advise and assist the heads of other Federal departments and agencies in the development of plans and programs to support national mobilization. This includes providing, as appropriate:

(a) Military requirements, prioritized and time-phased to the extent possible, for selected end-items and supporting services, materials, and components;

(b) Recommendations for use of financial incentives and other methods to improve defense production as provided by law; and

(c) Recommendations for export and import policies;

(2) Advise and assist the Secretary of State and the heads of other Federal departments and agencies, as appropriate, in planning for the protection, evacuation, and repatriation of United States citizens in threatened areas overseas;

(3) Support the Secretary of Housing and Urban Development and the heads of other agencies, as appropriate, in the development of plans to restore community facilities;

(4) Support the Secretary of Energy in international liaison activities pertaining to nuclear materials facilities;

(5) In consultation with the Secretaries of State and Commerce, assist the Secretary of the Treasury in the formulation and execution of economic measures that affect other nations;

(6) Support the Secretary of State and the heads of other Federal departments and agencies as appropriate in the formulation and implementation of foreign policy, and the negotiation of contingency and post-emergency plans, intergovernmental agreements, and arrangements with allies and friendly nations, which affect national security;

(7) Coordinate with the Director of the Federal Emergency Management Agency the development of plans for mutual civil-military support during national security emergencies;

(8) Develop plans to support the Secretary of Labor in providing education and training to overcome shortages of critical skills.

## **Part 6--Department of Education**

**Sec. 601. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Education shall:

- (1) Assist school systems in developing their plans to provide for the earliest possible resumption of activities following national security emergencies;
- (2) Develop plans to provide assistance, including efforts to meet shortages of critical educational personnel, to local educational agencies;
- (3) Develop plans, in coordination with the Director of the Federal Emergency Management Agency, for dissemination of emergency preparedness instructional material through educational institutions and the media during national security emergencies.

**Sec. 602. Support responsibilities.** The Secretary of Education shall:

- (1) Develop plans to support the Secretary of Labor in providing education and training to overcome shortages of critical skills;
- (2) Support the Secretary of Health and Human Services in the development of human services educational and training materials, including self-help program materials for use by human service organizations and professional schools.

## **Part 7--Department of Energy**

**Sec. 701. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Energy shall:

- (1) Conduct national security emergency preparedness planning, including capabilities development, and administer operational programs for all energy resources, including:
  - (a) Providing information, in cooperation with Federal, State, and energy industry officials, on energy supply and demand conditions and on the requirements for and the availability of materials and services critical to energy supply systems;
  - (b) In coordination with appropriate departments and agencies and in consultation with the energy industry, develop implementation plans and operational systems for priorities and allocation of all energy resource requirements for national defense and essential civilian needs to assure national security emergency preparedness;
  - (c) Developing, in consultation with the Board of Directors of the Tennessee Valley Authority, plans necessary for the integration of its power system into the national supply system;
- (2) Identify energy facilities essential to the mobilization, deployment, and sustainment of resources to support the national security and national welfare, and develop energy supply and demand strategies to ensure continued provision of minimum essential services in national security emergencies;
- (3) In coordination with the Secretary of Defense, ensure continuity of nuclear weapons production consistent with national security requirements;
- (4) Assure the security of nuclear materials, nuclear weapons, or devices in the custody of the Department of Energy, as well as the security of all other Department of Energy programs and facilities;
- (5) In consultation with the Secretaries of State and Defense and the Director of the Federal Emergency Management Agency, conduct appropriate international liaison activities pertaining to matters within the jurisdiction of the Department of Energy;
- (6) In consultation with the Secretaries of State and Defense, the Director of the Federal Emergency Management Agency, the Members of the Nuclear Regulatory Commission, and others, as required, develop plans and capabilities for identification, analysis, damage assessment, and mitigation of hazards from nuclear weapons, materials, and devices;
- (7) Coordinate with the Secretary of Transportation in the planning and management of transportation resources involved in the bulk movement of energy;
- (8) At the request of or with the concurrence of the Nuclear Regulatory Commission and in consultation with the Secretary of Defense, recapture special nuclear materials from Nuclear Regulatory Commission licensees where necessary to assure the use, preservation, or safeguarding of such material for the common defense and security;
- (9) Develop national security emergency operational procedures for the control, utilization, acquisition, leasing, assignment, and priority of occupancy of real property within the jurisdiction of the Department of Energy;
- (10) Manage all emergency planning and response activities pertaining to Department of Energy nuclear facilities.

**Sec. 702. Support Responsibilities.** The Secretary of Energy shall:

- (1) Provide advice and assistance, in coordination with appropriate agencies, to Federal, State, and local officials and private sector organizations to assess the radiological impact associated with national security emergencies;
- (2) Coordinate with the Secretaries of Defense and the Interior regarding the operation of hydroelectric projects to assure maximum energy output;
- (3) Support the Secretary of Housing and Urban Development and the heads of other agencies, as appropriate, in the development of plans to restore community facilities;
- (4) Coordinate with the Secretary of Agriculture regarding the emergency preparedness of the rural electric supply systems throughout the Nation and the assignment of emergency preparedness responsibilities to the Rural Electrification Administration.

## **Part 8--Department of Health and Human Services**

**Sec. 801. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Health and Human Services shall:

- (1) Develop national plans and programs to mobilize the health industry and health resources for the provision of health, mental health, and medical services in national security emergencies;
- (2) Promote the development of State and local plans and programs for provision of health, mental health, and medical services in national security emergencies;
- (3) Develop national plans to set priorities and allocate health, mental health, and medical services' resources among civilian and military claimants;
- (4) Develop health and medical survival information programs and a nationwide program to train health and mental health professionals and paraprofessionals in special knowledge and skills that would be useful in national security emergencies;
- (5) Develop programs to reduce or eliminate adverse health and mental health effects produced by hazardous agents (biological, chemical, or radiological), and, in coordination with appropriate Federal agencies, develop programs to minimize property and environmental damage associated with national security emergencies;
- (6) Develop guidelines that will assure reasonable and prudent standards of purity and/or safety in the manufacture and distribution of food, drugs, biological products, medical devices, food additives, and radiological products in national security emergencies;
- (7) Develop national plans for assisting State and local governments in rehabilitation of persons injured or disabled during national security emergencies;
- (8) Develop plans and procedures to assist State and local governments in the provision of emergency human services, including lodging, feeding, clothing, registration and inquiry, social services, family reunification and mortuary services and interment;
- (9) Develop, in coordination with the Secretary of Education, human services educational and training materials for use by human service organizations and professional schools; and develop and distribute, in coordination with the Director of the Federal Emergency Management Agency, civil defense information relative to emergency human services;
- (10) Develop plans and procedures, in coordination with the heads of Federal departments and agencies, for assistance to United States citizens or others evacuated from overseas areas.

**Sec. 802. *Support Responsibility.*** The Secretary of Health and Human Services shall support the Secretary of Agriculture in the development of plans related to national security emergency agricultural health services.

## **Part 9--Department of Housing and Urban Development**

**Sec. 901. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Housing and Urban Development shall:

- (1) Develop plans for provision and management of housing in national security emergencies, including:
  - (a) Providing temporary housing using Federal financing and other arrangements;
  - (b) Providing for radiation protection by encouraging voluntary construction of shelters and voluntary use of cost-efficient design and construction techniques to maximize population protection;

(2) Develop plans, in cooperation with the heads of other Federal departments and agencies and State and local governments, to restore community facilities, including electrical power, potable water, and sewage disposal facilities, damaged in national security emergencies.

#### **Part 10--Department of the Interior**

**Sec. 1001. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of the Interior shall:

- (1) Develop programs and encourage the exploration, development, and mining of strategic and critical and other nonfuel minerals for national security emergency purposes;
- (2) Provide guidance to mining industries in the development of plans and programs to ensure continuity of production during national security emergencies;
- (3) Develop and implement plans for the management, control, allocation, and use of public land under the jurisdiction of the Department of the Interior in national security emergencies and coordinate land emergency planning at the Federal, State, and local levels.

**Sec. 1002. *Support Responsibilities.*** The Secretary of the Interior shall:

- (1) Assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical minerals;
- (2) Cooperate with the Secretary of Commerce in the identification and evaluation of facilities essential for national security emergencies;
- (3) Support the Secretary of Agriculture in planning for the national security management, production, and processing of forest products.

#### **Part 11--Department of Justice**

**Sec. 1101. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Attorney General of the United States shall:

- (1) Provide legal advice to the President and the heads of Federal departments and agencies and their successors regarding national security emergency powers, plans, and authorities;
- (2) Coordinate Federal Government domestic law enforcement activities related to national security emergency preparedness, including Federal law enforcement liaison with, and assistance to, State and local governments;
- (3) Coordinate contingency planning for national security emergency law enforcement activities that are beyond the capabilities of State and local agencies;
- (4) Develop national security emergency plans for regulation of immigration, regulation of nationals of enemy countries, and plans to implement laws for the control of persons entering or leaving the United States;
- (5) Develop plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutions and resources during national security emergencies;
- (6) Provide information and assistance to the Federal Judicial branch and the Federal Legislative branch concerning law enforcement, continuity of government, and the exercise of legal authority during National security emergencies;
- (7) Develop intergovernmental and interagency law enforcement plans and counterterrorism programs to interdict and respond to terrorism incidents in the United States that may result in a national security emergency or that occur during such an emergency;
- (8) Develop intergovernmental and interagency law enforcement plans to respond to civil disturbances that may result in a national security emergency or that occur during such an emergency.

**Sec. 1102. *Support Responsibilities.*** The Attorney General of the United States shall:

- (1) Assist the heads of Federal departments and agencies, State and local governments, and the private sector in the development of plans to physically protect essential resources and facilities;
- (2) Support the Secretaries of State and the Treasury in plans for the protection of international organizations and foreign diplomatic, consular, and other official personnel, property, and other assets within the jurisdiction of the United States;
- (3) Support the Secretary of the Treasury in developing plans to control the movement of property entering and leaving the United States;

- (4) Support the heads of other Federal departments and agencies and State and local governments in developing programs and plans for identifying fatalities and reuniting families in national security emergencies;
- (5) Support the intelligence community in the planning of its counterintelligence and counterterrorism programs.

## **Part 12--Department of Labor**

**Sec. 1201. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Labor shall:

- (1) Develop plans and issue guidance to ensure effective use of civilian workforce resources during national security emergencies. Such plans shall include, but not necessarily be limited to:
  - (a) Priorities and allocations, recruitment, referral, training, employment stabilization including appeals procedures, use assessment, and determination of critical skill categories; and
  - (b) Programs for increasing the availability of critical workforce skills and occupations;
- (2) In consultation with the Secretary of the Treasury, develop plans and procedures for wage, salary, and benefit costs stabilization during national security emergencies;
- (3) Develop plans and procedures for protecting and providing incentives for the civilian labor force during national security emergencies;
- (4) In consultation with other appropriate government agencies and private entities, develop plans and procedures for effective labor-management relations during national security emergencies.

**Sec. 1202. Support Responsibilities.** The Secretary of Labor shall:

- (1) Support planning by the Secretary of Defense and the private sector for the provision of human resources to critical defense industries during national security emergencies;
- (2) Support planning by the Secretary of Defense and the Director of Selective Service for the institution of conscription in national security emergencies.

## **Part 13--Department of State**

**Sec. 1301. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of State shall:

- (1) Provide overall foreign policy coordination in the formulation and execution of continuity of government and other national security emergency preparedness activities that affect foreign relations;
- (2) Prepare to carry out Department of State responsibilities in the conduct of the foreign relations of the United States during national security emergencies, under the direction of the President and in consultation with the heads of other appropriate Federal departments and agencies, including, but not limited to:
  - (a) Formulation and implementation of foreign policy and negotiation regarding contingency and post-emergency plans, intergovernmental agreements, and arrangements with United States' allies;
  - (b) Formulation, negotiation, and execution of policy affecting the relationships of the United States with neutral states;
  - (c) Formulation and execution of political strategy toward hostile or enemy states;
  - (d) Conduct of mutual assistance activities;
  - (e) Provision of foreign assistance, including continuous supervision and general direction of authorized economic and military assistance programs;
  - (f) Protection or evacuation of United States citizens and nationals abroad and safeguarding their property abroad, in consultation with the Secretaries of Defense and Health and Human Services;
  - (g) Protection of international organizations and foreign diplomatic, consular, and other official personnel and property, or other assets, in the United States, in coordination with the Attorney General and the Secretary of the Treasury;

- (h) Formulation of policies and provisions for assistance to displaced persons and refugees abroad;
- (i) Maintenance of diplomatic and consular representation abroad; and
- (j) Reporting of and advising on conditions overseas that bear upon national security emergencies.

**Sec. 1302. Support Responsibilities.** The Secretary of State shall:

- (1) Assist appropriate agencies in developing planning assumptions concerning accessibility of foreign sources of supply;
- (2) Support the Secretary of the Treasury, in consultation, as appropriate, with the Secretaries of Commerce and Defense, in the formulation and execution of economic measures with respect to other nations;
- (3) Support the Secretary of Energy in international liaison activities pertaining to nuclear materials facilities;
- (4) Support the Director of the Federal Emergency Management Agency in the coordination and integration of United States policy regarding the formulation and implementation of civil emergency resources and preparedness planning;
- (5) Assist the Attorney General of the United States in the formulation of national security emergency plans for the control of persons entering or leaving the United States.

**Part 14--Department of Transportation**

**Sec. 1401. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Transportation shall:

- (1) Develop plans to promulgate and manage overall national policies, programs, procedures, and systems to meet essential civil and military transportation needs in national security emergencies;
- (2) Be prepared to provide direction to all modes of civil transportation in national security emergencies, including air, surface, water, pipelines, and public storage and warehousing, to the extent such responsibility is vested in the Secretary of Transportation. This direction may include:
  - (a) Implementation of priorities for all transportation resource requirements for service, equipment, facilities, and systems;
  - (b) Allocation of transportation resource capacity; and
  - (c) Emergency management and control of civil transportation resources and systems, including privately owned automobiles, urban mass transit, intermodal transportation systems, the National Railroad Passenger Corporation and the St. Lawrence Seaway Development Corporation;
- (3) Develop plans to provide for the smooth transition of the Coast Guard as a service to the Department of the Navy during national security emergencies. These plans shall be compatible with the Department of Defense planning systems, especially in the areas of port security and military readiness;
- (4) In coordination with the Secretary of State and the Director of the Federal Emergency Management Agency, represent the United States in transportation-related international (including NATO and allied) civil emergency preparedness planning and related activities;
- (5) Coordinate with State and local highway agencies in the management of all Federal, State, city, local, and other highways, roads, streets, bridges, tunnels, and publicly owned highway maintenance equipment to assure efficient and safe use of road space during national security emergencies;
- (6) Develop plans and procedures in consultation with appropriate agency officials for maritime and port safety, law enforcement, and security over, upon, and under the high seas and waters subject to the jurisdiction of the United States to assure operational readiness for national security emergency functions;
- (7) Develop plans for the emergency operation of U.S. ports and facilities, use of shipping resources (U.S. and others), provision of government war risks insurance, and emergency construction of merchant ships for military and civil use;
- (8) Develop plans for emergency management and control of the National Airspace System, including provision of war risk insurance and for transfer of the Federal Aviation Administration, in the event of war, to the Department of Defense;

(9) Coordinate the Interstate Commerce Commission's development of plans and preparedness programs for the reduction of vulnerability, maintenance, restoration, and operation of privately owned railroads, motor carriers, inland waterway transportation systems, and public storage facilities and services in national security emergencies.

**Sec. 1402. Support Responsibility.** The Secretary of Transportation shall coordinate with the Secretary of Energy in the planning and management of transportation resources involved in the bulk movement of energy materials.

## **Part 15--Department of the Treasury**

**Sec. 1501. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of the Treasury shall:

(1) Develop plans to maintain stable economic conditions and a market economy during national security emergencies; emphasize measures to minimize inflation and disruptions; and, minimize reliance on direct controls of the monetary, credit, and financial systems. These plans will include provisions for:

(a) Increasing capabilities to minimize economic dislocations by carrying out appropriate fiscal, monetary, and regulatory policies and reducing susceptibility to manipulated economic pressures;

(b) Providing the Federal Government with efficient and equitable financing sources and payment mechanisms;

(c) Providing fiscal authorities with adequate legal authority to meet resource requirements;

(d) Developing, in consultation with the Board of Governors of the Federal Reserve System, and in cooperation with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the National Credit Union Administration Board, the Farm Credit Administration Board and other financial institutions, plans for the continued or resumed operation and liquidity of banks, savings and loans, credit unions, and farm credit institutions, measures for the reestablishment of evidence of assets or liabilities, and provisions for currency withdrawals and deposit insurance;

(2) Provide for the protection of United States financial resources including currency and coin production and redemption facilities, Federal check disbursement facilities, and precious monetary metals;

(3) Provide for the preservation of, and facilitate emergency operations of, public and private financial institution systems, and provide for their restoration during or after national security emergencies;

(4) Provide, in coordination with the Secretary of State, for participation in bilateral and multilateral financial arrangements with foreign governments;

(5) Maintain the Federal Government accounting and financial reporting system in national security emergencies;

(6) Develop plans to protect the President, the Vice President, other officers in the order of presidential succession, and other persons designated by the President;

(7) Develop plans for restoration of the economy following an attack; for the development of emergency monetary, credit, and Federal benefit payment programs of those Federal departments and agencies that have responsibilities dependent on the policies or capabilities of the Department of the Treasury; and for the implementation of national policy on sharing war losses;

(8) Develop plans for initiating tax changes, waiving regulations, and, in conjunction with the Secretary of Commerce or other guaranteeing agency, granting or guaranteeing loans for the expansion of industrial capacity, the development of technological processes, or the production or acquisition of essential materials;

(9) Develop plans, in coordination with the heads of other appropriate Federal departments and agencies, to acquire emergency imports, make foreign barter arrangements, or otherwise provide for essential material from foreign sources using, as appropriate, the resources of the Export-Import Bank or resources available to the Bank;

- (10) Develop plans for encouraging capital inflow and discouraging the flight of capital from the United States and, in coordination with the Secretary of State, for the seizure and administration of assets of enemy aliens during national security emergencies;
- (11) Develop plans, in consultation with the heads of appropriate Federal departments and agencies, to regulate financial and commercial transactions with other countries;
- (12) Develop plans, in coordination with the Secretary of Commerce and the Attorney General of the United States, to control the movement of property entering or leaving the United States;
- (13) Cooperate and consult with the Chairman of the Securities and Exchange Commission, the Chairman of the Federal Reserve Board, the Chairman of the Commodities Futures Trading Commission in the development of emergency financial control plans and regulations for trading of stocks and commodities, and in the development of plans for the maintenance and restoration of stable and orderly markets;
- (14) Develop plans, in coordination with the Secretary of State, for the formulation and execution of economic measures with respect to other nations in national security emergencies.

**Sec. 1502. Support Responsibilities.** The Secretary of the Treasury shall:

- (1) Cooperate with the Attorney General of the United States on law enforcement activities, including the control of people entering and leaving the United States;
- (2) Support the Secretary of Labor in developing plans and procedures for wage, salary, and benefit costs stabilization;
- (3) Support the Secretary of State in plans for the protection of international organizations and foreign diplomatic, consular, and other official personnel and property or other assets in the United States.

## **Part 16--Environmental Protection Agency**

**Sec. 1601. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of the Environmental Protection Agency shall:

- (1) Develop Federal plans and foster development of State and local plans designed to prevent or minimize the ecological impact of hazardous agents (biological, chemical, or radiological) introduced into the environment in national security emergencies;
- (2) Develop, for national security emergencies, guidance on acceptable emergency levels of nuclear radiation, assist in determining acceptable emergency levels of biological agents, and help to provide detection and identification of chemical agents;
- (3) Develop, in coordination with the Secretary of Defense, plans to assure the provision of potable water supplies to meet community needs under national security emergency conditions, including claimancy for materials and equipment for public water systems.

**Sec. 1602. Support Responsibilities.** The Administrator of the Environmental Protection Agency shall:

- (1) Assist the heads of other Federal agencies that are responsible for developing plans for the detection, reporting, assessment, protection against, and reduction of effects of hazardous agents introduced into the environment;
- (2) Advise the heads of Federal departments and agencies regarding procedures for assuring compliance with environmental restrictions and for expeditious review of requests for essential waivers.

## **Part 17--Federal Emergency Management Agency**

**Sec. 1701. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Federal Emergency Management Agency shall:

- (1) Coordinate and support the initiation, development, and implementation of national security emergency preparedness programs and plans among Federal departments and agencies;
- (2) Coordinate the development and implementation of plans for the operation and continuity of essential domestic emergency functions of the Federal Government during national security emergencies;
- (3) Coordinate the development of plans, in cooperation with the Secretary of Defense, for mutual civil-military support during national security emergencies;

(4) Guide and assist State and local governments and private sector organizations in achieving preparedness for national security emergencies, including development of plans and procedures for assuring continuity of government, and support planning for prompt and coordinated Federal assistance to States and localities in responding to national security emergencies;

(5) Provide the President a periodic assessment of Federal, State, and local capabilities to respond to national security emergencies;

(6) Coordinate the implementation of policies and programs for efficient mobilization of Federal, State, local, and private sector resources in response to national security emergencies;

(7) Develop and coordinate with all appropriate agencies civil defense programs to enhance Federal, State, local, and private sector capabilities for national security emergency crisis management, population protection, and recovery in the event of an attack on the United States;

(8) Develop and support public information, education and training programs to assist Federal, State, and local government and private sector entities in planning for and implementing national security emergency preparedness programs;

(9) Coordinate among the heads of Federal, State, and local agencies the planning, conduct, and evaluation of national security emergency exercises;

(10) With the assistance of the heads of other appropriate Federal departments and agencies, develop and maintain capabilities to assess actual attack damage and residual recovery capabilities as well as capabilities to estimate the effects of potential attacks on the Nation;

(11) Provide guidance to the heads of Federal departments and agencies on the appropriate use of defense production authorities, including resource claimancy, in order to improve the capability of industry and infrastructure systems to meet national security emergency needs;

(12) Assist the Secretary of State in coordinating the formulation and implementation of United States policy for NATO and other allied civil emergency planning, including the provision of:

(a) advice and assistance to the departments and agencies in alliance civil emergency planning matters;

(b) support to the United States Mission to NATO in the conduct of day-to-day civil emergency planning activities; and

(c) support facilities for NATO Civil Wartime Agencies in cooperation with the Departments of Agriculture, Commerce, Energy, State, and Transportation.

**Sec. 1702. *Support Responsibilities.*** The Director of the Federal Emergency Management Agency shall:

(1) Support the heads of other Federal departments and agencies in preparing plans and programs to discharge their national security emergency preparedness responsibilities, including, but not limited to, such programs as mobilization preparedness, continuity of government planning, and continuance of industry and infrastructure functions essential to national security;

(2) Support the Secretary of Energy, the Secretary of Defense, and the Members of the Nuclear Regulatory Commission in developing plans and capabilities for identifying, analyzing, mitigating, and responding to emergencies related to nuclear weapons, materials, and devices, including mobile and fixed nuclear facilities, by providing, inter alia, off-site coordination;

(3) Support the Administrator of General Services in efforts to promote a government-wide program with respect to Federal buildings and installations to minimize the effects of attack and establish shelter management organizations.

## **Part 18--General Services Administration**

**Sec. 1801. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of General Services shall:

(1) Develop national security emergency plans and procedures for the operation, maintenance, and protection of federally owned and occupied buildings managed by the General Services Administration, and for the construction, alteration, and repair of such buildings;

(2) Develop national security emergency operating procedures for the control, acquisition, leasing, assignment, and priority of occupancy of real property by the Federal Government, and by State and local governments acting as agents of the Federal Government, except for the military facilities and facilities with special nuclear materials within the jurisdiction of the Departments of Defense and Energy;

(3) Develop national security emergency operational plans and procedures for the use of public utility services (other than telecommunications services) by Federal departments and agencies, except for Department of Energy-operated facilities;

(4) Develop plans and operating procedures of government-wide supply programs to meet the requirements of Federal departments and agencies during national security emergencies;

(5) Develop plans and operating procedures for the use, in national security emergencies, of excess and surplus real and personal property by Federal, State, and local governmental entities;

(6) Develop plans, in coordination with the Director of the Federal Emergency Management Agency, with respect to Federal buildings and installations, to minimize the effects of attack and establish shelter management organizations.

**Sec. 1802. Support Responsibility.** The Administrator of General Services shall develop plans to assist Federal departments and agencies in operation and maintenance of essential automated information processing facilities during national security emergencies.

### **Part 19--National Aeronautics and Space Administration**

**Sec. 1901. Lead Responsibility.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of the National Aeronautics and Space Administration shall coordinate with the Secretary of Defense to prepare for the use, maintenance, and development of technologically advanced aerospace and aeronautical-related systems, equipment, and methodologies applicable to national security emergencies.

### **Part 20--National Archives and Records Administration**

**Sec. 2001. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Archivist of the United States shall:

(1) Develop procedures for publication during national security emergencies of the **Federal Register** for as broad public dissemination as is practicable of presidential proclamations and Executive orders, Federal administrative regulations, Federal emergency notices and actions, and Acts of Congress;

(2) Develop emergency procedures for providing instructions and advice on the handling and preservation of records critical to the operation of the Federal Government in national security emergencies.

### **Part 21--Nuclear Regulatory Commission**

**Sec. 2101. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Members of the Nuclear Regulatory Commission shall:

(1) Promote the development and maintenance of national security emergency preparedness programs through security and safeguards programs by licensed facilities and activities;

(2) Develop plans to suspend any licenses granted by the Commission; to order the operations of any facility licensed under Section 103 or 104; Atomic Energy Act of 1954, as amended (42 U.S.C. 2133 or 2134); to order the entry into any plant or facility in order to recapture special nuclear material as determined under Subsection (3) below; and operate such facilities;

(3) Recapture or authorize recapture of special nuclear materials from licensees where necessary to assure the use, preservation, or safeguarding of such materials for the common defense and security, as determined by the Commission or as requested by the Secretary of Energy.

**Sec. 2102. Support Responsibilities.** The Members of the Nuclear Regulatory Commission shall:

- (1) Assist the Secretary of Energy in assessing damage to Commission-licensed facilities, identifying usable facilities, and estimating the time and actions necessary to restart inoperative facilities;
- (2) Provide advice and technical assistance to Federal, State, and local officials and private sector organizations regarding radiation hazards and protective actions in national security emergencies.

## **Part 22--Office of Personnel Management**

**Sec. 2201. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Office of Personnel Management shall:

- (1) Prepare plans to administer the Federal civilian personnel system in national security emergencies, including plans and procedures for the rapid mobilization and reduction of an emergency Federal workforce;
- (2) Develop national security emergency work force policies for Federal civilian personnel;
- (3) Develop plans to accommodate the surge of Federal personnel security background and pre-employment investigations during national security emergencies.

**Sec. 2202. Support Responsibilities.** The Director of the Office of Personnel Management shall:

- (1) Assist the heads of other Federal departments and agencies with personnel management and staffing in national security emergencies, including facilitating transfers between agencies of employees with critical skills;
- (2) In consultation with the Secretary of Defense and the Director of Selective Service, develop plans and procedures for a system to control any conscription of Federal civilian employees during national security emergencies.

## **Part 23--Selective Service System**

**Sec. 2301. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of Selective Service shall:

- (1) Develop plans to provide by induction, as authorized by law, personnel that would be required by the armed forces during national security emergencies;
- (2) Develop plans for implementing an alternative service program.

## **Part 24--Tennessee Valley Authority**

**Sec. 2401. Lead Responsibility.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Board of Directors of the Tennessee Valley Authority shall develop plans and maintain river control operations for the prevention or control of floods affecting the Tennessee River System during national security emergencies.

**Sec. 2402. Support Responsibilities.** The Board of Directors of the Tennessee Valley Authority shall:

- (1) Assist the Secretary of Energy in the development of plans for the integration of the Tennessee Valley Authority power system into nationwide national security emergency programs;
- (2) Assist the Secretaries of Defense, Interior, and Transportation and the Chairman of the Interstate Commerce Commission in the development of plans for operation and maintenance of inland waterway transportation in the Tennessee River System during national security emergencies.

## **Part 25--United States Information Agency**

**Sec. 2501. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the United States Information Agency shall:

- (1) Plan for the implementation of information programs to promote an understanding abroad of the status of national security emergencies within the United States;
- (2) In coordination with the Secretary of State's exercise of telecommunications functions affecting United States diplomatic missions and consular offices overseas, maintain the

capability to provide television and simultaneous direct radio broadcasting in major languages to all areas of the world, and the capability to provide wireless file to all United States embassies during national security emergencies.

**Sec. 2502. Support Responsibility.** The Director of the United States Information Agency shall assist the heads of other Federal departments and agencies in planning for the use of media resources and foreign public information programs during national security emergencies.

## **Part 26--United States Postal Service**

**Sec. 2601. Lead Responsibility.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Postmaster General shall prepare plans and programs to provide essential postal services during national security emergencies.

**Sec. 2602. Support Responsibilities.** The Postmaster General shall:

- (1) Develop plans to assist the Attorney General of the United States in the registration of nationals of enemy countries residing in the United States;
- (2) Develop plans to assist the Secretary of Health and Human Services in registering displaced persons and families;
- (3) Develop plans to assist the heads of other Federal departments and agencies in locating and leasing privately owned property for Federal use during national security emergencies.

## **Part 27--Veterans' Administration<sup>1</sup>**

**Sec. 2701. Lead Responsibilities.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of Veterans' Affairs<sup>2</sup> shall:

- (1) Develop plans for provision of emergency health care services to veteran beneficiaries in Veterans' Administration medical facilities, to active duty military personnel and, as resources permit, to civilians in communities affected by national security emergencies;
- (2) Develop plans for mortuary services for eligible veterans, and advise on methods for interment of the dead during national security emergencies.

**Sec. 2702. Support Responsibilities.** The Administrator of Veterans' Affairs shall:

- (1) Assist the Secretary of Health and Human Services in promoting the development of State and local plans for the provision of medical services in national security emergencies, and develop appropriate plans to support such State and local plans;
- (2) Assist the Secretary of Health and Human Services in developing national plans to mobilize the health care industry and medical resources during national security emergencies;
- (3) Assist the Secretary of Health and Human Services in developing national plans to set priorities and allocate medical resources among civilian and military claimants.

## **Part 28--Office of Management and Budget**

**Sec. 2801.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Office of Management and Budget shall prepare plans and programs to maintain its functions during national security emergencies. In connection with these functions, the Director of the Office of Management and Budget shall:

- (1) Develop plans to ensure the preparation, clearance, and coordination of proposed Executive orders and proclamations;
- (2) Prepare plans to ensure the preparation, supervision, and control of the budget and the formulation of the fiscal program of the Government;
- (3) Develop plans to coordinate and communicate Executive branch views to the Congress regarding legislation and testimony by Executive branch officials;
- (4) Develop plans for keeping the President informed of the activities of government agencies, continuing the Office of Management and Budget's management functions, and maintaining presidential supervision and direction with respect to legislation and regulations in national security emergencies.

## **Part 29--General**

**Sec. 2901.** Executive Order Nos. 10421 and 11490, as amended, are hereby revoked. This Order shall be effective immediately.

## **APPENDIX 2-5: Executive Order 12657**

### **Executive Order 12656--Assignment of emergency preparedness responsibilities**

**Source:** The provisions of Executive Order 12656 of Nov. 18, 1988, appear at 53 FR 47491, 3 CFR, 1988 Comp., p. 585, unless otherwise noted.

WHEREAS our national security is dependent upon our ability to assure continuity of government, at every level, in any national security emergency situation that might confront the Nation; and

WHEREAS effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

WHEREAS effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

WHEREAS the Congress has directed the development of such national security emergency preparedness plans and has provided funds for the accomplishment thereof;

NOW, THEREFORE, by virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, it is hereby ordered that the responsibilities of the Federal departments and agencies in national security emergencies shall be as follows:

#### **Part 1--Preamble**

##### **Section 101. *National Security Emergency Preparedness Policy.***

(a) The policy of the United States is to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency. A national security emergency is any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or seriously threatens the national security of the United States. Policy for national security emergency preparedness shall be established by the President. Pursuant to the President's direction, the National Security Council shall be responsible for developing and administering such policy. All national security emergency preparedness activities shall be consistent with the Constitution and laws of the United States and with preservation of the constitutional government of the United States.

(b) Effective national security emergency preparedness planning requires: identification of functions that would have to be performed during such an emergency; development of plans for performing these functions; and development of the capability to execute those plans.

##### **Sec. 102. *Purpose.***

(a) The purpose of this Order is to assign national security emergency preparedness responsibilities to Federal departments and agencies. These assignments are based, whenever possible, on extensions of the regular missions of the departments and agencies.

(b) This Order does not constitute authority to implement the plans prepared pursuant to this Order. Plans so developed may be executed only in the event that authority for such execution is authorized by law.

**Sec. 103. *Scope.***

(a) This Order addresses national security emergency preparedness functions and activities. As used in this Order, preparedness functions and activities include, as appropriate, policies, plans, procedures, and readiness measures that enhance the ability of the United States Government to mobilize for, respond to, and recover from a national security emergency.

(b) This Order does not apply to those natural disasters, technological emergencies, or other emergencies, the alleviation of which is normally the responsibility of individuals, the private sector, volunteer organizations, State and local governments, and Federal departments and agencies unless such situations also constitute a national security emergency.

(c) This Order does not require the provision of information concerning, or evaluation of, military policies, plans, programs, or states of military readiness.

(d) This Order does not apply to national security emergency preparedness telecommunications functions and responsibilities that are otherwise assigned by Executive Order 12472.

**Sec. 104. *Management of National Security Emergency Preparedness.***

(a) The National Security Council is the principal forum for consideration of national security emergency preparedness policy.

(b) The National Security Council shall arrange for Executive branch liaison with, and assistance to, the Congress and the Federal judiciary on national security-emergency preparedness matters.

(c) The Director of the Federal Emergency Management Agency shall serve as an advisor to the National Security Council on issues of national security emergency preparedness, including mobilization preparedness, civil defense, continuity of government, technological disasters, and other issues, as appropriate. Pursuant to such procedures for the organization and management of the National Security Council process as the President may establish, the Director of the Federal Emergency Management Agency also shall assist in the implementation of and management of the National Security Council process as the President may establish, the Director of the Federal Emergency Management Agency also shall assist in the implementation of national security emergency preparedness policy by coordinating with the other Federal departments and agencies and with State and local governments, and by providing periodic reports to the National Security Council on implementation of national security emergency preparedness policy.

(d) National security emergency preparedness functions that are shared by more than one agency shall be coordinated by the head of the Federal department or agency having primary responsibility and shall be supported by the heads of other departments and agencies having related responsibilities.

(e) There shall be a national security emergency exercise program that shall be supported by the heads of all appropriate Federal departments and agencies.

(f) Plans and procedures will be designed and developed to provide maximum flexibility to the President for his implementation of emergency actions.

**Sec. 105. *Interagency Coordination.***

(a) All appropriate Cabinet members and agency heads shall be consulted regarding national security emergency preparedness programs and policy issues. Each department and agency shall support interagency coordination to improve preparedness and response to a national security emergency and shall develop and maintain decentralized capabilities wherever feasible and appropriate.

(b) Each Federal department and agency shall work within the framework established by, and cooperate with those organizations assigned responsibility in, Executive Order No. 12472, to ensure adequate national security emergency preparedness telecommunications in support of the functions and activities addressed by this Order.

**Part 2--General Provisions**

**Sec. 201. *General.*** The head of each Federal department and agency, as appropriate, shall:

(1) Be prepared to respond adequately to all national security emergencies, including those that are international in scope, and those that may occur within any region of the Nation;

(2) Consider national security emergency preparedness factors in the conduct of his or her regular functions, particularly those functions essential in time of emergency. Emergency plans and programs, and an appropriate state of readiness, including organizational infrastructure, shall be developed as an integral part of the continuing activities of each Federal department and agency;

- (3) Appoint a senior policy official as Emergency Coordinator, responsible for developing and maintaining a multi-year, national security emergency preparedness plan for the department or agency to include objectives, programs, and budgetary requirements;
- (4) Design preparedness measures to permit a rapid and effective transition from routine to emergency operations, and to make effective use of the period following initial indication of a probable national security emergency. This will include:
  - (a) Development of a system of emergency actions that defines alternatives, processes, and issues to be considered during various stages of national security emergencies;
  - (b) Identification of actions that could be taken in the early stages of a national security emergency or pending national security emergency to mitigate the impact of or reduce significantly the lead times associated with full emergency action implementation;
- (5) Base national security emergency preparedness measures on the use of existing authorities, organizations, resources, and systems to the maximum extent practicable;
- (6) Identify areas where additional legal authorities may be needed to assist management and, consistent with applicable Executive orders, take appropriate measures toward acquiring those authorities;
- (7) Make policy recommendations to the National Security Council regarding national security emergency preparedness activities and functions of the Federal Government;
- (8) Coordinate with State and local government agencies and other organizations, including private sector organizations, when appropriate. Federal plans should include appropriate involvement of and reliance upon private sector organizations in the response to national security emergencies;
- (9) Assist State, local, and private sector entities in developing plans for mitigating the effects of national security emergencies and for providing services that are essential to a national response;
- (10) Cooperate, to the extent appropriate, in compiling, evaluating, and exchanging relevant data related to all aspects of national security emergency preparedness;
- (11) Develop programs regarding congressional relations and public information that could be used during national security emergencies;
- (12) Ensure a capability to provide, during a national security emergency, information concerning Acts of Congress, presidential proclamations, Executive orders, regulations, and notices of other actions to the Archivist of the United States, for publication in the **Federal Register**, or to each agency designated to maintain the **Federal Register** in an emergency;
- (13) Develop and conduct training and education programs that incorporate emergency preparedness and civil defense information necessary to ensure an effective national response;
- (14) Ensure that plans consider the consequences for essential services provided by State and local governments, and by the private sector, if the flow of Federal funds is disrupted;
- (15) Consult and coordinate with the Director of the Federal Emergency Management Agency to ensure that those activities and plans are consistent with current National Security Council guidelines and policies.

**Sec. 202. *Continuity of Government.*** The head of each Federal department and agency shall ensure the continuity of essential functions in any national security emergency by providing for: succession to office and emergency delegation of authority in accordance with applicable law; safekeeping of essential resources, facilities, and records; and establishment of emergency operating capabilities.

**Sec. 203. *Resource Management.*** The head of each Federal department and agency, as appropriate within assigned areas of responsibility, shall:

- (1) Develop plans and programs to mobilize personnel (including reservist programs), equipment, facilities, and other resources;
- (2) Assess essential emergency requirements and plan for the possible use of alternative resources to meet essential demands during and following national security emergencies;
- (3) Prepare plans and procedures to share between and among the responsible agencies resources such as energy, equipment, food, land, materials, minerals, services, supplies, transportation, water, and workforce needed to carry out assigned responsibilities and other essential functions, and cooperate with other agencies in developing programs to ensure availability of such resources in a national security emergency;
- (4) Develop plans to set priorities and allocate resources among civilian and military claimants;
- (5) Identify occupations and skills for which there may be a critical need in the event of a national security emergency.

**Sec. 204. *Protection of Essential Resources and Facilities.*** The head of each Federal department and agency, within assigned areas of responsibility, shall:

- (1) Identify facilities and resources, both government and private, essential to the national defense and national welfare, and assess their vulnerabilities and develop strategies, plans, and programs to provide for the security of such facilities and resources, and to avoid or minimize disruptions of essential services during any national security emergency;
- (2) Participate in interagency activities to assess the relative importance of various facilities and resources to essential military and civilian needs and to integrate preparedness and response strategies and procedures;
- (3) Maintain a capability to assess promptly the effect of attack and other disruptions during national security emergencies.

**Sec. 205. *Federal Benefit, Insurance, and Loan Programs.*** The head of each Federal department and agency that administers a loan, insurance, or benefit program that relies upon the Federal Government payment system shall coordinate with the Secretary of the Treasury in developing plans for the continuation or restoration, to the extent feasible, of such programs in national security emergencies.

**Sec. 206. *Research.*** The Director of the Office of Science and Technology Policy and the heads of Federal departments and agencies having significant research and development programs shall advise the National Security Council of scientific and technological developments that should be considered in national security emergency preparedness planning.

**Sec. 207. *Redelegation.*** The head of each Federal department and agency is hereby authorized, to the extent otherwise permitted by law, to redelegate the functions assigned by this Order, and to authorize successive redelegations to organizations, officers, or employees within that department or agency.

**Sec. 208. *Transfer of Functions.*** Recommendations for interagency transfer of any emergency preparedness function assigned under this Order or for assignment of any new emergency preparedness function shall be coordinated with all affected Federal departments and agencies before submission to the National Security Council.

**Sec. 209. *Retention of Existing Authority.*** Nothing in this Order shall be deemed to derogate from assignments of functions to any Federal department or agency or officer thereof made by law.

### **Part 3--Department of Agriculture**

**Sec. 301. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Agriculture shall:

- (1) Develop plans to provide for the continuation of agricultural production, food processing, storage, and distribution through the wholesale level in national security emergencies, and to provide for the domestic distribution of seed, feed, fertilizer, and farm equipment to agricultural producers;
- (2) Develop plans to provide food and agricultural products to meet international responsibilities in national security emergencies;
- (3) Develop plans and procedures for administration and use of Commodity Credit Corporation inventories of food and fiber resources in national security emergencies;
- (4) Develop plans for the use of resources under the jurisdiction of the Secretary of Agriculture and, in cooperation with the Secretaries of Commerce, Defense, and the Interior, the Board of Directors of the Tennessee Valley Authority, and the heads of other government entities, plan for the national security emergency management, production, and processing of forest products;
- (5) Develop, in coordination with the Secretary of Defense, plans and programs for water to be used in agricultural production and food processing in national security emergencies;
- (6) In cooperation with Federal, State, and local agencies, develop plans for a national program relating to the prevention and control of fires in rural areas of the United States caused by the effects of enemy attack or other national security emergencies;
- (7) Develop plans to help provide the Nation's farmers with production resources, including national security emergency financing capabilities;

(8) Develop plans, in consonance with those of the Department of Health and Human Services, the Department of the Interior, and the Environmental Protection Agency, for national security emergency agricultural health services and forestry, including:

- (a) Diagnosis and control or eradication of diseases, pests, or hazardous agents (biological, chemical, or radiological) against animals, crops, timber, or products thereof;
- (b) Protection, treatment, and handling of livestock and poultry, or products thereof, that have been exposed to or affected by hazardous agents;
- (c) Use and handling of crops, agricultural commodities, timber, and agricultural lands that have been exposed to or affected by hazardous agents; and
- (d) Assuring the safety and wholesomeness, and minimizing losses from hazards, of animals and animal products and agricultural commodities and products subject to continuous inspection by the Department of Agriculture or owned by the Commodity Credit Corporation or by the Department of Agriculture;

(9) In consultation with the Secretary of State and the Director of the Federal Emergency Management Agency, represent the United States in agriculture-related international civil emergency preparedness planning and related activities.

**Sec. 302. *Support Responsibilities.*** The Secretary of Agriculture shall assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical agricultural materials.

#### **Part 4--Department of Commerce**

**Sec. 401. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Commerce shall:

- (1) Develop control systems for priorities, allocation, production, and distribution of materials and other resources that will be available to support both national defense and essential civilian programs in a national security emergency;
- (2) In cooperation with the Secretary of Defense and other departments and agencies, identify those industrial products and facilities that are essential to mobilization readiness, national defense, or post-attack survival and recovery;
- (3) In cooperation with the Secretary of Defense and other Federal departments and agencies, analyze potential effects of national security emergencies on actual production capability, taking into account the entire production complex, including shortages of resources, and develop preparedness measures to strengthen capabilities for production increases in national security emergencies;
- (4) In cooperation with the Secretary of Defense, perform industry analyses to assess capabilities of the commercial industrial base to support the national defense, and develop policy alternatives to improve the international competitiveness of specific domestic industries and their abilities to meet defense program needs;
- (5) In cooperation with the Secretary of the Treasury, develop plans for providing emergency assistance to the private sector through direct or participation loans for the financing of production facilities and equipment;
- (6) In cooperation with the Secretaries of State, Defense, Transportation, and the Treasury, prepare plans to regulate and control exports and imports in national security emergencies;
- (7) Provide for the collection and reporting of census information on human and economic resources, and maintain a capability to conduct emergency surveys to provide information on the status of these resources as required for national security purposes;
- (8) Develop overall plans and programs to ensure that the fishing industry continues to produce and process essential protein in national security emergencies;
- (9) Develop plans to provide meteorological, hydrologic, marine weather, geodetic, hydrographic, climatic, seismic, and oceanographic data and services to Federal, State, and local agencies, as appropriate;
- (10) In coordination with the Secretary of State and the Director of the Federal Emergency Management Agency, represent the United States in industry-related international (NATO and allied) civil emergency preparedness planning and related activities.

**Sec. 402. *Support Responsibilities.*** The Secretary of Commerce shall:

- (1) Assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical materials;
- (2) Support the Secretary of Agriculture in planning for the national security management, production, and processing of forest and fishery products;
- (3) Assist, in consultation with the Secretaries of State and Defense, the Secretary of the Treasury in the formulation and execution of economic measures affecting other nations.

#### **Part 5--Department of Defense**

**Sec. 501. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Defense shall:

- (1) Ensure military preparedness and readiness to respond to national security emergencies;
- (2) In coordination with the Secretary of Commerce, develop, with industry, government, and the private sector, reliable capabilities for the rapid increase of defense production to include industrial resources required for that production;
- (3) Develop and maintain, in cooperation with the heads of other departments and agencies, national security emergency plans, programs, and mechanisms to ensure effective mutual support between and among the military, civil government, and the private sector;
- (4) Develop and maintain damage assessment capabilities and assist the Director of the Federal Emergency Management Agency and the heads of other departments and agencies in developing and maintaining capabilities to assess attack damage and to estimate the effects of potential attack on the Nation;
- (5) Arrange, through agreements with the heads of other Federal departments and agencies, for the transfer of certain Federal resources to the jurisdiction and/or operational control of the Department of Defense in national security emergencies;
- (6) Acting through the Secretary of the Army, develop, with the concurrence of the heads of all affected departments and agencies, overall plans for the management, control, and allocation of all usable waters from all sources within the jurisdiction of the United States. This includes:
  - (a) Coordination of national security emergency water resource planning at the national, regional, State, and local levels;
  - (b) Development of plans to assure emergency provision of water from public works projects under the jurisdiction of the Secretary of the Army to public water supply utilities and critical defense production facilities during national security emergencies;
  - (c) Development of plans to assure emergency operation of waterways and harbors; and
  - (d) Development of plans to assure the provision of potable water;
- (7) In consultation with the Secretaries of State and Energy, the Director of the Federal Emergency Management Agency, and others, as required, develop plans and capabilities for identifying, analyzing, mitigating, and responding to hazards related to nuclear weapons, materials, and devices; and maintain liaison, as appropriate, with the Secretary of Energy and the Members of the Nuclear Regulatory Commission to ensure the continuity of nuclear weapons production and the appropriate allocation of scarce resources, including the recapture of special nuclear materials from Nuclear Regulatory Commission licensees when appropriate;
- (8) Coordinate with the Administrator of the National Aeronautics and Space Administration and the Secretary of Energy, as appropriate, to prepare for the use, maintenance, and development of technologically advanced aerospace and aeronautical-related systems, equipment, and methodologies applicable to national security emergencies;
- (9) Develop, in coordination with the Secretary of Labor, the Directors of the Selective Service System, the Office of Personnel Management, and the Federal Emergency Management Agency, plans and systems to ensure that the Nation's human resources are available to meet essential military and civilian needs in national security emergencies;
- (10) Develop national security emergency operational procedures, and coordinate with the Secretary of Housing and Urban Development with respect to residential property, for the control, acquisition, leasing, assignment and priority of occupancy of real property within the jurisdiction of the Department of Defense;
- (11) Review the priorities and allocations systems developed by other departments and agencies to ensure that they meet Department of Defense needs in a national security emergency; and develop and maintain

the Department of Defense programs necessary for effective utilization of all priorities and allocations systems;

(12) Develop, in coordination with the Attorney General of the United States, specific procedures by which military assistance to civilian law enforcement authorities may be requested, considered, and provided;

(13) In cooperation with the Secretary of Commerce and other departments and agencies, identify those industrial products and facilities that are essential to mobilization readiness, national defense, or post-attack survival and recovery;

(14) In cooperation with the Secretary of Commerce and other Federal departments and agencies, analyze potential effects of national security emergencies on actual production capability, taking into account the entire production complex, including shortages of resources, and develop preparedness measures to strengthen capabilities for production increases in national security emergencies;

(15) With the assistance of the heads of other Federal departments and agencies, provide management direction for the stockpiling of strategic and critical materials, conduct storage, maintenance, and quality assurance operations for the stockpile of strategic and critical materials, and formulate plans, programs, and reports relating to the stockpiling of strategic and critical materials.

**Sec. 502. *Support Responsibilities.*** The Secretary of Defense shall:

(1) Advise and assist the heads of other Federal departments and agencies in the development of plans and programs to support national mobilization. This includes providing, as appropriate:

(a) Military requirements, prioritized and time-phased to the extent possible, for selected end-items and supporting services, materials, and components;

(b) Recommendations for use of financial incentives and other methods to improve defense production as provided by law; and

(c) Recommendations for export and import policies;

(2) Advise and assist the Secretary of State and the heads of other Federal departments and agencies, as appropriate, in planning for the protection, evacuation, and repatriation of United States citizens in threatened areas overseas;

(3) Support the Secretary of Housing and Urban Development and the heads of other agencies, as appropriate, in the development of plans to restore community facilities;

(4) Support the Secretary of Energy in international liaison activities pertaining to nuclear materials facilities;

(5) In consultation with the Secretaries of State and Commerce, assist the Secretary of the Treasury in the formulation and execution of economic measures that affect other nations;

(6) Support the Secretary of State and the heads of other Federal departments and agencies as appropriate in the formulation and implementation of foreign policy, and the negotiation of contingency and post-emergency plans, intergovernmental agreements, and arrangements with allies and friendly nations, which affect national security;

(7) Coordinate with the Director of the Federal Emergency Management Agency the development of plans for mutual civil-military support during national security emergencies;

(8) Develop plans to support the Secretary of Labor in providing education and training to overcome shortages of critical skills.

## **Part 6--Department of Education**

**Sec. 601. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Education shall:

(1) Assist school systems in developing their plans to provide for the earliest possible resumption of activities following national security emergencies;

(2) Develop plans to provide assistance, including efforts to meet shortages of critical educational personnel, to local educational agencies;

(3) Develop plans, in coordination with the Director of the Federal Emergency Management Agency, for dissemination of emergency preparedness instructional material through educational institutions and the media during national security emergencies.

**Sec. 602. *Support responsibilities.*** The Secretary of Education shall:

(1) Develop plans to support the Secretary of Labor in providing education and training to overcome shortages of critical skills;

(2) Support the Secretary of Health and Human Services in the development of human services educational and training materials, including self-help program materials for use by human service organizations and professional schools.

## **Part 7--Department of Energy**

**Sec. 701. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Energy shall:

- (1) Conduct national security emergency preparedness planning, including capabilities development, and administer operational programs for all energy resources, including:
  - (a) Providing information, in cooperation with Federal, State, and energy industry officials, on energy supply and demand conditions and on the requirements for and the availability of materials and services critical to energy supply systems;
  - (b) In coordination with appropriate departments and agencies and in consultation with the energy industry, develop implementation plans and operational systems for priorities and allocation of all energy resource requirements for national defense and essential civilian needs to assure national security emergency preparedness;
  - (c) Developing, in consultation with the Board of Directors of the Tennessee Valley Authority, plans necessary for the integration of its power system into the national supply system;
- (2) Identify energy facilities essential to the mobilization, deployment, and sustainment of resources to support the national security and national welfare, and develop energy supply and demand strategies to ensure continued provision of minimum essential services in national security emergencies;
- (3) In coordination with the Secretary of Defense, ensure continuity of nuclear weapons production consistent with national security requirements;
- (4) Assure the security of nuclear materials, nuclear weapons, or devices in the custody of the Department of Energy, as well as the security of all other Department of Energy programs and facilities;
- (5) In consultation with the Secretaries of State and Defense and the Director of the Federal Emergency Management Agency, conduct appropriate international liaison activities pertaining to matters within the jurisdiction of the Department of Energy;
- (6) In consultation with the Secretaries of State and Defense, the Director of the Federal Emergency Management Agency, the Members of the Nuclear Regulatory Commission, and others, as required, develop plans and capabilities for identification, analysis, damage assessment, and mitigation of hazards from nuclear weapons, materials, and devices;
- (7) Coordinate with the Secretary of Transportation in the planning and management of transportation resources involved in the bulk movement of energy;
- (8) At the request of or with the concurrence of the Nuclear Regulatory Commission and in consultation with the Secretary of Defense, recapture special nuclear materials from Nuclear Regulatory Commission licensees where necessary to assure the use, preservation, or safeguarding of such material for the common defense and security;
- (9) Develop national security emergency operational procedures for the control, utilization, acquisition, leasing, assignment, and priority of occupancy of real property within the jurisdiction of the Department of Energy;
- (10) Manage all emergency planning and response activities pertaining to Department of Energy nuclear facilities.

**Sec. 702. *Support Responsibilities.*** The Secretary of Energy shall:

- (1) Provide advice and assistance, in coordination with appropriate agencies, to Federal, State, and local officials and private sector organizations to assess the radiological impact associated with national security emergencies;
- (2) Coordinate with the Secretaries of Defense and the Interior regarding the operation of hydroelectric projects to assure maximum energy output;
- (3) Support the Secretary of Housing and Urban Development and the heads of other agencies, as appropriate, in the development of plans to restore community facilities;
- (4) Coordinate with the Secretary of Agriculture regarding the emergency preparedness of the rural electric supply systems throughout the Nation and the assignment of emergency preparedness responsibilities to the Rural Electrification Administration.

## **Part 8--Department of Health and Human Services**

**Sec. 801. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Health and Human Services shall:

- (1) Develop national plans and programs to mobilize the health industry and health resources for the provision of health, mental health, and medical services in national security emergencies;
- (2) Promote the development of State and local plans and programs for provision of health, mental health, and medical services in national security emergencies;
- (3) Develop national plans to set priorities and allocate health, mental health, and medical services' resources among civilian and military claimants;
- (4) Develop health and medical survival information programs and a nationwide program to train health and mental health professionals and paraprofessionals in special knowledge and skills that would be useful in national security emergencies;
- (5) Develop programs to reduce or eliminate adverse health and mental health effects produced by hazardous agents (biological, chemical, or radiological), and, in coordination with appropriate Federal agencies, develop programs to minimize property and environmental damage associated with national security emergencies;
- (6) Develop guidelines that will assure reasonable and prudent standards of purity and/or safety in the manufacture and distribution of food, drugs, biological products, medical devices, food additives, and radiological products in national security emergencies;
- (7) Develop national plans for assisting State and local governments in rehabilitation of persons injured or disabled during national security emergencies;
- (8) Develop plans and procedures to assist State and local governments in the provision of emergency human services, including lodging, feeding, clothing, registration and inquiry, social services, family reunification and mortuary services and interment;
- (9) Develop, in coordination with the Secretary of Education, human services educational and training materials for use by human service organizations and professional schools; and develop and distribute, in coordination with the Director of the Federal Emergency Management Agency, civil defense information relative to emergency human services;
- (10) Develop plans and procedures, in coordination with the heads of Federal departments and agencies, for assistance to United States citizens or others evacuated from overseas areas.

**Sec. 802. *Support Responsibility.*** The Secretary of Health and Human Services shall support the Secretary of Agriculture in the development of plans related to national security emergency agricultural health services.

## **Part 9--Department of Housing and Urban Development**

**Sec. 901. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Housing and Urban Development shall:

- (1) Develop plans for provision and management of housing in national security emergencies, including:
  - (a) Providing temporary housing using Federal financing and other arrangements;
  - (b) Providing for radiation protection by encouraging voluntary construction of shelters and voluntary use of cost-efficient design and construction techniques to maximize population protection;
- (2) Develop plans, in cooperation with the heads of other Federal departments and agencies and State and local governments, to restore community facilities, including electrical power, potable water, and sewage disposal facilities, damaged in national security emergencies.

## **Part 10--Department of the Interior**

**Sec. 1001. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of the Interior shall:

- (1) Develop programs and encourage the exploration, development, and mining of strategic and critical and other nonfuel minerals for national security emergency purposes;

- (2) Provide guidance to mining industries in the development of plans and programs to ensure continuity of production during national security emergencies;
- (3) Develop and implement plans for the management, control, allocation, and use of public land under the jurisdiction of the Department of the Interior in national security emergencies and coordinate land emergency planning at the Federal, State, and local levels.

**Sec. 1002. *Support Responsibilities.*** The Secretary of the Interior shall:

- (1) Assist the Secretary of Defense in formulating and carrying out plans for stockpiling strategic and critical minerals;
- (2) Cooperate with the Secretary of Commerce in the identification and evaluation of facilities essential for national security emergencies;
- (3) Support the Secretary of Agriculture in planning for the national security management, production, and processing of forest products.

#### **Part 11--Department of Justice**

**Sec. 1101. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Attorney General of the United States shall:

- (1) Provide legal advice to the President and the heads of Federal departments and agencies and their successors regarding national security emergency powers, plans, and authorities;
- (2) Coordinate Federal Government domestic law enforcement activities related to national security emergency preparedness, including Federal law enforcement liaison with, and assistance to, State and local governments;
- (3) Coordinate contingency planning for national security emergency law enforcement activities that are beyond the capabilities of State and local agencies;
- (4) Develop national security emergency plans for regulation of immigration, regulation of nationals of enemy countries, and plans to implement laws for the control of persons entering or leaving the United States;
- (5) Develop plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutions and resources during national security emergencies;
- (6) Provide information and assistance to the Federal Judicial branch and the Federal Legislative branch concerning law enforcement, continuity of government, and the exercise of legal authority during National security emergencies;
- (7) Develop intergovernmental and interagency law enforcement plans and counterterrorism programs to interdict and respond to terrorism incidents in the United States that may result in a national security emergency or that occur during such an emergency;
- (8) Develop intergovernmental and interagency law enforcement plans to respond to civil disturbances that may result in a national security emergency or that occur during such an emergency.

**Sec. 1102. *Support Responsibilities.*** The Attorney General of the United States shall:

- (1) Assist the heads of Federal departments and agencies, State and local governments, and the private sector in the development of plans to physically protect essential resources and facilities;
- (2) Support the Secretaries of State and the Treasury in plans for the protection of international organizations and foreign diplomatic, consular, and other official personnel, property, and other assets within the jurisdiction of the United States;
- (3) Support the Secretary of the Treasury in developing plans to control the movement of property entering and leaving the United States;
- (4) Support the heads of other Federal departments and agencies and State and local governments in developing programs and plans for identifying fatalities and reuniting families in national security emergencies;
- (5) Support the intelligence community in the planning of its counterintelligence and counterterrorism programs.

#### **Part 12--Department of Labor**

**Sec. 1201. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Labor shall:

- (1) Develop plans and issue guidance to ensure effective use of civilian workforce resources during national security emergencies. Such plans shall include, but not necessarily be limited to:
  - (a) Priorities and allocations, recruitment, referral, training, employment stabilization including appeals procedures, use assessment, and determination of critical skill categories; and
  - (b) Programs for increasing the availability of critical workforce skills and occupations;
- (2) In consultation with the Secretary of the Treasury, develop plans and procedures for wage, salary, and benefit costs stabilization during national security emergencies;
- (3) Develop plans and procedures for protecting and providing incentives for the civilian labor force during national security emergencies;
- (4) In consultation with other appropriate government agencies and private entities, develop plans and procedures for effective labor-management relations during national security emergencies.

**Sec. 1202. *Support Responsibilities.*** The Secretary of Labor shall:

- (1) Support planning by the Secretary of Defense and the private sector for the provision of human resources to critical defense industries during national security emergencies;
- (2) Support planning by the Secretary of Defense and the Director of Selective Service for the institution of conscription in national security emergencies.

### **Part 13--Department of State**

**Sec. 1301. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of State shall:

- (1) Provide overall foreign policy coordination in the formulation and execution of continuity of government and other national security emergency preparedness activities that affect foreign relations;
- (2) Prepare to carry out Department of State responsibilities in the conduct of the foreign relations of the United States during national security emergencies, under the direction of the President and in consultation with the heads of other appropriate Federal departments and agencies, including, but not limited to:
  - (a) Formulation and implementation of foreign policy and negotiation regarding contingency and post-emergency plans, intergovernmental agreements, and arrangements with United States' allies;
  - (b) Formulation, negotiation, and execution of policy affecting the relationships of the United States with neutral states;
  - (c) Formulation and execution of political strategy toward hostile or enemy states;
  - (d) Conduct of mutual assistance activities;
  - (e) Provision of foreign assistance, including continuous supervision and general direction of authorized economic and military assistance programs;
  - (f) Protection or evacuation of United States citizens and nationals abroad and safeguarding their property abroad, in consultation with the Secretaries of Defense and Health and Human Services;
  - (g) Protection of international organizations and foreign diplomatic, consular, and other official personnel and property, or other assets, in the United States, in coordination with the Attorney General and the Secretary of the Treasury;
  - (h) Formulation of policies and provisions for assistance to displaced persons and refugees abroad;
  - (i) Maintenance of diplomatic and consular representation abroad; and
  - (j) Reporting of and advising on conditions overseas that bear upon national security emergencies.

**Sec. 1302. *Support Responsibilities.*** The Secretary of State shall:

- (1) Assist appropriate agencies in developing planning assumptions concerning accessibility of foreign sources of supply;
- (2) Support the Secretary of the Treasury, in consultation, as appropriate, with the Secretaries of Commerce and Defense, in the formulation and execution of economic measures with respect to other nations;
- (3) Support the Secretary of Energy in international liaison activities pertaining to nuclear materials facilities;
- (4) Support the Director of the Federal Emergency Management Agency in the coordination and integration of United States policy regarding the formulation and implementation of civil emergency resources and preparedness planning;

(5) Assist the Attorney General of the United States in the formulation of national security emergency plans for the control of persons entering or leaving the United States.

#### **Part 14--Department of Transportation**

**Sec. 1401. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of Transportation shall:

- (1) Develop plans to promulgate and manage overall national policies, programs, procedures, and systems to meet essential civil and military transportation needs in national security emergencies;
- (2) Be prepared to provide direction to all modes of civil transportation in national security emergencies, including air, surface, water, pipelines, and public storage and warehousing, to the extent such responsibility is vested in the Secretary of Transportation. This direction may include:
  - (a) Implementation of priorities for all transportation resource requirements for service, equipment, facilities, and systems;
  - (b) Allocation of transportation resource capacity; and
  - (c) Emergency management and control of civil transportation resources and systems, including privately owned automobiles, urban mass transit, intermodal transportation systems, the National Railroad Passenger Corporation and the St. Lawrence Seaway Development Corporation;
- (3) Develop plans to provide for the smooth transition of the Coast Guard as a service to the Department of the Navy during national security emergencies. These plans shall be compatible with the Department of Defense planning systems, especially in the areas of port security and military readiness;
- (4) In coordination with the Secretary of State and the Director of the Federal Emergency Management Agency, represent the United States in transportation-related international (including NATO and allied) civil emergency preparedness planning and related activities;
- (5) Coordinate with State and local highway agencies in the management of all Federal, State, city, local, and other highways, roads, streets, bridges, tunnels, and publicly owned highway maintenance equipment to assure efficient and safe use of road space during national security emergencies;
- (6) Develop plans and procedures in consultation with appropriate agency officials for maritime and port safety, law enforcement, and security over, upon, and under the high seas and waters subject to the jurisdiction of the United States to assure operational readiness for national security emergency functions;
- (7) Develop plans for the emergency operation of U.S. ports and facilities, use of shipping resources (U.S. and others), provision of government war risks insurance, and emergency construction of merchant ships for military and civil use;
- (8) Develop plans for emergency management and control of the National Airspace System, including provision of war risk insurance and for transfer of the Federal Aviation Administration, in the event of war, to the Department of Defense;
- (9) Coordinate the Interstate Commerce Commission's development of plans and preparedness programs for the reduction of vulnerability, maintenance, restoration, and operation of privately owned railroads, motor carriers, inland waterway transportation systems, and public storage facilities and services in national security emergencies.

**Sec. 1402. *Support Responsibility.*** The Secretary of Transportation shall coordinate with the Secretary of Energy in the planning and management of transportation resources involved in the bulk movement of energy materials.

#### **Part 15--Department of the Treasury**

**Sec. 1501. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Secretary of the Treasury shall:

- (1) Develop plans to maintain stable economic conditions and a market economy during national security emergencies; emphasize measures to minimize inflation and disruptions; and, minimize reliance on direct controls of the monetary, credit, and financial systems. These plans will include provisions for:
  - (a) Increasing capabilities to minimize economic dislocations by carrying out appropriate fiscal, monetary, and regulatory policies and reducing susceptibility to manipulated economic pressures;

- (b) Providing the Federal Government with efficient and equitable financing sources and payment mechanisms;
  - (c) Providing fiscal authorities with adequate legal authority to meet resource requirements;
  - (d) Developing, in consultation with the Board of Governors of the Federal Reserve System, and in cooperation with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the National Credit Union Administration Board, the Farm Credit Administration Board and other financial institutions, plans for the continued or resumed operation and liquidity of banks, savings and loans, credit unions, and farm credit institutions, measures for the reestablishment of evidence of assets or liabilities, and provisions for currency withdrawals and deposit insurance;
- (2) Provide for the protection of United States financial resources including currency and coin production and redemption facilities, Federal check disbursement facilities, and precious monetary metals;
  - (3) Provide for the preservation of, and facilitate emergency operations of, public and private financial institution systems, and provide for their restoration during or after national security emergencies;
  - (4) Provide, in coordination with the Secretary of State, for participation in bilateral and multilateral financial arrangements with foreign governments;
  - (5) Maintain the Federal Government accounting and financial reporting system in national security emergencies;
  - (6) Develop plans to protect the President, the Vice President, other officers in the order of presidential succession, and other persons designated by the President;
  - (7) Develop plans for restoration of the economy following an attack; for the development of emergency monetary, credit, and Federal benefit payment programs of those Federal departments and agencies that have responsibilities dependent on the policies or capabilities of the Department of the Treasury; and for the implementation of national policy on sharing war losses;
  - (8) Develop plans for initiating tax changes, waiving regulations, and, in conjunction with the Secretary of Commerce or other guaranteeing agency, granting or guaranteeing loans for the expansion of industrial capacity, the development of technological processes, or the production or acquisition of essential materials;
  - (9) Develop plans, in coordination with the heads of other appropriate Federal departments and agencies, to acquire emergency imports, make foreign barter arrangements, or otherwise provide for essential material from foreign sources using, as appropriate, the resources of the Export-Import Bank or resources available to the Bank;
  - (10) Develop plans for encouraging capital inflow and discouraging the flight of capital from the United States and, in coordination with the Secretary of State, for the seizure and administration of assets of enemy aliens during national security emergencies;
  - (11) Develop plans, in consultation with the heads of appropriate Federal departments and agencies, to regulate financial and commercial transactions with other countries;
  - (12) Develop plans, in coordination with the Secretary of Commerce and the Attorney General of the United States, to control the movement of property entering or leaving the United States;
  - (13) Cooperate and consult with the Chairman of the Securities and Exchange Commission, the Chairman of the Federal Reserve Board, the Chairman of the Commodities Futures Trading Commission in the development of emergency financial control plans and regulations for trading of stocks and commodities, and in the development of plans for the maintenance and restoration of stable and orderly markets;
  - (14) Develop plans, in coordination with the Secretary of State, for the formulation and execution of economic measures with respect to other nations in national security emergencies.

**Sec. 1502. Support Responsibilities.** The Secretary of the Treasury shall:

- (1) Cooperate with the Attorney General of the United States on law enforcement activities, including the control of people entering and leaving the United States;
- (2) Support the Secretary of Labor in developing plans and procedures for wage, salary, and benefit costs stabilization;
- (3) Support the Secretary of State in plans for the protection of international organizations and foreign diplomatic, consular, and other official personnel and property or other assets in the United States.

## **Part 16--Environmental Protection Agency**

**Sec. 1601. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of the Environmental Protection Agency shall:

- (1) Develop Federal plans and foster development of State and local plans designed to prevent or minimize the ecological impact of hazardous agents (biological, chemical, or radiological) introduced into the environment in national security emergencies;
- (2) Develop, for national security emergencies, guidance on acceptable emergency levels of nuclear radiation, assist in determining acceptable emergency levels of biological agents, and help to provide detection and identification of chemical agents;
- (3) Develop, in coordination with the Secretary of Defense, plans to assure the provision of potable water supplies to meet community needs under national security emergency conditions, including claimancy for materials and equipment for public water systems.

**Sec. 1602. *Support Responsibilities.*** The Administrator of the Environmental Protection Agency shall:

- (1) Assist the heads of other Federal agencies that are responsible for developing plans for the detection, reporting, assessment, protection against, and reduction of effects of hazardous agents introduced into the environment;
- (2) Advise the heads of Federal departments and agencies regarding procedures for assuring compliance with environmental restrictions and for expeditious review of requests for essential waivers.

### **Part 17--Federal Emergency Management Agency**

**Sec. 1701. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Federal Emergency Management Agency shall:

- (1) Coordinate and support the initiation, development, and implementation of national security emergency preparedness programs and plans among Federal departments and agencies;
- (2) Coordinate the development and implementation of plans for the operation and continuity of essential domestic emergency functions of the Federal Government during national security emergencies;
- (3) Coordinate the development of plans, in cooperation with the Secretary of Defense, for mutual civil-military support during national security emergencies;
- (4) Guide and assist State and local governments and private sector organizations in achieving preparedness for national security emergencies, including development of plans and procedures for assuring continuity of government, and support planning for prompt and coordinated Federal assistance to States and localities in responding to national security emergencies;
- (5) Provide the President a periodic assessment of Federal, State, and local capabilities to respond to national security emergencies;
- (6) Coordinate the implementation of policies and programs for efficient mobilization of Federal, State, local, and private sector resources in response to national security emergencies;
- (7) Develop and coordinate with all appropriate agencies civil defense programs to enhance Federal, State, local, and private sector capabilities for national security emergency crisis management, population protection, and recovery in the event of an attack on the United States;
- (8) Develop and support public information, education and training programs to assist Federal, State, and local government and private sector entities in planning for and implementing national security emergency preparedness programs;
- (9) Coordinate among the heads of Federal, State, and local agencies the planning, conduct, and evaluation of national security emergency exercises;
- (10) With the assistance of the heads of other appropriate Federal departments and agencies, develop and maintain capabilities to assess actual attack damage and residual recovery capabilities as well as capabilities to estimate the effects of potential attacks on the Nation;
- (11) Provide guidance to the heads of Federal departments and agencies on the appropriate use of defense production authorities, including resource claimancy, in order to improve the capability of industry and infrastructure systems to meet national security emergency needs;
- (12) Assist the Secretary of State in coordinating the formulation and implementation of United States policy for NATO and other allied civil emergency planning, including the provision of:
  - (a) advice and assistance to the departments and agencies in alliance civil emergency planning matters;
  - (b) support to the United States Mission to NATO in the conduct of day-to-day civil emergency planning activities; and

(c) support facilities for NATO Civil Wartime Agencies in cooperation with the Departments of Agriculture, Commerce, Energy, State, and Transportation.

**Sec. 1702. *Support Responsibilities.*** The Director of the Federal Emergency Management Agency shall:

- (1) Support the heads of other Federal departments and agencies in preparing plans and programs to discharge their national security emergency preparedness responsibilities, including, but not limited to, such programs as mobilization preparedness, continuity of government planning, and continuance of industry and infrastructure functions essential to national security;
- (2) Support the Secretary of Energy, the Secretary of Defense, and the Members of the Nuclear Regulatory Commission in developing plans and capabilities for identifying, analyzing, mitigating, and responding to emergencies related to nuclear weapons, materials, and devices, including mobile and fixed nuclear facilities, by providing, inter alia, off-site coordination;
- (3) Support the Administrator of General Services in efforts to promote a government-wide program with respect to Federal buildings and installations to minimize the effects of attack and establish shelter management organizations.

#### **Part 18--General Services Administration**

**Sec. 1801. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of General Services shall:

- (1) Develop national security emergency plans and procedures for the operation, maintenance, and protection of federally owned and occupied buildings managed by the General Services Administration, and for the construction, alteration, and repair of such buildings;
- (2) Develop national security emergency operating procedures for the control, acquisition, leasing, assignment, and priority of occupancy of real property by the Federal Government, and by State and local governments acting as agents of the Federal Government, except for the military facilities and facilities with special nuclear materials within the jurisdiction of the Departments of Defense and Energy;
- (3) Develop national security emergency operational plans and procedures for the use of public utility services (other than telecommunications services) by Federal departments and agencies, except for Department of Energy-operated facilities;
- (4) Develop plans and operating procedures of government-wide supply programs to meet the requirements of Federal departments and agencies during national security emergencies;
- (5) Develop plans and operating procedures for the use, in national security emergencies, of excess and surplus real and personal property by Federal, State, and local governmental entities;
- (6) Develop plans, in coordination with the Director of the Federal Emergency Management Agency, with respect to Federal buildings and installations, to minimize the effects of attack and establish shelter management organizations.

**Sec. 1802. *Support Responsibility.*** The Administrator of General Services shall develop plans to assist Federal departments and agencies in operation and maintenance of essential automated information processing facilities during national security emergencies.

#### **Part 19--National Aeronautics and Space Administration**

**Sec. 1901. *Lead Responsibility.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of the National Aeronautics and Space Administration shall coordinate with the Secretary of Defense to prepare for the use, maintenance, and development of technologically advanced aerospace and aeronautical-related systems, equipment, and methodologies applicable to national security emergencies.

#### **Part 20--National Archives and Records Administration**

**Sec. 2001. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Archivist of the United States shall:

- (1) Develop procedures for publication during national security emergencies of the **Federal Register** for as broad public dissemination as is practicable of presidential proclamations and Executive orders, Federal administrative regulations, Federal emergency notices and actions, and Acts of Congress;

(2) Develop emergency procedures for providing instructions and advice on the handling and preservation of records critical to the operation of the Federal Government in national security emergencies.

#### **Part 21--Nuclear Regulatory Commission**

**Sec. 2101. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Members of the Nuclear Regulatory Commission shall:

- (1) Promote the development and maintenance of national security emergency preparedness programs through security and safeguards programs by licensed facilities and activities;
- (2) Develop plans to suspend any licenses granted by the Commission; to order the operations of any facility licensed under Section 103 or 104; Atomic Energy Act of 1954, as amended (42 U.S.C. 2133 or 2134); to order the entry into any plant or facility in order to recapture special nuclear material as determined under Subsection (3) below; and operate such facilities;
- (3) Recapture or authorize recapture of special nuclear materials from licensees where necessary to assure the use, preservation, or safeguarding of such materials for the common defense and security, as determined by the Commission or as requested by the Secretary of Energy.

**Sec. 2102. *Support Responsibilities.*** The Members of the Nuclear Regulatory Commission shall:

- (1) Assist the Secretary of Energy in assessing damage to Commission-licensed facilities, identifying usable facilities, and estimating the time and actions necessary to restart inoperative facilities;
- (2) Provide advice and technical assistance to Federal, State, and local officials and private sector organizations regarding radiation hazards and protective actions in national security emergencies.

#### **Part 22--Office of Personnel Management**

**Sec. 2201. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Office of Personnel Management shall:

- (1) Prepare plans to administer the Federal civilian personnel system in national security emergencies, including plans and procedures for the rapid mobilization and reduction of an emergency Federal workforce;
- (2) Develop national security emergency work force policies for Federal civilian personnel;
- (3) Develop plans to accommodate the surge of Federal personnel security background and pre-employment investigations during national security emergencies.

**Sec. 2202. *Support Responsibilities.*** The Director of the Office of Personnel Management shall:

- (1) Assist the heads of other Federal departments and agencies with personnel management and staffing in national security emergencies, including facilitating transfers between agencies of employees with critical skills;
- (2) In consultation with the Secretary of Defense and the Director of Selective Service, develop plans and procedures for a system to control any conscription of Federal civilian employees during national security emergencies.

#### **Part 23--Selective Service System**

**Sec. 2301. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of Selective Service shall:

- (1) Develop plans to provide by induction, as authorized by law, personnel that would be required by the armed forces during national security emergencies;
- (2) Develop plans for implementing an alternative service program.

#### **Part 24--Tennessee Valley Authority**

**Sec. 2401. *Lead Responsibility.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Board of Directors of the Tennessee Valley Authority shall develop plans and maintain river control operations for the prevention or control of floods affecting the Tennessee River System during national security emergencies.

**Sec. 2402. *Support Responsibilities.*** The Board of Directors of the Tennessee Valley Authority shall:

- (1) Assist the Secretary of Energy in the development of plans for the integration of the Tennessee Valley Authority power system into nationwide national security emergency programs;
- (2) Assist the Secretaries of Defense, Interior, and Transportation and the Chairman of the Interstate Commerce Commission in the development of plans for operation and maintenance of inland waterway transportation in the Tennessee River System during national security emergencies.

#### **Part 25--United States Information Agency**

**Sec. 2501. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the United States Information Agency shall:

- (1) Plan for the implementation of information programs to promote an understanding abroad of the status of national security emergencies within the United States;
- (2) In coordination with the Secretary of State's exercise of telecommunications functions affecting United States diplomatic missions and consular offices overseas, maintain the capability to provide television and simultaneous direct radio broadcasting in major languages to all areas of the world, and the capability to provide wireless file to all United States embassies during national security emergencies.

**Sec. 2502. *Support Responsibility.*** The Director of the United States Information Agency shall assist the heads of other Federal departments and agencies in planning for the use of media resources and foreign public information programs during national security emergencies.

#### **Part 26--United States Postal Service**

**Sec. 2601. *Lead Responsibility.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Postmaster General shall prepare plans and programs to provide essential postal services during national security emergencies.

**Sec. 2602. *Support Responsibilities.*** The Postmaster General shall:

- (1) Develop plans to assist the Attorney General of the United States in the registration of nationals of enemy countries residing in the United States;
- (2) Develop plans to assist the Secretary of Health and Human Services in registering displaced persons and families;
- (3) Develop plans to assist the heads of other Federal departments and agencies in locating and leasing privately owned property for Federal use during national security emergencies.

#### **Part 27--Veterans' Administration<sup>1</sup>**

**Sec. 2701. *Lead Responsibilities.*** In addition to the applicable responsibilities covered in Parts 1 and 2, the Administrator of Veterans' Affairs<sup>2</sup> shall:

- (1) Develop plans for provision of emergency health care services to veteran beneficiaries in Veterans' Administration medical facilities, to active duty military personnel and, as resources permit, to civilians in communities affected by national security emergencies;
- (2) Develop plans for mortuary services for eligible veterans, and advise on methods for interment of the dead during national security emergencies.

**Sec. 2702. *Support Responsibilities.*** The Administrator of Veterans' Affairs shall:

- (1) Assist the Secretary of Health and Human Services in promoting the development of State and local plans for the provision of medical services in national security emergencies, and develop appropriate plans to support such State and local plans;
- (2) Assist the Secretary of Health and Human Services in developing national plans to mobilize the health care industry and medical resources during national security emergencies;
- (3) Assist the Secretary of Health and Human Services in developing national plans to set priorities and allocate medical resources among civilian and military claimants.

#### **Part 28--Office of Management and Budget**

**Sec. 2801.** In addition to the applicable responsibilities covered in Parts 1 and 2, the Director of the Office of Management and Budget shall prepare plans and programs to maintain its functions during national

security emergencies. In connection with these functions, the Director of the Office of Management and Budget shall:

- (1) Develop plans to ensure the preparation, clearance, and coordination of proposed Executive orders and proclamations;
- (2) Prepare plans to ensure the preparation, supervision, and control of the budget and the formulation of the fiscal program of the Government;
- (3) Develop plans to coordinate and communicate Executive branch views to the Congress regarding legislation and testimony by Executive branch officials;
- (4) Develop plans for keeping the President informed of the activities of government agencies, continuing the Office of Management and Budget's management functions, and maintaining presidential supervision and direction with respect to legislation and regulations in national security emergencies.

## **Part 29--General**

**Sec. 2901.** Executive Order Nos. 10421 and 11490, as amended, are hereby revoked. This Order shall be effective immediately.

### **Executive Order 12657, November 18, 1988, Federal Emergency Management Agency Assistance In Emergency Preparedness Planning At Commercial Nuclear Power Plants**

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.), the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), Reorganization Plan No. 1 of 1958, Reorganization Plan No. 1 of 1973, and Section 301 of Title 3 of the United States Code, and in order to ensure that plans and procedures are in place to respond to radiological emergencies at commercial nuclear power plants in operation or under construction, it is hereby ordered as follows:

#### **SEC 1. Scope.**

- (a) This Order applies whenever State or local governments, either individually or together, decline or fail to prepare commercial nuclear power plant radiological emergency preparedness plans that are sufficient to satisfy Nuclear Regulatory Commission ("NRC") licensing requirements or to participate adequately in the preparation, demonstration, testing, exercise, or use of such plans.
- (b) In order to request the assistance of the Federal Emergency Management Agency ("FEMA") provided for in this Order, an affected nuclear power plant applicant or licensee ("licensee") shall certify in writing to FEMA that the situation described in Subsection (a) exists.

#### **SEC. 2. Generally Applicable Principles and Directives.**

- (a) Subject to the principles articulated in this Section, the Director of FEMA is hereby authorized and directed to take the actions specified in Sections 3 through 6 of this Order.
- (b) In carrying out any of its responsibilities under this Order, FEMA:
  - (1) shall work actively with the licensee, and, before relying upon its resources or those of any other Department or agency within the Executive branch, shall make maximum feasible use of the licensee's resources;
  - (2) shall take care not to supplant State and local resources. FEMA shall substitute its own resources for those of the State and local governments only to the extent necessary to compensate for the nonparticipation or inadequate participation of those governments, and only as a last resort after appropriate consultation with the Governors and responsible local officials in the affected area regarding State and local participation;
  - (3) is authorized, to the extent permitted by law, to enter into inter-agency Memoranda of Understanding providing for utilization of the resources of other Executive branch Departments and agencies and for delegation to other Executive branch Departments and agencies of any of the functions and duties assigned to FEMA under this Order; however, any such Memorandum of Understanding shall be subject to ap-

proval by the Director of the Office of Management and Budget ("OMB") and published in final form in the FEDERAL REGISTER; and

(4) shall assume for purposes of Sections 3 and 4 of this Order that, in the event of an actual radiological emergency or disaster, State and local authorities would contribute their full resources and exercise their authorities in accordance with their duties to protect the public from harm and would act generally in conformity with the licensee's radio-logical emergency preparedness plan.

(c) The Director of OMB shall resolve any issue concerning the obligation of Federal funds arising from the implementation of this Order. In resolving issues under this Subsection, the Director of OMB shall ensure:

(1) that FEMA has utilized to the maximum extent possible the re-sources of the licensee and State and local governments before it relies upon its appropriated and lawfully available resources or those of any Department or agency in the Executive branch;

(2) that FEMA shall use its existing resources to coordinate and manage, rather than duplicate, other available resources;

(3) that implementation of this Order is accomplished with an economy of resources; and

(4) that full reimbursement to the Federal Government is provided, to the extent permitted by law.

### SEC. 3. FEMA Participation in Emergency Preparedness Planning

(a) FEMA assistance in emergency preparedness planning shall include advice, technical assistance, and arrangements for facilities and re-sources as needed to satisfy the emergency planning requirements under the Atomic Energy Act of 1954, as amended, and any other Federal legislation or regulations pertaining to issuance or retention of a construction permit or an operating license for a nuclear power plant.

(b) FEMA shall make all necessary plans and arrangements to ensure that the Federal Government is prepared to assume any and all functions and undertakings necessary to provide adequate protection to the public in cases within the scope of this Order. In making such plans and arrangements,

(1) FEMA shall focus planning of Federal response activities to ensure that:

(A) adequate resources and arrangements will exist, as of the time when an initial response is needed, given the absence or inadequacy of advance State and local commitments; and

(B) attention has been given to coordinating (including turning over) response functions when State and local governments do exercise their authority, with specific attention to the areas where prior State and local participation has been insufficient or absent;

(2) FEMA's planning for Federal participation in responding to a radiological emergency within the scope of this Order shall include, but not be limited to, arrangements for using existing Federal resources to provide prompt notification of the emergency to the general public; to assist in any necessary evacuation; to provide reception centers or shelters and related facilities and services for evacuees, to provide emergency medical services at Federal hospitals, including those operated by the military services and by the Veterans' Administration; and to ensure the creation and maintenance of channels of communication from commercial nuclear power plant licensees or applicants to State and local governments and to surrounding members of the public.

### SEC. 4. Evaluation of Plans.

(1) FEMA shall consider and evaluate all plans developed under the authority of this Order as though drafted and submitted by a State or local government.

(2) FEMA shall take all actions necessary to carry out the evaluation referred to in the preceding Subsection and to permit the NRC to conduct its evaluation of radiological emergency preparedness plans including, but not limited to, planning, participating in, and evaluating exercises, drills, and tests, on a timely basis, as necessary to satisfy NRC requirements for demonstrations of off-site radiological emergency preparedness.

### SEC. 5. Response to a Radiological Emergency.

(1) In the event of an actual radiological emergency or disaster, FEMA shall take all steps necessary to ensure the implementation of the plans developed under this Order and shall coordinate the actions of other Federal agencies to achieve the maximum effectiveness of Federal efforts in responding to the emergency.

(2) FEMA shall coordinate Federal response activities to ensure that adequate resources are directed, when an initial response is needed, to activities hindered by the absence or inadequacy of advance State and local

commitments. FEMA shall also coordinate with State and local governmental authorities and turn over response functions as appropriate when State and local governments do exercise their authority.

(3) FEMA shall assume any necessary command-and-control function, or delegate such function to another Federal agency, in the event that no competent State and local authority is available to perform such function.

(4) In any instance in which Federal personnel may be called upon to fill a command-and-control function during a radiological emergency, in addition to any other powers it may have, FEMA or its designee is authorized to accept volunteer assistance from utility employees and other nongovernmental personnel for any purpose necessary to implement the emergency response plan and facilitate off-site emergency response.

#### SEC. 6. Implementation of Order.

(a) FEMA shall issue interim and final directives and procedures implementing this Order as expeditiously as is feasible and in any event shall issue interim directives and procedures not more than 90 days following the effective date of this Order and shall issue final directives and procedures not more than 180 days following the effective date of this Order.

(b) Immediately upon the effective date of this Order, FEMA shall review, and initiate necessary revisions of, all FEMA regulations, directives, and guidance to conform them to the terms and policies of this Order.

(c) Immediately upon the effective date of this Order, FEMA shall review, and initiate necessary renegotiations of, all interagency agreements to which FEMA is a party, so as to conform them to the terms and policies of this Order. This directive shall include, but not be limited to, the Federal Radiological Emergency Response Plan (50 Fed. Reg. 46542 (November 8, 1985)).

(d) To the extent permitted by law, FEMA is directed to obtain full reimbursement, either jointly or severally, for services performed by FEMA or other Federal agencies pursuant to this Order from any affected licensee and from any affected nonparticipating or inadequately participating State or local government.

#### SEC. 7. Amendments.

This Executive Order amends Executive Order Nos. 11490 (34 Fed. Reg. 17567 (October 28, 1969)), 12148 (44 Fed. Reg. 43239 (July 20, 1979)), and 12241 (45 Fed. Reg. 64879 (September 29, 1980)), and the same are hereby superseded to the extent that they are inconsistent with this Order.

#### SEC. 8. Judicial Review.

This Order is intended only to improve the internal management of the Executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

#### SEC. 9. Effective Date.

This Order shall be effective November 18, 1988.

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### AMENDMENT(S)

#### Executive Order 13286

Sec. 41. Executive Order 12657 of November 18, 1988 (“Federal Emergency Management Agency Assistance in Emergency Preparedness Planning at Commercial Nuclear Power Plants”), is amended by:

(a) striking “Federal Emergency Management Agency” in the title and inserting “Department of Homeland Security” in lieu thereof;

(b) striking “Federal Emergency Management Agency (“FEMA”)” in section 1(b) and inserting “Department of Homeland Security (“DHS”)” in lieu thereof;

(c) striking “FEMA” wherever it appears in sections 1(b), 2(b), 2(c), 3, 4, 5, and 6, and inserting “DHS” in lieu thereof; and

(d) striking “the Director of FEMA” in section 2(a) and inserting “the Secretary of Homeland Security” in lieu thereof.

## **APPENDIX 2-6: Executive Order 12777**

### **Executive Order 12777, October 18, 1991, Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990**

By authority vested in me as President by the Constitution and the laws of the United States of America, including Section 311 of the Federal Water Pollution Control Act, ("FWPCA") (33 U.S.C. 1321), as amended by the Oil Pollution Act of 1990 (Public Law 101 - 380) ("OPA"), and by Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Sec. 1. National Contingency Plan, Area Committees, and Area Contingency Plans. (a) Section 1 of Executive Order No. 12580 of January 23, 1987, is amended to read as follows:

"Section 1. National Contingency Plan. (a)(1) The National Contingency Plan ("the NCP"), shall provide for a National Response Team ("the NRT") composed of representatives of appropriate Federal departments and agencies for national planning and coordination of preparedness and response actions, and Regional Response Teams as the regional counterparts to the NRT for planning and coordination of regional preparedness and response actions.

"(2) The following agencies (in addition to other appropriate agencies) shall provide representatives to the National and Regional Response Teams to carry out their responsibilities under the NCP: Department of State, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Energy, Environmental Protection Agency, Federal Emergency Management Agency, United States Coast Guard, and the Nuclear Regulatory Commission.

"(3) Except for periods of activation because of response action, the representative of the Environmental Protection Agency ("EPA") shall be the chairman, and the representative of the United States Coast Guard shall be the vice chairman, of the NRT and these agencies' representatives shall be co-chairs of the Regional Response Teams ("the RRTs"). When the NRT or an RRT is activated for a response action, the EPA representative shall be the chairman when the release or threatened release or discharge or threatened discharge occurs in the inland zone, and the United States Coast Guard representative shall be the chairman when the release or threatened release or discharge or threatened discharge occurs in the coastal zone, unless otherwise agreed upon by the EPA and the United States Coast Guard representatives (inland and coastal zones are defined in the NCP).

"(4) The RRTs may include representatives from State governments, local governments (as agreed upon by the States), and Indian tribal governments. Subject to the functions and authorities delegated to Executive departments and agencies in other sections of this order, the NRT shall provide policy and program direction to the RRTs.

"(b) (1) The responsibility for the revision of the NCP and all the other functions vested in the President by Sections 105 (a), (b), (c), and (g), 125, and 301(f) of the Act, by Section 311(d)(1) of the Federal Water Pollution Control Act, and by Section 4201(c) of the Oil Pollution Act of 1990 is delegated to the Administrator of the Environmental Protection Agency ("the Administrator").

"(2) The function vested in the President by Section 118(p) of the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99 - 499) ("SARA") is delegated to the Administrator.

"(c) In accord with Section 107(f)(2)(A) of the Act, Section 311(f)(5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(f)(5)), and Section 1006(b) (1) and (2) of the Oil Pollution Act of 1990, the following shall be among those designated in the NCP as Federal trustees for natural resources:

- (1) Secretary of Defense;
- (2) Secretary of the Interior;
- (3) Secretary of Agriculture;
- (4) Secretary of Commerce;
- (5) Secretary of Energy.

In the event of a spill, the above named Federal trustees for natural resources shall designate one trustee to act as Lead Administrative Trustee, the duties of which shall be defined in the regulations promulgated

pursuant to Section 1006(e)(1) of OPA. If there are natural resource trustees other than those designated above which are acting in the event of a spill, those other trustees may join with the Federal trustees to name a Lead Administrative Trustee which shall exercise the duties defined in the regulations promulgated pursuant to Section 1006(e)(1) of OPA.

((d) Revisions to the NCP shall be made in consultation with members of the NRT prior to publication for notice and comment.

((e) All revisions to the NCP, whether in proposed or final form, shall be subject to review and approval by the Director of the Office of Management and Budget ("OMB")."

((b) The functions vested in the President by Section 311(j)(4) of FWPCA, and Section 4202(b)(1) of OPA, respecting the designation of Areas, the appointment of Area Committee members, the requiring of information to be included in Area Contingency Plans, and the review and approval of Area Contingency Plans are delegated to the Administrator of the Environmental Protection Agency ("Administrator") for the inland zone and the Secretary of the Department in which the Coast Guard is operating for the coastal zone (inland and coastal zones are defined in the NCP).

Sec. 2. National Response System. (a) The functions vested in the President by Section 311(j)(1)(A) of FWPCA, respecting the establishment of methods and procedures for the removal of discharged oil and hazardous substances, and by Section 311(j)(1)(B) of FWPCA respecting the establishment of criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans, are delegated to the Administrator for the inland zone and the Secretary of the Department in which the Coast Guard is operating for the coastal zone.

(b)(1) The functions vested in the President by Section 311(j)(1)(C) of FWPCA, respecting the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous substances from non-transportation-related onshore facilities, are delegated to the Administrator.

(2) The functions vested in the President by Section 311(j)(1)(C) of FWPCA, respecting the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous substances from vessels and transportation-related onshore facilities and deepwater ports subject to the Deepwater Ports Act of 1974 ("DPA"), are delegated to the Secretary of Transportation.

(3) The functions vested in the President by Section 311(j)(1)(C) of FWPCA, respecting the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous substances from offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, are delegated to the Secretary of the Interior.

(c) The functions vested in the President by Section 311(j)(1)(D) of FWPCA, respecting the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes, are delegated to the Secretary of the Department in which the Coast Guard is operating.

(d)(1) The functions vested in the President by Section 311(j)(5) of FWPCA and Section 4202(b)(4) of OPA, respecting the issuance of regulations requiring the owners or operators of non-transportation-related onshore facilities to prepare and submit response plans, the approval of means to ensure the availability of private personnel and equipment, the review and approval of such response plans, and the authorization of non-transportation-related onshore facilities to operate without approved response plans, are delegated to the Administrator.

(2) The functions vested in the President by Section 311(j)(5) of FWPCA and Section 4202(b)(4) of OPA, respecting the issuance of regulations requiring the owners or operators of tank vessels, transportation-related onshore facilities and deepwater ports subject to the DPA, to prepare and submit response plans, the approval of means to ensure the availability of private personnel and equipment, the review and approval of such response plans, and the authorization of tank vessels, transportation-related onshore facilities and deepwater ports subject to the DPA to operate without approved response plans, are delegated to the Secretary of Transportation.

(3) The functions vested in the President by Section 311(j)(5) of FWPCA and Section 4202(b)(4) of OPA, respecting the issuance of regulations requiring the owners or operators of offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, to prepare and submit response plans, the approval of means to ensure the availability of private personnel and equipment, the review and approval of such response plans, and the authorization of offshore facilities, including associated pipelines,

other than deepwater ports subject to the DPA, to operate without approved response plans, are delegated to the Secretary of the Interior.

(e)(1) The functions vested in the President by Section 311(j)(6)(B) of FWPCA, respecting the requirements for periodic inspections of containment booms and equipment used to remove discharges at non-transportation-related onshore facilities, are delegated to the Administrator.

(2) The functions vested in the President by Section 311(j)(6)(A) of FWPCA, respecting the requirements for periodic inspections of containment booms and equipment used to remove discharges on vessels, and at transportation-related onshore facilities and deepwater ports subject to the DPA, are delegated to the Secretary of Transportation.

(3) The functions vested in the President by Section 311(j)(6)(A) of FWPCA, respecting the requirements for periodic inspections of containment booms and equipment used to remove discharges at offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, are delegated to the Secretary of the Interior.

(f) The functions vested in the President by Section 311(j)(6)(A) of FWPCA, respecting requirements for vessels to carry appropriate removal equipment, are delegated to the Secretary of the Department in which the Coast Guard is operating.

(g)(1) The functions vested in the President by Section 311(j)(7) of FWPCA, respecting periodic drills of removal capability under relevant response plans for onshore and offshore facilities located in the inland zone, and the publishing of annual reports on those drills, are delegated to the Administrator.

(2) The functions vested in the President by Section 311(j)(7) of FWPCA, respecting periodic drills of removal capability under relevant response plans for tank vessels, and for onshore and offshore facilities located in the coastal zone, and the publishing of annual reports on those drills, are delegated to the Secretary of the Department in which the Coast Guard is operating.

(h) No provision of Section 2 of this order, including, but not limited to, any delegation or assignment of any function hereunder, shall in any way affect, or be construed or interpreted to affect the authority of any Department or agency, or the head of any Department or agency under any provision of law other than Section 311(j) of FWPCA or Section 4202(b)(4) of OPA.

(i) The functions vested in the President by Section 311(j) of FWPCA or Section 4202(b)(4) of OPA which have been delegated or assigned by Section 2 of this order may be redelegated to the head of any Executive department or agency with his or her consent.

Sec. 3. Removal. The functions vested in the President by Section 311(c) of FWPCA and Section 1011 of OPA, respecting an effective and immediate removal or arrangement for removal of a discharge and mitigation or prevention of a substantial threat of a discharge of oil or a hazardous substance, the direction and monitoring of all Federal, State and private actions, the removal and destruction of a vessel, the issuance of directions, consulting with affected trustees, and removal completion determinations, are delegated to the Administrator for the inland zone and to the Secretary of the Department in which the Coast Guard is operating for the coastal zone.

Sec. 4. Liability Limit Adjustment. (a) The functions vested in the President by Section 1004(d) of OPA, respecting the establishment of limits of liability, with respect to classes or categories of non-transportation-related onshore facilities, the reporting to Congress on the desirability of adjusting limits of liability with respect to non-transportation-related onshore facilities, and the adjustment of limits of liability to reflect significant increases in the Consumer Price Index with respect to non-transportation-related onshore facilities, are delegated to the Administrator, acting in consultation with the Secretary of Transportation, the Secretary of Energy, and the Attorney General.

(b) The functions vested in the President by Section 1004(d) of OPA, respecting the establishment of limits of liability, with respect to classes or categories of transportation-related onshore facilities, the reporting to Congress on the desirability of adjusting limits of liability, with respect to vessels or transportation-related onshore facilities and deepwater ports subject to the DPA, and the adjustment of limits of liability to reflect significant increases in the Consumer Price Index with respect to vessels or transportation-related onshore facilities and deepwater ports subject to the DPA, are delegated to the Secretary of Transportation.

(c) The functions vested in the President by Section 1004(d) of OPA, respecting the reporting to Congress on the desirability of adjusting limits of liability with respect to offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, and the adjustment of limits of liability to reflect

significant increases in the Consumer Price Index with respect to offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, are delegated to the Secretary of the Interior.

Sec. 5. Financial Responsibility. (a)(1) The functions vested in the President by Section 1016(e) of OPA, respecting (in the case of offshore facilities other than deepwater ports) the issuance of regulations concerning financial responsibility, the determination of acceptable methods of financial responsibility, and the specification of necessary or unacceptable terms, conditions, or defenses, are delegated to the Secretary of the Interior.

(2) The functions vested in the President by Section 1016(e) of OPA, respecting (in the case of deepwater ports) the issuance of regulations concerning financial responsibility, the determination of acceptable methods of financial responsibility, and the specification of necessary or unacceptable terms, conditions, or defenses, are delegated to the Secretary of Transportation.

(b)(1) The functions vested in the President by Section 4303 of OPA, respecting (in cases involving vessels) the assessment of civil penalties, the compromising, modification or remission, with or without condition, and the referral for collection of such imposed penalties, and requests to the Attorney General to secure necessary judicial relief, are delegated to the Secretary of the Department in which the Coast Guard is operating.

(2) The functions vested in the President by Section 4303 of OPA, respecting (in cases involving offshore facilities other than deepwater ports) the assessment of civil penalties, the compromising, modification or remission, with or without condition, and the referral for collection of such imposed penalties, and requests to the Attorney General to secure necessary judicial relief, are delegated to the Secretary of the Interior.

(3) The functions vested in the President by Section 4303 of OPA, respecting (in cases involving deepwater ports) the assessment of civil penalties, the compromising, modification or remission, with or without condition, and the referral for collection of such imposed penalties, and requests to the Attorney General to secure necessary judicial relief, are delegated to the Secretary of Transportation.

Sec. 6. Enforcement. (a) The functions vested in the President by Section 311(m)(1) of FWPCA, respecting the enforcement of Section 311 with respect to vessels, are delegated to the Secretary of the Department in which the Coast Guard is operating.

(b) The functions vested in the President by Section 311(e) of FWPCA, respecting determinations of imminent and substantial threat, requesting the Attorney General to secure judicial relief, and other action including issuing administrative orders, are delegated to the Administrator for the inland zone and to the Secretary of the Department in which the Coast Guard is operating for the coastal zone.

Sec. 7. Management of the Oil Spill Liability Trust Fund and Claims. (a)(1)(A) The functions vested in the President by Section 1012(a)(1), (3), and (4) of OPA respecting payment of removal costs and claims and determining consistency with the National Contingency Plan (NCP) are delegated to the Secretary of the Department in which the Coast Guard is operating.

(B) The functions vested in the President by Section 6002(b) of the OPA respecting making amounts, not to exceed \$50,000,000 and subject to normal budget controls, in any fiscal year, available from the Fund (i) to carry out Section 311(c) of FWPCA, and (ii) to initiate the assessment of natural resources damages required under Section 1006 of OPA are delegated to the Secretary of the Department in which the Coast Guard is operating. Such Secretary shall make amounts available from the Fund to initiate the assessment of natural resources damages exclusively to the Federal trustees designated in the NCP. Such Federal trustees shall allocate such amounts among all trustees required to assess natural resources damages under Section 1006 of OPA.

(2) The functions vested in the President by Section 1012(a)(2) of OPA, respecting the payment of costs and determining consistency with the NCP, are delegated to the Federal trustees designated in the NCP.

(3) The functions vested in the President by Section 1012(a)(5) of OPA, respecting the payment of costs and expenses of departments and agencies having responsibility for the implementation, administration, and enforcement of the Oil Pollution Act of 1990 and subsections (b), (c), (d), (j) and (l) of Section 311 of FWPCA, are delegated to each head of such department and agency.

(b) The functions vested in the President by Section 1012(c) of OPA, respecting designation of Federal officials who may obligate money, are delegated to each head of the departments and agencies to whom functions have been delegated under section 7(a) of this order for the purpose of carrying out such functions.

(c)(1) The functions vested in the President by Section 1012 (d) and (e) of OPA, respecting the obligation of the Trust Fund on the request of a Governor or pursuant to an agreement with a State, entrance into agreements with States, agreement upon terms and conditions, and the promulgation of regulations concerning such obligation and entrance into such agreement, are delegated to the Secretary of the Department in which the Coast Guard is operating, in consultation with the Administrator.

(2) The functions vested in the President by Section 1013(e) of OPA, respecting the promulgation and amendment of regulations for the presentation, filing, processing, settlement, and adjudication of claims under OPA against the Trust Fund, are delegated to the Secretary of the Department in which the Coast Guard is operating, in consultation with the Attorney General.

(3) The functions vested in the President by Section 1012(a) of OPA, respecting the payment of costs, damages, and claims, delegated herein to the Secretary of the Department in which the Coast Guard is operating, include, inter alia, the authority to process, settle, and administratively adjudicate such costs, damages, and claims, regardless of amount.

(d)(1) The Coast Guard is designated the "appropriate agency" for the purpose of receiving the notice of discharge of oil or hazardous substances required by Section 311(b)(5) of FWPCA, and the Secretary of the Department in which the Coast Guard is operating is authorized to issue regulations implementing this designation.

(2) The functions vested in the President by Section 1014 of OPA, respecting designation of sources of discharges or threats, notification to responsible parties, promulgation of regulations respecting advertisements, the advertisement of designation, and notification of claims procedures, are delegated to the Secretary of the Department in which the Coast Guard is operating.

Sec. 8. Miscellaneous. (a) The functions vested in the President by Section 311(b) (3) and (4) of FWPCA, as amended by the Oil Pollution Act of 1990, respecting the determination of quantities of oil and any hazardous substances the discharge of which may be harmful to the public health or welfare or the environment and the determinations of quantities, time, locations, circumstances, or conditions, which are not harmful, are delegated to the Administrator.

(b) The functions vested in the President by Section 311(d)(2)(G) of FWPCA, respecting schedules of dispersant, chemical, and other spill mitigating devices or substances, are delegated to the Administrator.

(c) The functions vested in the President by Section 1006(b) (3) and (4) of OPA respecting the receipt of designations of State and Indian tribe trustees for natural resources are delegated to the Administrator.

(d) The function vested in the President by Section 3004 of OPA, with respect to encouraging the development of an international inventory of equipment and personnel, is delegated to the Secretary of the Department in which the Coast Guard is operating, in consultation with the Secretary of State.

(e) The functions vested in the President by Section 4113 of OPA, respecting a study on the use of liners or other secondary means of containment for onshore facilities, and the implementation of the recommendations of the study, are delegated to the Administrator.

(f) The function vested in the President by Section 5002(c)(2)(D) of OPA, respecting the designating of an employee of the Federal Government who shall represent the Federal Government on the Oil Terminal Facilities and Oil Tanker Operations Associations, is delegated to the Secretary of Transportation.

(g) The functions vested in the President by Section 5002(o) of OPA, respecting the annual certification of alternative voluntary advisory groups, are delegated to the Secretary of Transportation.

(h) The function vested in the President by Section 7001(a)(3) of OPA, respecting the appointment of Federal agencies to membership on the Interagency Coordinating Committee on Oil Pollution Research, is delegated to the Secretary of Transportation.

(i) Executive Order No. 11735 of August 3, 1973, Executive Order No. 12123 of February 26, 1979, Executive Order No. 12418 of May 5, 1983 and the memorandum of August 24, 1990, delegating certain authorities of the President under the Oil Pollution Act of 1990 are revoked.

Sec. 9. Consultation. Authorities and functions delegated or assigned by this order shall be exercised subject to consultation with the Secretaries of departments and the heads of agencies with statutory responsibilities which may be significantly affected, including, but not limited to, the Department of Justice.

Sec. 10. Litigation. (a) Notwithstanding any other provision of this order, any representation pursuant to or under this order in any judicial proceedings shall be by or through the Attorney General. The conduct and control of all litigation arising under the Oil Pollution Act of 1990 shall be the responsibility of the Attorney General.

(b) Notwithstanding any other provision of this order, the authority under the Oil Pollution Act of 1990 to require the Attorney General to commence litigation is retained by the President.

(c) Notwithstanding any other provision of this order, the Secretaries of the Departments of Transportation, Commerce, Interior, Agriculture, and/or the Administrator of the Environmental Protection Agency may request that the Attorney General commence litigation under the Oil Pollution Act of 1990.

(d) The Attorney General, in his discretion, is authorized to require that, with respect to a particular oil spill, an agency refrain from taking administrative enforcement action without first consulting with the Attorney General.

George Bush  
THE WHITE HOUSE  
October 18, 1991.

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**AMENDMENT(S): None**

## **APPENDIX 2-7: Executive Order 13286**

### **Executive Order 13286, February 28, 2003, Executive Order Amendment of Executive Orders, and Other Actions, in Connection with the Transfer of Certain Functions to the Secretary of Homeland Security**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Homeland Security Act of 2002 (Public Law 107-296) and section 301 of title 3, United States Code, and in order to reflect the transfer of certain functions to, and other responsibilities vested in, the Secretary of Homeland Security, the transfer of certain agencies and agency components to the Department of Homeland Security, and the delegation of appropriate responsibilities to the Secretary of Homeland Security, it is hereby ordered as follows:

Sec 1. Executive Order 13276 of November 15, 2002 ("Delegation of Responsibilities Concerning Undocumented Aliens Interdicted or Intercepted in the Caribbean Region"), is amended by:

(a) striking "The Attorney General" wherever it appears in section 1 and inserting "The Secretary of Homeland Security" in lieu thereof; and

(b) striking "the Attorney General" wherever it appears in section 1 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 2. Executive Order 13274 of September 18, 2002 ("Environmental Stewardship and Transportation Infrastructure Project Reviews"), is amended by inserting "Secretary of Homeland Security," after "Secretary of Defense," in section 3(b).

Sec. 3. Executive Order 13271 of July 9, 2002 ("Establishment of the Corporate Fraud Task Force"), is amended by:

(a) inserting "(b) the Secretary of Homeland Security;" after "(a) the Secretary of the Treasury;" in section 4; and

(b) relettering the subsequent subsections in section 4 appropriately.

Sec. 4. Executive Order 13260 of March 19, 2002 ("Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security"), is amended by:

- (a) striking "the Assistant to the President for Homeland Security (Assistant)" in section 1(c) and inserting "the Secretary of Homeland Security (Secretary)" in lieu thereof;
  - (b) striking "the Assistant" wherever it appears in sections 2 and 3 and inserting "the Secretary" in lieu thereof;
  - (c) striking "the Office of Administration" in section 3(d) and inserting "the Department of Homeland Security" in lieu thereof;
  - (d) striking "the Administrator of General Services" in section 4(a) and inserting "the Secretary of Homeland Security" in lieu thereof; and
  - (e) inserting "of General Services" after "Administrator" in section 4(a).
- Executive Order 13260 of March 19, 2002, is hereby revoked effective as of March 31, 2003.

Sec. 5. Executive Order 13257 of February 13, 2002 ("President's Interagency Task Force to Monitor and Combat Trafficking in Persons"), is amended by:

- (a) inserting "(v) the Secretary of Homeland Security;" after "(iv) the Secretary of Health and Human Services;" in section 1(b); and
- (b) renumbering the subsequent subsections in section 1(b) appropriately.

Sec. 6. Executive Order 13254 of January 29, 2002 ("Establishing the USA Freedom Corps"), is amended by striking "Director of the Federal Emergency Management Agency;" in section 3(b)(viii) and inserting "Secretary of Homeland Security;" in lieu thereof.

Sec. 7. Executive Order 13231 of October 16, 2001 ("Critical Infrastructure Protection in the Information Age"), as amended, is further amended to read in its entirety as follows:

"Critical Infrastructure Protection in the Information Age

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure protection of information systems for critical infrastructure, including emergency preparedness communications and the physical assets that support such systems, in the information age, it is hereby ordered as follows:

Section 1. Policy. The information technology revolution has changed the way business is transacted, government operates, and national defense is conducted. Those three functions now depend on an interdependent network of critical information infrastructures. It is the policy of the United States to protect against disruption of the operation of information systems for critical infrastructure and thereby help to protect the people, economy, essential human and government services, and national security of the United States, and to ensure that any disruptions that occur are infrequent, of minimal duration, and manageable, and cause the least damage possible. The implementation of this policy shall include a voluntary public-private partnership, involving corporate and nongovernmental organizations.

Sec. 2. Continuing Authorities. This order does not alter the existing authorities or roles of United States Government departments and agencies. Authorities set forth in 44 U.S.C. chapter 35, and other applicable law, provide senior officials with responsibility for the security of Federal Government information systems.

(a) Executive Branch Information Systems Security. The Director of the Office of Management and Budget (OMB) has the responsibility to develop and oversee the implementation of government-wide policies, principles, standards, and guidelines for the security of information systems that support the executive branch departments and agencies, except those noted in section 2(b) of this order. The Director of OMB shall advise the President and the appropriate department or agency head when there is a critical deficiency in the security practices within the purview of this section in an executive branch department or agency.

(b) National Security Information Systems. The Secretary of Defense and the Director of Central Intelligence (DCI) shall have responsibility to oversee, develop, and ensure implementation of policies, principles, standards, and guidelines for the security of information systems that support the operations under their respective control. In consultation with the Assistant to the President for National Security Affairs and the affected departments and agencies, the Secretary of Defense and the DCI shall develop policies, principles, standards, and guidelines for the security of national security information systems that support the operations of other executive branch departments and agencies with national security information.

(i) Policies, principles, standards, and guidelines developed under this subsection may require more stringent protection than those developed in accordance with section 2(a) of this order.

(ii) The Assistant to the President for National Security Affairs shall advise the President and the appropriate department or agency when there is a critical deficiency in the security practices of a department or agency within the purview of this section.

(iii) National Security Systems. The National Security Telecommunications and Information Systems Security Committee, as established by and consistent with NSD-42 and chaired by the Department of Defense, shall be designated as the "Committee on National Security Systems."

(c) Additional Responsibilities. The heads of executive branch departments and agencies are responsible and accountable for providing and maintaining adequate levels of security for information systems, including emergency preparedness communications systems, for programs under their control. Heads of such departments and agencies shall ensure the development and, within available appropriations, funding of programs that adequately address these mission systems, especially those critical systems that support the national security and other essential government programs. Additionally, security should enable, and not unnecessarily impede, department and agency business operations.

Sec. 3. The National Infrastructure Advisory Council. The National Infrastructure Advisory Council (NIAC), established on October 16, 2001, shall provide the President through the Secretary of Homeland Security with advice on the security of information systems for critical infrastructure supporting other sectors of the economy: banking and finance, transportation, energy, manufacturing, and emergency government services.

(a) Membership. The NIAC shall be composed of not more than 30 members appointed by the President. The members of the NIAC shall be selected from the private sector, academia, and State and local government. Members of the NIAC shall have expertise relevant to the functions of the NIAC and generally shall be selected from industry Chief Executive Officers (and equivalently ranked leaders of other organizations) with responsibilities for security of information infrastructure supporting the critical sectors of the economy, including banking and finance, transportation, energy, communications, and emergency government services. Members shall not be full-time officials or employees of the executive branch of the Federal Government. The President shall designate a Chair and Vice Chair from among the members of the NIAC.

(b) Functions of the NIAC. The NIAC will meet periodically to:

(i) enhance the partnership of the public and private sectors in protecting information systems for critical infrastructures and provide reports on this issue to the Secretary of Homeland Security, as appropriate;

(ii) propose and develop ways to encourage private industry to perform periodic risk assessments of critical information and telecommunications systems;

(iii) monitor the development of private sector Information Sharing and Analysis Centers (ISACs) and provide recommendations to the President through the Secretary of Homeland Security on how these organizations can best foster improved cooperation among the ISACs, the Department of Homeland Security, and other Federal Government entities;

(iv) report to the President through the Secretary of Homeland Security, who shall ensure appropriate coordination with the Assistant to the President for Homeland Security, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs under the terms of this order; and

(v) advise lead agencies with critical infrastructure responsibilities, sector coordinators, the Department of Homeland Security, and the ISACs.

(c) Administration of the NIAC.

(i) The NIAC may hold hearings, conduct inquiries, and establish subcommittees, as appropriate.

(ii) Upon request of the Chair, and to the extent permitted by law, the heads of the executive departments and agencies shall provide the NIAC with information and advice relating to its functions.

(iii) Senior Federal Government officials may participate in the meetings of the NIAC, as appropriate.

(iv) Members shall serve without compensation for their work on the NIAC. However, members may be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal Government service (5 U.S.C. 5701-5707).

(v) To the extent permitted by law and subject to the availability of appropriations, the Department of Homeland Security shall provide the NIAC with administrative services, staff, and other support services, and such funds as may be necessary for the performance of the NIAC's functions.

(d) General Provisions.

(i) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the NIAC, the functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Department of Homeland Security in accordance with the guidelines and procedures established by the Administrator of General Services.

(ii) The NIAC shall terminate on October 15, 2003, unless extended by the President.

(iii) Executive Order 13130 of July 14, 1999, was revoked on October 16, 2001.

(iv) Nothing in this order shall supersede any requirement made by or under law.

Sec. 4. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person."

Sec. 8. Executive Order 13228 of October 8, 2001 ("Establishing the Office of Homeland Security and the Homeland Security Council"), as amended, is further amended by:

(a) amending section 3(g) to read "(g) Incident Management. Consistent with applicable law, including the statutory functions of the Secretary of Homeland Security, the Assistant to the President for Homeland Security shall be the official primarily responsible for advising and assisting the President in the coordination of domestic incident management activities of all departments and agencies in the event of a terrorist threat, and during and in the aftermath of terrorist attacks, major disasters, or other emergencies, within the United States. Generally, the Assistant to the President for Homeland Security shall serve as the principal point of contact for and to the President with respect to the coordination of such activities. The Assistant to the President for Homeland Security shall coordinate with the Assistant to the President for National Security Affairs, as appropriate."; and

(b) inserting ", including the Department of Homeland Security" after "Government departments and agencies" in section 7.

Sec. 9. Executive Order 13223 of September 14, 2001 ("Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation"), as amended, is further amended by:

(a) striking "the Secretary of Transportation" in the title and wherever it appears in sections 1, 5, 6, and 7, and inserting "the Secretary of Homeland Security" in lieu thereof; and

(b) striking "the Department of Transportation" in section 7 and inserting "the Department of Homeland Security" in lieu thereof.

Sec. 10. Executive Order 13212 of May 18, 2001 ("Actions to Expedite Energy-Related Projects"), is amended by inserting "Homeland Security," after "Veterans Affairs," in section 3.

Sec. 11. Executive Order 13165 of August 9, 2000 ("Creation of the White House Task Force on Drug Use in Sports and Authorization for the Director of the Office of National Drug Control Policy to Serve as the United States Government's Representative on the Board of the World Anti-Doping Agency"), is amended by inserting "the Department of Homeland Security," after "the Department of Transportation," in section 2.

Sec. 12. Executive Order 13154 of May 3, 2000 ("Establishing the Kosovo Campaign Medal"), is amended by striking "the Secretary of Transportation" in section 1 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 13. Executive Order 13133 of August 5, 1999 ("Working Group on Unlawful Conduct on the Internet"), is amended by:

(a) inserting "(6) The Secretary of Homeland Security." after "(5) The Secretary of Education." in section 3(a); and

(b) renumbering the subsequent subsections in section 3(a) appropriately.

Sec. 14. Executive Order 13120 of April 27, 1999 ("Ordering the Selected Reserve and Certain Individual Ready Reserve Members of the Armed Forces to Active Duty"), is amended by striking "the Secretary of Transportation" and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 15. Executive Order 13112 of February 3, 1999 ("Invasive Species"), is amended by inserting "the Secretary of Homeland Security," after "Secretary of Transportation," in section 3(a).

Sec. 16. Executive Order 13100 of August 25, 1998 ("President's Council on Food Safety"), is amended by inserting "and Homeland Security," after "Health and Human Services," in section 1(a).

Sec. 17. Executive Order 13076 of February 24, 1998 ("Ordering the Selected Reserve of the Armed Forces to Active Duty"), is amended by striking "the Secretary of Transportation" and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 18. Executive Order 13011 of July 16, 1996 ("Federal Information Technology"), as amended, is further amended by:

- (a) striking "17. Federal Emergency Management Agency;" in section 3(b); and
- (b) renumbering the subsequent subsections in section 3(b) appropriately.

Sec. 19. Executive Order 12989 of February 13, 1996 ("Economy and Efficiency in Government Procurement through Compliance with Certain Immigration and Naturalization Act Provisions"), is amended by:

- (a) striking "Naturalization" in the title and inserting "Nationality" in lieu thereof;
- (b) striking ", the Attorney General" in section 3;
- (c) inserting "the Secretary of Homeland Security" before "may" in section 3(a);
- (d) inserting "the Secretary of Homeland Security" before "shall" in section 3(b);
- (e) inserting "the Attorney General" before "shall" in section 3(c);
- (f) inserting "Secretary of Homeland Security or the" before "Attorney General" wherever it appears in section 4;
- (g) striking "The Attorney General's" in section 4(b) and inserting "Such" in lieu thereof;
- (h) striking "the Attorney General" wherever it appears in the first two sentences of section 5(a) and inserting "the Secretary of Homeland Security and Attorney General" in lieu thereof;
- (i) striking "the responsibilities of the Attorney General" in section 5(a) and inserting "their respective responsibilities" in lieu thereof;
- (j) inserting "Secretary of Homeland Security or the" before "Attorney General" wherever in appears in the third sentence of section 5(a);
- (k) inserting "Secretary of Homeland Security and the" before "Attorney General" in section 6;
- (l) striking "the Attorney General's" in section 6 and inserting "their respective" in lieu thereof; and
- (m) inserting "Secretary of Homeland Security, the" before "Attorney General" in section 7.

Sec. 20. Executive Order 12985 of January 11, 1996 ("Establishing the Armed Forces Service Medal"), is amended by striking "the Secretary of Transportation" in section 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 21. Executive Order 12982 of December 8, 1995 ("Ordering the Selected Reserve of the Armed Forces to Active Duty"), is amended by striking "the Secretary of Transportation" and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 22. Executive Order 12978 of October 21, 1995 ("Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers"), is amended by inserting ", the Secretary of Homeland Security," after "the Attorney General" wherever it appears in sections 1 and 4.

Sec. 23. Executive Order 12977 of October 19, 1995 ("Interagency Security Committee"), is amended by:

- (a) striking "the Administrator of General Services ("Administrator")" in section 1(a) and inserting "the Secretary of Homeland Security ("Secretary")" in lieu thereof;
- (b) striking "and" after "(16) Central Intelligence Agency;" in section 1(b);
- (c) inserting "and (18) General Services Administration;" after "(17) Office of Management and Budget;" in section 1(b);
- (d) striking section 1(c)(2) and redesignating sections 1(c)(3) and 1(c)(4) as sections 1(c)(2) and 1(c)(3), respectively;
- (e) striking "Administrator" wherever it appears in sections 2, 5(a)(3)(E), 6(a), and 6(c), and inserting "Secretary" in lieu thereof; and
- (f) striking ", acting by and through the Assistant Commissioner," in section 6(c).

Sec. 24. Executive Order 12919 of June 3, 1994 ("National Defense Industrial Resources Preparedness"), is amended by:

- (a) striking "The Director, Federal Emergency Management Agency ("Director, FEMA)" in section 104(b) and inserting "The Secretary of Homeland Security ("the Secretary")" in lieu thereof;
- (b) striking "The Director, FEMA," in sections 201(c) and 601(f) and inserting "The Secretary" in lieu thereof;
- (c) striking "the Director, FEMA," wherever it appears in sections 201(e), 202(c), 305, 501, 701(e), and 802(e), and inserting "the Secretary" in lieu thereof; and
- (d) inserting "the Department of Homeland Security," after "Attorney General," in section 801.

Sec. 25. Executive Order 12906 of April 11, 1994 ("Coordinating Geographic Data Acquisition and Access: The National Spatial Data Infrastructure"), is amended by:

- (a) striking "and" in section 7(b)(ii);

(b) striking the period at the end of section 7(b)(iii) and inserting "; and" in lieu thereof; and  
(c) inserting a new section 7(b)(iv) to read "(iv) the national security-related activities of the Department of Homeland Security as determined by the Secretary of Homeland Security."

Sec. 26. Executive Order 12870 of September 30, 1993 ("Trade Promotion Coordinating Committee"), is amended by:

(a) inserting "(j) Department of Homeland Security;" after "(i) Department of the Interior;" in section 1; and  
(b) relettering the subsequent subsections in section 1 appropriately.

Sec. 27. Executive Order 12835 of January 25, 1993 ("Establishment of the National Economic Council"), is amended by:

(a) inserting "(k) Secretary of Homeland Security;" after "(j) Secretary of Energy;" in section 2; and  
(b) relettering the subsequent subsections in section 2 appropriately.

Sec. 28. Executive Order 12830 of January 9, 1993 ("Establishing the Military Outstanding Volunteer Service Medal"), is amended by striking "the Secretary of Transportation" wherever it appears and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 29. Executive Order 12824 of December 7, 1992 ("Establishing the Transportation Distinguished Service Medal"), is amended by:

(a) striking "Transportation" in the title and inserting "Homeland Security" in lieu thereof; and  
(b) striking "Transportation" wherever it appears and inserting "Homeland Security" in lieu thereof.

Sec. 30. Executive Order 12807 of May 24, 1992 ("Interdiction of Illegal Aliens"), is amended by striking "the Attorney General" in section 2(c)(3) and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 31. Executive Order 12793 of March 20, 1992 ("Continuing the Presidential Service Certificate and Presidential Service Badge"), is amended by striking "the Secretary of Transportation" in section 1 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 32. Executive Order 12789 of February 10, 1992 ("Delegation of Reporting Functions Under the Immigration Reform and Control Act of 1986"), is amended by striking "The Attorney General" in section 1 and inserting "The Secretary of Homeland Security" in lieu thereof.

Sec. 33. Executive Order 12788 of January 15, 1992 ("Defense Economic Adjustment Program"), is amended by:

(a) inserting "(15) Secretary of Homeland Security;" after "(14) Secretary of Veterans Affairs;" in section 4(a); and

(b) renumbering the subsequent subsections in section 4(a) appropriately.

Sec. 34. Executive Order 12777 of October 18, 1991 ("Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990"), is amended by:

(a) inserting "and the Secretary of the Department in which the Coast Guard is operating" after "the Secretary of Transportation" in sections 2(b)(2) and 2(d)(2);

(b) striking "the Secretary of Transportation" in section 2(e)(2) and wherever it appears in sections 5 and 8 and inserting "the Secretary of the Department in which the Coast Guard is operating" in lieu thereof; and  
(c) inserting "the Secretary of the Department in which the Coast Guard is operating," after "Agriculture," in section 10(c).

Sec. 35. Executive Order 12743 of January 18, 1991 ("Ordering the Ready Reserve of the Armed Forces to Active Duty"), is amended by:

(a) striking "the Department of Transportation" in section 1 and inserting "the Department of Homeland Security" in lieu thereof; and

(b) striking "the Secretary of Transportation" in section 1 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 36. Executive Order 12742 of January 8, 1991 ("National Security Industrial Responsiveness"), is amended by:

(a) inserting "Homeland Security," after "Transportation," in section 104(a); and

(b) striking "the Director of the Federal Emergency Management Agency" in section 104(d) and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 37. Executive Order 12733 of November 13, 1990 ("Authorizing the Extension of the Period of Active Duty of Personnel of the Selected Reserve of the Armed Forces"), is amended by striking "the Secretary of Transportation" and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 38. Executive Order 12728 of August 22, 1990 ("Delegating the President's Authority to Suspend any Provision of Law Relating to the Promotion, Retirement, or Separation of Members of the Armed Forces"), is amended by striking "the Secretary of Transportation" in sections 1 and 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 39. Executive Order 12727 of August 27, 1990 ("Ordering the Selected Reserve of the Armed Forces to Active Duty"), is amended by striking "the Secretary of Transportation" in section 1 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 40. Executive Order 12699 ("Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction"), is amended by:

(a) striking "Federal Emergency Management Agency (FEMA)" in section 3(d) and inserting "Department of Homeland Security" in lieu thereof;

(b) striking "The Director of the Federal Emergency Management Agency" in section 4(a) and inserting "The Secretary of Homeland Security" in lieu thereof; and

(c) striking "The Federal Emergency Management Agency" and "The FEMA" in section 5 and inserting "The Department of Homeland Security" in lieu thereof (in both places).

Sec. 41. Executive Order 12657 of November 18, 1988 ("Federal Emergency Management Agency Assistance in Emergency Preparedness Planning at Commercial Nuclear Power Plants"), is amended by:

(a) striking "Federal Emergency Management Agency" in the title and inserting "Department of Homeland Security" in lieu thereof;

(b) striking "Federal Emergency Management Agency ("FEMA")" in section 1(b) and inserting "Department of Homeland Security ("DHS")" in lieu thereof;

(c) striking "FEMA" wherever it appears in sections 1(b), 2(b), 2(c), 3, 4, 5, and 6, and inserting "DHS" in lieu thereof; and

(d) striking "the Director of FEMA" in section 2(a) and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 42. Executive Order 12656 of November 18, 1988 ("Assignment of Emergency Preparedness Responsibilities"), as amended, is further amended by:

(a) striking "The Director of the Federal Emergency Management Agency" wherever it appears in sections 104(c) and 1702 and inserting "The Secretary of Homeland Security" in lieu thereof;

(b) striking "the Director of the Federal Emergency Management Agency" wherever it appears in sections 104(c), 201(15), 301(9), 401(10), 501(4), 501(7), 502(7), 601(3), 701(5), 801(9), 1302(4), 1401(4), 1701, and 1801(b), and inserting "the Secretary of Homeland Security" in lieu thereof;

(c) striking "consistent with current National Security Council guidelines and policies" in section 201(15) and inserting "consistent with current Presidential guidelines and policies" in lieu thereof;

(d) striking "Secretary" in section 501(9) and inserting "Secretaries" in lieu thereof;

(e) inserting "and Homeland Security" after "Labor" in section 501(9);

(f) striking "and" after "State" in section 701(6) and inserting a comma in lieu thereof;

(g) inserting ", and Homeland Security" after "Defense" in section 701(6);

(h) striking "the Director of the Federal Emergency Management Agency," in section 701(6); and

(i) striking "Federal Emergency Management Agency" in the title of Part 17 and inserting "Department of Homeland Security" in lieu thereof.

Without prejudice to subsections (a) through (i) of this section, all responsibilities assigned to specific Federal officials pursuant to Executive Order 12656 that are substantially the same as any responsibility assigned to, or function transferred to, the Secretary of Homeland Security pursuant to the Homeland Security Act of 2002 (regardless of whether such responsibility or function is expressly required to be carried out through another official of the Department of Homeland Security or not pursuant to such Act), or intended or required to be carried out by an agency or an agency component transferred to the Department of Homeland Security pursuant to such Act, are hereby reassigned to the Secretary of Homeland Security.

Sec. 43. Executive Order 12580 of January 23, 1987 ("Superfund Implementation"), as amended, is further amended by:

(a) inserting "Department of Homeland Security," after "Department of Energy," in section 1(a)(2); and

(b) striking "Federal Emergency Management Agency" in section 1(a)(2).

Sec. 44. Executive Order 12555 of November 15, 1985 ("Protection of Cultural Property"), as amended, is further amended by:

(a) striking "the Secretary of the Treasury" in sections 1, 2, and 3, and inserting "the Secretary of Homeland Security" in lieu thereof; and

(b) striking "The Department of the Treasury" in the heading of section 3 and inserting "The Department of Homeland Security" in lieu thereof.

Sec. 45. Executive Order 12501 of January 28, 1985 ("Arctic Research"), is amended by:

(a) inserting "(i) Department of Homeland Security;" after "(h) Department of Health and Human Services;" in section 8; and

(b) relettering the subsequent subsections in section 8 appropriately.

Sec. 46. Executive Order 12472 of April 3, 1984 ("Assignment of National Security and Emergency Preparedness Telecommunications Functions"), is amended by:

(a) inserting "the Homeland Security Council," after "National Security Council," in sections 1(b), 1(e)(4), 1(f)(3), and 2(c)(4);

(b) striking "The Secretary of Defense" in section 1(e) and inserting "The Secretary of Homeland Security" in lieu thereof;

(c) striking "Federal Emergency Management Agency" in sections 1(e)(3) and 3(j) and inserting "Department of Homeland Security" in lieu thereof;

(d) inserting ", in consultation with the Homeland Security Council," after "National Security Council" in section 2(b)(1);

(e) inserting ", the Homeland Security Council," after "National Security Council" in sections 2(d) and 2(e);

(f) striking "the Director of the Federal Emergency Management Agency" in section 2(d)(1) and inserting "the Secretary of Homeland Security" in lieu thereof;

(g) striking "Federal Emergency Management Agency. The Director of the Federal Emergency Management Agency shall:" in section 3(b) and inserting "Department of Homeland Security. The Secretary of Homeland Security shall:" in lieu thereof; and

(h) adding at the end of section 3(d) the following new paragraph: "(3) Nothing in this order shall be construed to impair or otherwise affect the authority of the Secretary of Defense with respect to the Department of Defense, including the chain of command for the armed forces of the United States under section 162(b) of title 10, United States Code, and the authority of the Secretary of Defense with respect to the Department of Defense under section 113(b) of that title."

Sec. 47. Executive Order 12382 of September 13, 1982 ("President's National Security Telecommunications Advisory Committee"), as amended, is further amended by:

(a) inserting "through the Secretary of Homeland Security," after "the President," in sections 2(a) and 2(b);

(b) striking "and to the Secretary of Defense" in section 2(e) and inserting ", through the Secretary of Homeland Security," in lieu thereof; and

(c) striking "the Secretary of Defense" in sections 3(c) and 4(a) and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 48. Executive Order 12341 of January 21, 1982 ("Cuban and Haitian Entrants"), is amended by:

(a) striking "The Attorney General" in section 2 and inserting "The Secretary of Homeland Security" in lieu thereof; and

(b) striking "the Attorney General" in section 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 49. Executive Order 12208 of April 15, 1980 ("Consultations on the Admission of Refugees"), as amended, is further amended by:

(a) striking "the following functions: (a) To" in section 1 101 and inserting "to" in lieu thereof;

(b) striking "the Attorney General" in section 1-101(a) and inserting "the Secretary of Homeland Security" in lieu thereof;

(c) striking sections 1-101(b) and 1-102; and

(d) redesignating sections 1-103 and 1-104 as sections 1-102 and 1-103, respectively.

Sec. 50. Executive Order 12188 of January 2, 1980 ("International Trade Functions"), as amended, is further amended by:

(a) inserting "(12) The Secretary of Homeland Security" after "(11) The Secretary of Energy" in section 1-102(b); and

(b) renumbering the subsequent subsections in section 1 102(b) appropriately.

Sec. 51. Executive Order 12160 of September 26, 1979 ("Providing for Enhancement and Coordination of Federal Consumer Programs"), as amended, is further amended by:

(a) inserting "(m) Department of Homeland Security." after "(l) Department of the Treasury." in section 1-102;

(b) striking "(s) Federal Emergency Management Agency." in section 1-102; and

(c) relettering the subsequent subsections in section 1-102 appropriately.

Sec. 52. Executive Order 12148 of July 20, 1979 ("Federal Emergency Management"), as amended, is further amended by:

(a) striking "the Federal Emergency Management Agency" whenever it appears and inserting "the Department of Homeland Security" in lieu thereof; and

(b) striking "the Director of the Federal Emergency Management Agency" wherever it appears and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 53. Executive Order 12146 of July 18, 1979 ("Management of Federal Legal Resources"), as amended, is further amended by:

(a) striking "15" in section 1-101 and inserting "16" in lieu thereof;

(b) inserting "(n) The Department of Homeland Security." after "(m) The Department of the Treasury." in section 1-102; and

(c) relettering the subsequent subsections in section 1-102 appropriately.

Sec. 54. Executive Order 12002 of July 7, 1977 ("Administration of Export Controls"), as amended, is further amended by inserting ", the Secretary of Homeland Security," after "The Secretary of Energy" in section 3.

Sec. 55. Executive Order 11965 of January 19, 1977 ("Establishing the Humanitarian Service Medal"), is amended by striking "the Secretary of Transportation" wherever it appears in sections 1, 2, and 4, and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 56. Executive Order 11926 of July 19, 1976 ("The Vice Presidential Service Badge"), is amended by striking "the Secretary of Transportation" in section 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 57. Executive Order 11858 of May 7, 1975 ("Foreign Investment in the United States"), as amended, is further amended by:

(a) inserting "(8) The Secretary of Homeland Security." after "(7) The Attorney General." in section 1(a); and

(b) redesignating subsection (8) as subsection (9) in section 1(a).

Sec. 58. Executive Order 11800 of August 17, 1974 ("Delegating Certain Authority Vested in the President by the Aviation Career Incentive Act of 1974"), as amended, is further amended by striking "the Secretary of Transportation" in section 1 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 59. Executive Order 11645 of February 8, 1972 ("Authority of the Secretary of Transportation to Prescribe Certain Regulations Relating to Coast Guard Housing"), is amended by striking "the Secretary of Transportation" in the title and in sections 1 and 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 60. Executive Order 11623 of October 12, 1971 ("Delegating to the Director of Selective Service Authority to Issue Rules and Regulations under the Military Selective Service Act"), as amended, is further amended by:

(a) striking "the Secretary of Transportation" in section 2(a) and inserting "the Secretary of Homeland Security" in lieu thereof; and

(b) striking "the Department of Transportation" in section 2(a) and inserting "the Department of Homeland Security" in lieu thereof.

Sec. 61. Executive Order 11448 of January 16, 1969 ("Establishing the Meritorious Service Medal"), as amended, is further amended by striking "the Secretary of Transportation" in section 1 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 62. Executive Order 11446 of January 16, 1969 ("Authorizing the Acceptance of Service Medals and Ribbons from Multilateral Organizations Other Than the United Nations"), is amended by striking "the Secretary of Transportation" and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 63. Executive Order 11438 of December 3, 1968 ("Prescribing Procedures Governing Interdepartmental Cash Awards to the Members of the Armed Forces"), as amended, is further amended by:

(a) striking "the Secretary of Transportation" in sections 1 and 2 and inserting "the Secretary of Homeland Security" in lieu thereof; and

(b) striking "the Department of Transportation" wherever it appears in sections 2 and 4 and inserting "the Department of Homeland Security" in lieu thereof.

Sec. 64. Executive Order 11366 of August 4, 1967 ("Assigning Authority to Order Certain Persons in the Ready Reserve to Active Duty"), is amended by striking "The Secretary of Transportation" in sections 2 and 3(b) and inserting "The Secretary of Homeland Security" in lieu thereof.

Sec. 65. Executive Order 11239 of July 31, 1965 ("Enforcement of the Convention for Safety of Life at Sea, 1960"), as amended, is further amended, without prejudice to section 1-106 of Executive Order 12234 of September 3, 1980 ("Enforcement of the Convention for the Safety of Life at Sea"), by:

(a) striking "the Secretary of Transportation" in sections 1, 3, and 4, and inserting "the Secretary of Homeland Security" in lieu thereof; and

(b) striking "The Secretary of Transportation" in sections 2 and 3 and inserting "The Secretary of Homeland Security" in lieu thereof.

Sec. 66. Executive Order 11231 of July 8, 1965 ("Establishing the Vietnam Service Medal"), as amended, is further amended by striking "the Secretary of Transportation" in section 1 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 67. Executive Order 11190 of December 29, 1964 ("Providing for the Screening of the Ready Reserve of the Armed Forces"), as amended, is further amended by striking "the Secretary of Transportation" in section 1 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 68. Executive Order 11139 of January 7, 1964 ("Authorizing Acceptance of the United Nations Medal and Service Ribbon"), is amended by striking "the Secretary of the Treasury" and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 69. Executive Order 11079 of January 25, 1963 ("Providing for the Prescribing of Regulations under which Members of the Armed Forces and Others May Accept Fellowships, Scholarships or Grants"), as amended, is further amended by striking "the Secretary of Transportation" and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 70. Executive Order 11046 of August 24, 1962 ("Authorizing Award of the Bronze Star Medal"), as amended, is further amended by striking "the Secretary of Transportation" in section 1 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 71. Executive Order 11016 of April 25, 1962 ("Authorizing Award of the Purple Heart"), as amended, is further amended by striking "the Secretary of Transportation" in sections 1 and 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 72. Executive Order 10977 of December 4, 1961 ("Establishing the Armed Forces Expeditionary Medal"), as amended, is further amended by striking "the Secretary of Transportation" in section 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 73. Executive Order 10789 of November 14, 1958 ("Authorizing Agencies of the Government To Exercise Certain Contracting Authority in Connection With National-Defense Functions and Prescribing Regulations Governing the Exercise of Such Authority"), as amended, is further amended by:

(a) striking "The Federal Emergency Management Agency" in paragraph 21 and inserting "Department of Homeland Security" in lieu thereof; and

(b) inserting at the end thereof the following new Part:

"Part III -- Coordination with Other Authorities

25. After March 1, 2003, no executive department or agency shall exercise authority granted under paragraph 1A of this order with respect to any matter that has been, or could be, designated by the Secretary of Homeland Security as a qualified anti-terrorism technology as defined in section 865 of the Homeland Security Act of 2002, unless--

(a) in the case of the Department of Defense, the Secretary of Defense has, after consideration of the authority provided under subtitle G of title VIII of the Homeland Security Act of 2002, determined that the exercise of authority under this order is necessary for the timely and effective conduct of United States military or intelligence activities; and

(b) in the case of any other executive department or agency that has authority under this order, (i) the Secretary of Homeland Security has advised whether the use of the authority provided under subtitle G of title VIII of the Homeland Security Act of 2002 would be appropriate, and (ii) the Director of the Office and Management and Budget has approved the exercise of authority under this order."

Sec. 74. Executive Order 10694 of January 10, 1957 ("Authorizing the Secretaries of the Army, Navy, and Air Force to Issue Citations in the Name of the President of the United States to Military and Naval Units for Outstanding Performance in Action"), is amended by adding at the end thereof the following new

section: "5. The Secretary of the Department in which the Coast Guard is operating may exercise the same authority with respect to the Coast Guard under this order as the Secretary of the Navy may exercise with respect to the Navy and the Marine Corps under this order."

Sec. 75. Executive Order 10637 of September 16, 1955 ("Delegating to the Secretary of the Treasury Certain Functions of the President Relating to the United States Coast Guard"), is amended by:

(a) striking "The Secretary of the Treasury" in sections 1 and 2 and inserting "The Secretary of Homeland Security" in lieu thereof;

(b) striking "the Secretary of the Treasury" in the title and in subsections 1(j), 1(k), and 5, and inserting "the Secretary of Homeland Security" in lieu thereof; and

(c) striking subsection 1(r) and redesignating subsection 1(s) as subsection 1(r).

Sec. 76. Executive Order 10631 of August 17, 1955 ("Code of Conduct for Members of the Armed Forces of the United States"), as amended, is further amended by: striking "the Secretary of Transportation" and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 77. Executive Order 10554 of August 18, 1954 ("Delegating the Authority of the President to Prescribe Regulations Authorizing Occasions Upon Which the Uniform May Be Worn by Persons Who Have Served Honorably in the Armed Forces in Time of War"), is amended by striking "the Secretary of the Treasury" and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 78. Executive Order 10499 of November 4, 1953 ("Delegating Functions Conferred Upon the President by Section 8 of the Uniformed Services Contingency Option Act of 1953"), as amended, is further amended by striking "the Treasury" in sections 1 and 2 and inserting "Homeland Security" in lieu thereof.

Sec. 79. Executive Order 10448 of April 22, 1953 ("Authorizing the National Defense Medal"), as amended, is further amended by striking "the Secretary of Transportation" in sections 1 and 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 80. Executive Order 10271 of July 7, 1951 ("Delegating the Authority of the President to Order Members and Units of Reserve Components of the Armed Forces into Active Federal service"), is amended by striking "the Secretary of the Treasury" and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 81. Executive Order 10179 of November 8, 1950 ("Establishing the Korean Service Medal"), as amended, is further amended by striking "the Secretary of the Treasury" in sections 1 and 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 82. Executive Order 10163 of September 25, 1950 ("The Armed Forces Reserve Medal"), as amended, is further amended by striking "the Secretary of the Treasury" in sections 2 and 7 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 83. Executive Order 10113 of February 24, 1950 ("Delegating the Authority of the President to Prescribe Clothing Allowances, and Cash Allowances in lieu thereof, for Enlisted Men in the Armed Forces"), as amended, is further amended by striking "the Secretary of the Treasury" in sections 1 and 2 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 84. Executive Order 4601 of March 1, 1927 ("Distinguished Flying Cross"), as amended, is further amended by:

(a) striking "The Secretary of War, the Secretary of the Navy," in sections 2 and 12 and inserting "The Secretary of Defense" in lieu thereof; and

(b) striking "the Secretary of the Treasury" in sections 2 and 12 and inserting "the Secretary of Homeland Security" in lieu thereof.

Sec. 85. Designation as a Defense Agency of the United States.

I hereby designate the Department of Homeland Security as a defense agency of the United States for the purposes of chapter 17 of title 35 of the United States Code.

Sec. 86. Exception from the Provisions of the Government Employees Training Act.

Those elements of the Department of Homeland Security that are supervised by the Under Secretary of Homeland Security for

Information Analysis and Infrastructure Protection through the Department's Assistant Secretary for Information Analysis are, pursuant to section 4102(b)(1) of title 5, United States Code, and in the public interest, excepted from the following provisions of the Government Employees Training Act as codified in title 5: sections 4103(a)(1), 4108, 4115, 4117, and 4118, and that part of 4109(a) that provides "under the regulations prescribed under section 4118(a)(8) of this title and".

Sec. 87. Functions of Certain Officials in the Coast Guard.

The Commandant and the Assistant Commandant for Intelligence of the Coast Guard each shall be considered a "Senior Official of the Intelligence Community" for purposes of Executive Order 12333 of December 4, 1981, and all other relevant authorities.

Sec. 88. Order of Succession.

Subject to the provisions of subsection (b) of this section, the officers named in subsection (a) of this section, in the order listed, shall act as, and perform the functions and duties of, the office of Secretary of Homeland Security ("Secretary") during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary.

(a) Order of Succession.

(i) Deputy Secretary of Homeland Security;

(ii) Under Secretary for Border and Transportation Security;

(iii) Under Secretary for Emergency Preparedness and Response;

(iv) Under Secretary for Information Analysis and Infrastructure Protection;

(v) Under Secretary for Management;

(vi) Under Secretary for Science and Technology;

(vii) General Counsel; and

(viii) Assistant Secretaries in the Department in the order of their date of appointment as such.

(b) Exceptions.

(i) No individual who is serving in an office listed in subsection (a) in an acting capacity shall act as Secretary pursuant to this section.

(ii) Notwithstanding the provisions of this section, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., to depart from this order in designating an acting Secretary.

Sec. 89. Savings Provision.

Except as otherwise specifically provided above or in Executive Order 13284 of January 23, 2003 ("Amendment of Executive Orders, and Other Actions, in Connection With the Establishment of the Department of Homeland Security"), references in any prior Executive Order relating to an agency or an agency component that is transferred to the Department of Homeland Security ("the Department"), or relating to a function that is transferred to the Secretary of Homeland Security, shall be deemed to refer, as appropriate, to the Department or its officers, employees, agents, organizational units, or functions.

Sec. 90. Nothing in this order shall be construed to impair or otherwise affect the authority of the Secretary of Defense with respect to the Department of Defense, including the chain of command for the armed forces of the United States under section 162(b) of title 10, United States Code, and the authority of the Secretary of Defense with respect to the Department of Defense under section 113(b) of that title.

Sec. 91. Nothing in this order shall be construed to limit or restrict the authorities of the Central Intelligence Agency and the Director of Central Intelligence pursuant to the National Security Act of 1947 and the CIA Act of 1949.

Sec. 92. This order shall become effective on March 1, 2003.

Sec. 93. This order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

GEORGE W. BUSH  
THE WHITE HOUSE,  
February 28, 2003.

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**AMENDMENT(S) : None**

## APPENDIX 2-8: PDD 39

### Presidential Decision Directive 39, June 21, 1995, United States Policy on Counterterrorism

**Purpose.** To provide an unclassified synopsis of the U.S. national policy on terrorism as laid out in Presidential Decision Directive-39 (PDD-39).

**Background.** On June 21, 1995, the President signed PDD-39, U.S. Policy on Counterterrorism. This classified document laid out the national policy and assigned specific missions to designated Federal Departments and agencies. This unclassified synopsis is provided to enable Federal, State, and local emergency response and Consequence Management personnel without appropriate security clearances to have a basic understanding of the provisions of PDD-39.

PDD-39 validates and reaffirms existing Federal Lead Agency responsibilities for counterterrorism, which are assigned to the Department of Justice (DOJ), as delegated to the Federal Bureau of Investigation (FBI), for threats or acts of terrorism within the United States. The FBI as the lead for Crisis Management will involve only those Federal agencies required and designated in classified documents. The Directive further states that the Federal Emergency Management Agency (FEMA), with the support of all agencies in the Federal Response Plan (FRP), will support the FBI in Washington, DC, and on scene until the Attorney General transfers Lead Agency to FEMA. FEMA retains responsibility for Consequence Management throughout the Federal response.

**Definitions.** 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.

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.

#### U.S. Policy on Counterterrorism

*General.* Terrorism is both a threat to our national security as well as a criminal act. The Administration has stated that it is the policy of the United States to use all appropriate means to deter, defeat, and respond to all terrorist attacks on our territory and resources, both with people and facilities, wherever they occur. In support of these efforts, the United States will:

- Employ efforts to deter, preempt, apprehend, and prosecute terrorists.
- Work closely with other governments to carry out counterterrorism policy and combat terrorist threats against them.
- Identify sponsors of terrorists, isolate them, and ensure they pay for their actions.
- Make no concessions to terrorists.
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*Measures to Combat Terrorism.* To ensure that the United States is prepared to combat terrorism in all of its forms, a number of measures have been directed. These include reducing vulnerabilities to terrorism, deterring and responding to terrorist attacks, and having capabilities to prevent and manage the consequences of terrorist use of nuclear, biological, or chemical (NBC) weapons, including those of mass destruction.

a. *Reduce Vulnerabilities.* In order to reduce vulnerabilities to terrorism, both at home and abroad, all departmental/agency heads have been directed to ensure that their personnel and facilities are fully protected against terrorism. Specific efforts that will be conducted to ensure our security against terrorist attacks include the following:

- Review the vulnerability of government facilities and critical national infrastructure.
- Expand the program of counterterrorism.
- Reduce vulnerabilities affecting civilian personnel/facilities abroad and military personnel/facilities.
- Exclude/deport persons who pose a terrorist threat.
- Prevent unlawful traffic in firearms and explosives and protect the President and other officials against terrorist attack.
- Reduce U.S. vulnerabilities to international terrorism through intelligence collection/ analysis, counterintelligence, and covert action.

b. *Deter.* To deter terrorism, it is necessary to provide a clear public position that our policies will not be affected by terrorist acts and we will vigorously deal with terrorists/sponsors to reduce terrorist capabilities and support. In this regard, we must make it clear that we will not allow terrorism to succeed and that the pursuit, arrest, and prosecution of terrorists are of the highest priority. Our goals include the disruption of terrorist sponsored activity, including termination of financial support, arrest and punishment of terrorists as criminals, application of U.S. laws and new legislation to prevent terrorist groups from operating in the United States, and application of extraterritorial statutes to counter acts of terrorism and apprehend terrorists outside of the United States. The return of terrorists overseas who are wanted for violation of U.S. law is of the highest priority and a central issue in bilateral relations with any state that harbors or assists them.

c. *Respond.* To respond to terrorism, we must have a rapid and decisive capability to protect Americans, defeat or arrest terrorists, respond against terrorist sponsors, and provide relief to the victims of terrorists. The goal during the immediate response phase of an incident is to terminate terrorist attacks, so the terrorists do not accomplish their objectives or maintain their freedom, while seeking to minimize damage and loss of life and provide emergency assistance. After an incident has occurred, a rapidly deployable interagency Emergency Support Team (EST) will provide required capabilities on scene: a Foreign Emergency Support Team (FEST) for foreign incidents, and a Domestic Emergency Support Team (DEST) for domestic incidents. DEST membership will be limited to those agencies required to respond to the specific incident. Both teams will include elements for specific types of incidents such as nuclear, chemical, and biological threats.

The Director, FEMA will ensure that the FRP is adequate for Consequence Management activities in response to terrorist attacks against large U.S. populations, including those where weapons of mass destruction (WMD) are involved. FEMA will also ensure that State response plans and capabilities are adequate and tested. FEMA, supported by all FRP signatories, will assume the Lead Agency role for consequence management in Washington, DC, and on scene. If large-scale casualties and infrastructure damage occur, the President may appoint a Personal Representative for Consequence Management as the on-scene Federal authority during recovery. A roster of senior and former government officials willing to perform these functions will be created, and the rostered individuals will be provided training and information necessary to allow themselves to be called on short notice.

Agencies will bear the cost of their participation in terrorist incidents and counter-terrorist operations, unless otherwise directed.

d. *NBC Consequence Management.* The development of effective capabilities for preventing and managing the consequence of terrorist use of NBC materials or weapons is of the highest priority. Terrorist acquisition of WMD is not acceptable, and there is no higher priority than preventing the acquisition of such materials/weapons or removing the capability from terrorist groups.

**AMENDMENT(S): None**

## **APPENDIX 2-9: PDD 62**

### **Presidential Decision Directive 62, May 22, 1988, Combating Terrorism**

Since he took office, President Clinton has made the fight against terrorism a top national security objective. The President has worked to deepen our cooperation with our friends and allies abroad, strengthen law enforcement's counterterrorism tools and improve security on airplanes and at airports. These efforts have paid off as major terrorist attacks have been foiled and more terrorists have been apprehended, tried and given severe prison terms.

Yet America's unrivaled military superiority means that potential enemies -- whether nations or terrorist groups -- that choose to attack us will be more likely to resort to terror instead of conventional military assault. Moreover, easier access to sophisticated technology means that the destructive power available to terrorists is greater than ever. Adversaries may thus be tempted to use unconventional tools, such as weapons of mass destruction, to target our cities and disrupt the operations of our government. They may try to attack our economy and critical infrastructure using advanced computer technology.

President Clinton is determined that in the coming century, we will be capable of deterring and preventing such terrorist attacks. The President is convinced that we must also have the ability to limit the damage and manage the consequences should such an attack occur.

To meet these challenges, President Clinton signed Presidential Decision Directive 62. This Directive creates a new and more systematic approach to fighting the terrorist threat of the next century. It reinforces the mission of the many U.S. agencies charged with roles in defeating terrorism; it also codifies and clarifies their activities in the wide range of U.S. counter-terrorism programs, from apprehension and prosecution of terrorists to increasing transportation security, enhancing response capabilities and protecting the computer-based systems that lie at the heart of America's economy. The Directive will help achieve the President's goal of ensuring that we meet the threat of terrorism in the 21st century with the same rigor that we have met military threats in this century.

#### **The National Coordinator**

To achieve this new level of integration in the fight against terror, PDD-62 establishes the office of the National Coordinator for Security, Infrastructure Protection and Counter-Terrorism. The National Coordinator will oversee the broad variety of relevant polices and programs including such areas as counter-terrorism, protection of critical infrastructure, preparedness and consequence management for weapons of mass destruction. The National Coordinator will work within the National Security Council, report to the President through the Assistant to the President for National Security Affairs and produce for him an annual Security Preparedness Report. The National Coordinator will also provide advice regarding budgets for counter-terror programs and coordinate the development of guidelines that might be needed for crisis management.

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**AMENDMENT(S): None**

## **APPENDIX 2-10: PDD 63**

### **Presidential Decision Directive 63, May 22 1998, Protecting America's Critical Infrastructures**

This Presidential Directive builds on the recommendations of the President's Commission on Critical Infrastructure Protection. In October 1997 the Commission issued its report, calling for a national effort to

assure the security of the United States' increasingly vulnerable and interconnected infrastructures, such as telecommunications, banking and finance, energy, transportation, and essential government services. Presidential Decision Directive 63 is the culmination of an intense, interagency effort to evaluate those recommendations and produce a workable and innovative framework for critical infrastructure protection.

The President's policy:

- Sets a goal of a reliable, interconnected, and secure information system infrastructure by the year 2003, and significantly increased security for government systems by the year 2000, by:
  - Immediately establishing a national center to warn of and respond to attacks.
  - Building the capability to protect critical infrastructures from intentional acts by 2003.
- Addresses the cyber and physical infrastructure vulnerabilities of the Federal government by requiring each department and agency to work to reduce its exposure to new threats;
- Requires the Federal government to serve as a model to the rest of the country for how infrastructure protection is to be attained;
- Seeks the voluntary participation of private industry to meet common goals for protecting our critical systems through public-private partnerships;
- Protects privacy rights and seeks to utilize market forces. It is meant to strengthen and protect the nation's economic power, not to stifle it.
- Seeks full participation and input from the Congress.

PDD-63 sets up a new structure to deal with this important challenge:

- a *National Coordinator* whose scope will include not only critical infrastructure but also foreign terrorism and threats of domestic mass destruction (including biological weapons) because attacks on the US may not come labeled in neat jurisdictional boxes;
- The *National Infrastructure Protection Center* (NIPC) at the FBI which will fuse representatives from FBI, DOD, USSS, Energy, Transportation, the Intelligence Community, and the private sector in an unprecedented attempt at information sharing among agencies in collaboration with the private sector. The NIPC will also provide the principal means of facilitating and coordinating the Federal Government's response to an incident, mitigating attacks, investigating threats and monitoring reconstitution efforts;
- An *Information Sharing and Analysis Center* (ISAC) is encouraged to be set up by the private sector, in cooperation with the federal government;
- A *National Infrastructure Assurance Council* drawn from private sector leaders and state/local officials to provide guidance to the policy formulation of a National plan
- The *Critical Infrastructure Assurance Office* will provide support to the National Coordinator's work with government agencies and the private sector in developing a national plan. The office will also help coordinate a national education and awareness program, and legislative and public affairs.

**AMENDMENT(S): None**

## **APPENDIX 2-11: HSPD-5**

### **Homeland Security Presidential Directive (HSPD) 5, February 28, 2003, Management of Domestic Incidents**

Purpose

(1) To enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system.

Definitions

(2) In this directive:

(a) the term "Secretary" means the Secretary of Homeland Security.

(b) the term "Federal departments and agencies" means those executive departments enumerated in 5 U.S.C. 101, together with the Department of Homeland Security; independent establishments as defined by 5 U.S.C. 104(1); government corporations as defined by 5 U.S.C. 103(1); and the United States Postal Service.

(c) the terms "State," "local," and the "United States" when it is used in a geographical sense, have the same meanings as used in the Homeland Security Act of 2002, Public Law 107-296.

#### Policy

(3) To prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies, the United States Government shall establish a single, comprehensive approach to domestic incident management. The objective of the United States Government is to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together, using a national approach to domestic incident management. In these efforts, with regard to domestic incidents, the United States Government treats crisis management and consequence management as a single, integrated function, rather than as two separate functions.

(4) The Secretary of Homeland Security is the principal Federal official for domestic incident management. Pursuant to the Homeland Security Act of 2002, the Secretary is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. The Secretary shall coordinate the Federal Government's resources utilized in response to or recovery from terrorist attacks, major disasters, or other emergencies if and when any one of the following four conditions applies: (1) a Federal department or agency acting under its own authority has requested the assistance of the Secretary; (2) the resources of State and local authorities are overwhelmed and Federal assistance has been requested by the appropriate State and local authorities; (3) more than one Federal department or agency has become substantially involved in responding to the incident; or (4) the Secretary has been directed to assume responsibility for managing the domestic incident by the President.

(5) Nothing in this directive alters, or impedes the ability to carry out, the authorities of Federal departments and agencies to perform their responsibilities under law. All Federal departments and agencies shall cooperate with the Secretary in the Secretary's domestic incident management role.

(6) The Federal Government recognizes the roles and responsibilities of State and local authorities in domestic incident management. Initial responsibility for managing domestic incidents generally falls on State and local authorities. The Federal Government will assist State and local authorities when their resources are overwhelmed, or when Federal interests are involved. The Secretary will coordinate with State and local governments to ensure adequate planning, equipment, training, and exercise activities. The Secretary will also provide assistance to State and local governments to develop all-hazards plans and capabilities, including those of greatest importance to the security of the United States, and will ensure that State, local, and Federal plans are compatible.

(7) The Federal Government recognizes the role that the private and nongovernmental sectors play in preventing, preparing for, responding to, and recovering from terrorist attacks, major disasters, and other emergencies. The Secretary will coordinate with the private and nongovernmental sectors to ensure adequate planning, equipment, training, and exercise activities and to promote partnerships to address incident management capabilities.

(8) The Attorney General has lead responsibility for criminal investigations of terrorist acts or terrorist threats by individuals or groups inside the United States, or directed at United States citizens or institutions abroad, where such acts are within the Federal criminal jurisdiction of the United States, as well as for related intelligence collection activities within the United States, subject to the National Security Act of 1947 and other applicable law, Executive Order 12333, and Attorney General-approved procedures pursuant to that Executive Order. Generally acting through the Federal Bureau of Investigation, the Attorney General, in cooperation with other Federal departments and agencies engaged in activities to protect our national security, shall also coordinate the activities of the other members of the law

enforcement community to detect, prevent, preempt, and disrupt terrorist attacks against the United States. Following a terrorist threat or an actual incident that falls within the criminal jurisdiction of the United States, the full capabilities of the United States shall be dedicated, consistent with United States law and with activities of other Federal departments and agencies to protect our national security, to assisting the Attorney General to identify the perpetrators and bring them to justice. The Attorney General and the Secretary shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments.

(9) Nothing in this directive impairs or otherwise affects the authority of the Secretary of Defense over the Department of Defense, including the chain of command for military forces from the President as Commander in Chief, to the Secretary of Defense, to the commander of military forces, or military command and control procedures. The Secretary of Defense shall provide military support to civil authorities for domestic incidents as directed by the President or when consistent with military readiness and appropriate under the circumstances and the law. The Secretary of Defense shall retain command of military forces providing civil support. The Secretary of Defense and the Secretary shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments.

(10) The Secretary of State has the responsibility, consistent with other United States Government activities to protect our national security, to coordinate international activities related to the prevention, preparation, response, and recovery from a domestic incident, and for the protection of United States citizens and United States interests overseas. The Secretary of State and the Secretary shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments.

(11) The Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs shall be responsible for interagency policy coordination on domestic and international incident management, respectively, as directed by the President. The Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs shall work together to ensure that the United States domestic and international incident management efforts are seamlessly united.

(12) The Secretary shall ensure that, as appropriate, information related to domestic incidents is gathered and provided to the public, the private sector, State and local authorities, Federal departments and agencies, and, generally through the Assistant to the President for Homeland Security, to the President. The Secretary shall provide standardized, quantitative reports to the Assistant to the President for Homeland Security on the readiness and preparedness of the Nation -- at all levels of government -- to prevent, prepare for, respond to, and recover from domestic incidents.

(13) Nothing in this directive shall be construed to grant to any Assistant to the President any authority to issue orders to Federal departments and agencies, their officers, or their employees.

#### Tasking

(14) The heads of all Federal departments and agencies are directed to provide their full and prompt cooperation, resources, and support, as appropriate and consistent with their own responsibilities for protecting our national security, to the Secretary, the Attorney General, the Secretary of Defense, and the Secretary of State in the exercise of the individual leadership responsibilities and missions assigned in paragraphs (4), (8), (9), and (10), respectively, above.

(15) The Secretary shall develop, submit for review to the Homeland Security Council, and administer a National Incident Management System (NIMS). This system will provide a consistent nationwide approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. To provide for interoperability and compatibility among Federal, State, and local capabilities, the NIMS will include a core set of concepts, principles, terminology, and technologies covering the incident command system; multi-agency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources.

(16) The Secretary shall develop, submit for review to the Homeland Security Council, and administer a National Response Plan (NRP). The Secretary shall consult with appropriate Assistants to the President (including the Assistant to the President for Economic Policy) and the Director of the Office of Science and Technology Policy, and other such Federal officials as may be appropriate, in developing and implementing the NRP. This plan shall integrate Federal Government domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan. The NRP shall be unclassified. If certain operational aspects require classification, they shall be included in classified annexes to the NRP.

- (a) The NRP, using the NIMS, shall, with regard to response to domestic incidents, provide the structure and mechanisms for national level policy and operational direction for Federal support to State and local incident managers and for exercising direct Federal authorities and responsibilities, as appropriate.
- (b) The NRP will include protocols for operating under different threats or threat levels; incorporation of existing Federal emergency and incident management plans (with appropriate modifications and revisions) as either integrated components of the NRP or as supporting operational plans; and additional operational plans or annexes, as appropriate, including public affairs and intergovernmental communications.
- (c) The NRP will include a consistent approach to reporting incidents, providing assessments, and making recommendations to the President, the Secretary, and the Homeland Security Council.
- (d) The NRP will include rigorous requirements for continuous improvements from testing, exercising, experience with incidents, and new information and technologies.

(17) The Secretary shall:

- (a) By April 1, 2003, (1) develop and publish an initial version of the NRP, in consultation with other Federal departments and agencies; and (2) provide the Assistant to the President for Homeland Security with a plan for full development and implementation of the NRP.
- (b) By June 1, 2003, (1) in consultation with Federal departments and agencies and with State and local governments, develop a national system of standards, guidelines, and protocols to implement the NIMS; and (2) establish a mechanism for ensuring ongoing management and maintenance of the NIMS, including regular consultation with other Federal departments and agencies and with State and local governments.
- (c) By September 1, 2003, in consultation with Federal departments and agencies and the Assistant to the President for Homeland Security, review existing authorities and regulations and prepare recommendations for the President on revisions necessary to implement fully the NRP.

(18) The heads of Federal departments and agencies shall adopt the NIMS within their departments and agencies and shall provide support and assistance to the Secretary in the development and maintenance of the NIMS. All Federal departments and agencies will use the NIMS in their domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation activities, as well as those actions taken in support of State or local entities. The heads of Federal departments and agencies shall participate in the NRP, shall assist and support the Secretary in the development and maintenance of the NRP, and shall participate in and use domestic incident reporting systems and protocols established by the Secretary.

(19) The head of each Federal department and agency shall:

- (a) By June 1, 2003, make initial revisions to existing plans in accordance with the initial version of the NRP.
- (b) By August 1, 2003, submit a plan to adopt and implement the NIMS to the Secretary and the Assistant to the President for Homeland Security. The Assistant to the President for Homeland Security shall advise the President on whether such plans effectively implement the NIMS.

(20) Beginning in Fiscal Year 2005, Federal departments and agencies shall make adoption of the NIMS a requirement, to the extent permitted by law, for providing Federal preparedness assistance through grants, contracts, or other activities. The Secretary shall develop standards and guidelines for determining whether a State or local entity has adopted the NIMS.

Technical and Conforming Amendments to National Security Presidential Directive-1 (NSPD-1)

(21) NSPD-1 ("Organization of the National Security Council System") is amended by replacing the fifth sentence of the third paragraph on the first page with the following: "The Attorney General, the Secretary

of Homeland Security, and the Director of the Office of Management and Budget shall be invited to attend meetings pertaining to their responsibilities."

Technical and Conforming Amendments to National Security Presidential Directive-8 (NSPD-8)

(22) NSPD-8 ("National Director and Deputy National Security Advisor for Combating Terrorism") is amended by striking "and the Office of Homeland Security," on page 4, and inserting "the Department of Homeland Security, and the Homeland Security Council" in lieu thereof.

Technical and Conforming Amendments to Homeland Security Presidential Directive-2 (HSPD-2)

(23) HSPD-2 ("Combating Terrorism Through Immigration Policies") is amended as follows:

- (a) striking "the Commissioner of the Immigration and Naturalization Service (INS)" in the second sentence of the second paragraph in section 1, and inserting "the Secretary of Homeland Security" in lieu thereof;
- (b) striking "the INS," in the third paragraph in section 1, and inserting "the Department of Homeland Security" in lieu thereof;
- (c) inserting ", the Secretary of Homeland Security," after "The Attorney General" in the fourth paragraph in section 1;
- (d) inserting ", the Secretary of Homeland Security," after "the Attorney General" in the fifth paragraph in section 1;
- (e) striking "the INS and the Customs Service" in the first sentence of the first paragraph of section 2, and inserting "the Department of Homeland Security" in lieu thereof;
- (f) striking "Customs and INS" in the first sentence of the second paragraph of section 2, and inserting "the Department of Homeland Security" in lieu thereof;
- (g) striking "the two agencies" in the second sentence of the second paragraph of section 2, and inserting "the Department of Homeland Security" in lieu thereof;
- (h) striking "the Secretary of the Treasury" wherever it appears in section 2, and inserting "the Secretary of Homeland Security" in lieu thereof;
- (i) inserting ", the Secretary of Homeland Security," after "The Secretary of State" wherever the latter appears in section 3;
- (j) inserting ", the Department of Homeland Security," after "the Department of State," in the second sentence in the third paragraph in section 3;
- (k) inserting "the Secretary of Homeland Security," after "the Secretary of State," in the first sentence of the fifth paragraph of section 3;
- (l) striking "INS" in the first sentence of the sixth paragraph of section 3, and inserting "Department of Homeland Security" in lieu thereof;
- (m) striking "the Treasury" wherever it appears in section 4 and inserting "Homeland Security" in lieu thereof;
- (n) inserting ", the Secretary of Homeland Security," after "the Attorney General" in the first sentence in section 5; and
- (o) inserting ", Homeland Security" after "State" in the first sentence of section 6.

Technical and Conforming Amendments to Homeland Security Presidential Directive-3 (HSPD-3)

(24) The Homeland Security Act of 2002 assigned the responsibility for administering the Homeland Security Advisory System to the Secretary of Homeland Security. Accordingly, HSPD-3 of March 11, 2002 ("Homeland Security Advisory System") is amended as follows:

- (a) replacing the third sentence of the second paragraph entitled "Homeland Security Advisory System" with "Except in exigent circumstances, the Secretary of Homeland Security shall seek the views of the Attorney General, and any other federal agency heads the Secretary deems appropriate, including other members of the Homeland Security Council, on the Threat Condition to be assigned."
- (b) inserting "At the request of the Secretary of Homeland Security, the Department of Justice shall permit and facilitate the use of delivery systems administered or managed by the Department of Justice for the purposes of delivering threat information pursuant to the Homeland Security Advisory System." as a new paragraph after the fifth paragraph of the section entitled "Homeland Security Advisory System."
- (c) inserting ", the Secretary of Homeland Security" after "The Director of Central Intelligence" in the first sentence of the seventh paragraph of the section entitled "Homeland Security Advisory System".

(d) striking "Attorney General" wherever it appears (except in the sentences referred to in subsections (a) and (c) above), and inserting "the Secretary of Homeland Security" in lieu thereof; and  
(e) striking the section entitled "Comment and Review Periods."

GEORGE W. BUSH

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**AMENDMENT(S): None**

## **APPENDIX 2-12 : HSPD-8**

**SUBJECT: National Preparedness**

### **Purpose**

1. This directive establishes policies to strengthen the preparedness of the United States to prevent and respond to threatened or actual domestic terrorist attacks, major disasters, and other emergencies by requiring a national domestic all-hazards preparedness goal, establishing mechanisms for improved delivery of Federal preparedness assistance to State and local governments, and outlining actions to strengthen preparedness capabilities of Federal, State, and local entities.

### **Definitions**

2. For the purposes of this directive:
  - a. The term "all-hazards preparedness" refers to preparedness for domestic terrorist attacks, major disasters, and other emergencies.
  - b. The term "Federal departments and agencies" means those executive departments enumerated in 5 U.S.C. 101, and the Department of Homeland Security; independent establishments as defined by 5 U.S.C. 104(1); Government corporations as defined by 5 U.S.C. 103(1); and the United States Postal Service.
  - c. The term "Federal preparedness assistance" means Federal department and agency grants, cooperative agreements, loans, loan guarantees, training, and/or technical assistance provided to State and local governments and the private sector to prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. Unless noted otherwise, the term "assistance" will refer to Federal assistance programs.
  - d. The term "first responder" refers to those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and recovery operations.
  - e. The terms "major disaster" and "emergency" have the meanings given in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).
  - f. The term "major events" refers to domestic terrorist attacks, major disasters, and other emergencies.
  - g. The term "national homeland security preparedness-related exercises" refers to homeland security-related exercises that train and test national decision makers and utilize resources of multiple Federal departments and agencies. Such exercises may involve State and local

first responders when appropriate. Such exercises do not include those exercises conducted solely within a single Federal department or agency.

- h. The term "preparedness" refers to the existence of plans, procedures, policies, training, and equipment necessary at the Federal, State, and local level to maximize the ability to prevent, respond to, and recover from major events. The term "readiness" is used interchangeably with preparedness.
- i. The term "prevention" refers to activities undertaken by the first responder community during the early stages of an incident to reduce the likelihood or consequences of threatened or actual terrorist attacks. More general and broader efforts to deter, disrupt, or thwart terrorism are not addressed in this directive.
- j. The term "Secretary" means the Secretary of Homeland Security.
- k. The terms "State," and "local government," when used in a geographical sense, have the same meanings given to those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

### **Relationship to HSPD-5**

- 3. This directive is a companion to HSPD-5, which identifies steps for improved coordination in response to incidents. This directive describes the way Federal departments and agencies will prepare for such a response, including prevention activities during the early stages of a terrorism incident.

### **Development of a National Preparedness Goal**

- 4. The Secretary is the principal Federal official for coordinating the implementation of all-hazards preparedness in the United States. In cooperation with other Federal departments and agencies, the Secretary coordinates the preparedness of Federal response assets, and the support for, and assessment of, the preparedness of State and local first responders.
- 5. To help ensure the preparedness of the Nation to prevent, respond to, and recover from threatened and actual domestic terrorist attacks, major disasters, and other emergencies, the Secretary, in coordination with the heads of other appropriate Federal departments and agencies and in consultation with State and local governments, shall develop a national domestic all-hazards preparedness goal. Federal departments and agencies will work to achieve this goal by:
  - a. providing for effective, efficient, and timely delivery of Federal preparedness assistance to State and local governments; and
  - b. supporting efforts to ensure first responders are prepared to respond to major events, especially prevention of and response to threatened terrorist attacks.
- 6. The national preparedness goal will establish measurable readiness priorities and targets that appropriately balance the potential threat and magnitude of terrorist attacks, major disasters, and other emergencies with the resources required to prevent, respond to, and recover from them. It will also include readiness metrics and elements that support the national preparedness goal including standards for preparedness assessments and strategies, and a system for assessing the Nation's overall preparedness to respond to major events, especially those involving acts of terrorism.
- 7. The Secretary will submit the national preparedness goal to me through the Homeland Security Council (HSC) for review and approval prior to, or concurrently with, the Department of Homeland Security's Fiscal Year 2006 budget submission to the Office of Management and Budget.

### **Federal Preparedness Assistance**

- 8. The Secretary, in coordination with the Attorney General, the Secretary of Health and Human Services (HHS), and the heads of other Federal departments and agencies that provide assistance for first responder preparedness, will establish a single point of access to Federal preparedness

assistance program information within 60 days of the issuance of this directive. The Secretary will submit to me through the HSC recommendations of specific Federal department and agency programs to be part of the coordinated approach. All Federal departments and agencies will cooperate with this effort. Agencies will continue to issue financial assistance awards consistent with applicable laws and regulations and will ensure that program announcements, solicitations, application instructions, and other guidance documents are consistent with other Federal preparedness programs to the extent possible. Full implementation of a closely coordinated interagency grant process will be completed by September 30, 2005.

9. To the extent permitted by law, the primary mechanism for delivery of Federal preparedness assistance will be awards to the States. Awards will be delivered in a form that allows the recipients to apply the assistance to the highest priority preparedness requirements at the appropriate level of government. To the extent permitted by law, Federal preparedness assistance will be predicated on adoption of Statewide comprehensive all-hazards preparedness strategies. The strategies should be consistent with the national preparedness goal, should assess the most effective ways to enhance preparedness, should address areas facing higher risk, especially to terrorism, and should also address local government concerns and Citizen Corps efforts. The Secretary, in coordination with the heads of other appropriate Federal departments and agencies, will review and approve strategies submitted by the States. To the extent permitted by law, adoption of approved Statewide strategies will be a requirement for receiving Federal preparedness assistance at all levels of government by September 30, 2005.
10. In making allocations of Federal preparedness assistance to the States, the Secretary, the Attorney General, the Secretary of HHS, the Secretary of Transportation, the Secretary of Energy, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, and the heads of other Federal departments and agencies that provide assistance for first responder preparedness will base those allocations on assessments of population concentrations, critical infrastructures, and other significant risk factors, particularly terrorism threats, to the extent permitted by law.
11. Federal preparedness assistance will support State and local entities' efforts including planning, training, exercises, interoperability, and equipment acquisition for major events as well as capacity building for prevention activities such as information gathering, detection, deterrence, and collaboration related to terrorist attacks. Such assistance is not primarily intended to support existing capacity to address normal local first responder operations, but to build capacity to address major events, especially terrorism.
12. The Attorney General, the Secretary of HHS, the Secretary of Transportation, the Secretary of Energy, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, and the heads of other Federal departments and agencies that provide assistance for first responder preparedness shall coordinate with the Secretary to ensure that such assistance supports and is consistent with the national preparedness goal.
13. Federal departments and agencies will develop appropriate mechanisms to ensure rapid obligation and disbursement of funds from their programs to the States, from States to the local community level, and from local entities to the end users to derive maximum benefit from the assistance provided. Federal departments and agencies will report annually to the Secretary on the obligation, expenditure status, and the use of funds associated with Federal preparedness assistance programs.

### **Equipment**

14. The Secretary, in coordination with State and local officials, first responder organizations, the private sector and other Federal civilian departments and agencies, shall establish and implement streamlined procedures for the ongoing development and adoption of appropriate first responder equipment standards that support nationwide interoperability and other capabilities consistent with the national preparedness goal, including the safety and health of first responders.
15. To the extent permitted by law, equipment purchased through Federal preparedness assistance for first responders shall conform to equipment standards in place at time of purchase. Other Federal departments and agencies that support the purchase of first responder equipment will coordinate their programs with the Department of Homeland Security and conform to the same standards.

16. The Secretary, in coordination with other appropriate Federal departments and agencies and in consultation with State and local governments, will develop plans to identify and address national first responder equipment research and development needs based upon assessments of current and future threats. Other Federal departments and agencies that support preparedness research and development activities shall coordinate their efforts with the Department of Homeland Security and ensure they support the national preparedness goal.

### **Training and Exercises**

17. The Secretary, in coordination with the Secretary of HHS, the Attorney General, and other appropriate Federal departments and agencies and in consultation with State and local governments, shall establish and maintain a comprehensive training program to meet the national preparedness goal. The program will identify standards and maximize the effectiveness of existing Federal programs and financial assistance and include training for the Nation's first responders, officials, and others with major event preparedness, prevention, response, and recovery roles. Federal departments and agencies shall include private organizations in the accreditation and delivery of preparedness training as appropriate and to the extent permitted by law.
18. The Secretary, in coordination with other appropriate Federal departments and agencies, shall establish a national program and a multi-year planning system to conduct homeland security preparedness-related exercises that reinforces identified training standards, provides for evaluation of readiness, and supports the national preparedness goal. The establishment and maintenance of the program will be conducted in maximum collaboration with State and local governments and appropriate private sector entities. All Federal departments and agencies that conduct national homeland security preparedness-related exercises shall participate in a collaborative, interagency process to designate such exercises on a consensus basis and create a master exercise calendar. The Secretary will ensure that exercises included in the calendar support the national preparedness goal. At the time of designation, Federal departments and agencies will identify their level of participation in national homeland security preparedness-related exercises. The Secretary will develop a multi-year national homeland security preparedness-related exercise plan and submit the plan to me through the HSC for review and approval.
19. The Secretary shall develop and maintain a system to collect, analyze, and disseminate lessons learned, best practices, and information from exercises, training events, research, and other sources, including actual incidents, and establish procedures to improve national preparedness to prevent, respond to, and recover from major events. The Secretary, in coordination with other Federal departments and agencies and State and local governments, will identify relevant classes of homeland-security related information and appropriate means of transmission for the information to be included in the system. Federal departments and agencies are directed, and State and local governments are requested, to provide this information to the Secretary to the extent permitted by law.

### **Federal Department and Agency Preparedness**

20. The head of each Federal department or agency shall undertake actions to support the national preparedness goal, including adoption of quantifiable performance measurements in the areas of training, planning, equipment, and exercises for Federal incident management and asset preparedness, to the extent permitted by law. Specialized Federal assets such as teams, stockpiles, and caches shall be maintained at levels consistent with the national preparedness goal and be available for response activities as set forth in the National Response Plan, other appropriate operational documents, and applicable authorities or guidance. Relevant Federal regulatory requirements should be consistent with the national preparedness goal. Nothing in this directive shall limit the authority of the Secretary of Defense with regard to the command and control, training, planning, equipment, exercises, or employment of Department of Defense forces, or the allocation of Department of Defense resources.
21. The Secretary, in coordination with other appropriate Federal civilian departments and agencies, shall develop and maintain a Federal response capability inventory that includes the performance

parameters of the capability, the timeframe within which the capability can be brought to bear on an incident, and the readiness of such capability to respond to domestic incidents. The Department of Defense will provide to the Secretary information describing the organizations and functions within the Department of Defense that may be utilized to provide support to civil authorities during a domestic crisis.

#### **Citizen Participation**

22. The Secretary shall work with other appropriate Federal departments and agencies as well as State and local governments and the private sector to encourage active citizen participation and involvement in preparedness efforts. The Secretary shall periodically review and identify the best community practices for integrating private citizen capabilities into local preparedness efforts.

#### **Public Communication**

23. The Secretary, in consultation with other Federal departments and agencies, State and local governments, and non-governmental organizations, shall develop a comprehensive plan to provide accurate and timely preparedness information to public citizens, first responders, units of government, the private sector, and other interested parties and mechanisms for coordination at all levels of government.

#### **Assessment and Evaluation**

24. The Secretary shall provide to me through the Assistant to the President for Homeland Security an annual status report of the Nation's level of preparedness, including State capabilities, the readiness of Federal civil response assets, the utilization of mutual aid, and an assessment of how the Federal first responder preparedness assistance programs support the national preparedness goal. The first report will be provided within 1 year of establishment of the national preparedness goal.
25. Nothing in this directive alters, or impedes the ability to carry out, the authorities of the Federal departments and agencies to perform their responsibilities under law and consistent with applicable legal authorities and presidential guidance.
26. Actions pertaining to the funding and administration of financial assistance and all other activities, efforts, and policies in this directive shall be executed in accordance with law. To the extent permitted by law, these policies will be established and carried out in consultation with State and local governments.
27. This directive is intended only to improve the internal management of the executive branch of the Federal Government, and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

## **APPENDIX 2-13 : HSPD-8 ANNEX I**

### **Homeland Security Presidential Directive-8 Annex 1**

#### **Purpose**

28. This Annex is intended to further enhance the preparedness of the United States by formally establishing a standard and comprehensive approach to national planning. It is meant to provide guidance for conducting planning in accordance with the Homeland Security Management System in the National Strategy for Homeland Security of 2007.

## Background

29. The National Preparedness Guidelines designates planning as one of eight national priorities and as a target capability common across all homeland security mission areas. The capability to plan and a standard planning process are essential for the effective implementation and assessment of homeland security initiatives to prevent, protect against, respond to, and recover from terrorist attacks or natural disasters. The security of the Nation requires that all levels of government possess the ability to conduct planning, to develop standard, coordinated plans, and to identify and dedicate resources to the development of those plans. It is further imperative that such plans be regularly tested and improved through an inclusive and open process.

## Definitions

30. In this Annex:
- a. The phrase "Federal agencies with a role in homeland security" refers to those departments and agencies as set forth in
    - i. National Security Presidential Directive-1 (NSPD-1), (Organization of the National Security Council System) of February 13, 2001,
    - ii. Homeland Security Presidential Directive-1 (HSPD- 1) (Organization and Operation of the Homeland Security Council) of October 29, 2001,
    - iii. the National Response Plan as directed by Homeland Security Presidential Directive-5 (HSPD-5) (Management of Domestic Incidents) of February 28, 2003,
    - iv. the National Infrastructure Protection Plan as directed by Homeland Security Presidential Directive-7 (HSPD-7) (Critical Infrastructure Identification, Prioritization, and Protection) of December 17, 2003, and
    - v. the National Implementation Plan for the War on Terror.
  - b. The term "National Planning Scenario" means an event or threat scenario appropriate for national planning by and among all levels and jurisdictions of government, and in coordination with private, non-profit, and volunteer organizations.
  - c. The term "strategic guidance statement" refers to a document that outlines strategic priorities, broad national strategic objectives, and basic assumptions; describes the envisioned end-state; and establishes the general means necessary to accomplish that end.
  - d. The term "strategic plan" refers to a plan that defines the mission, identifies authorities, delineates roles and responsibilities, establishes mission essential tasks, determines required and priority capabilities, and develops performance and effectiveness measures.
  - e. The term "concept plan" or "CONPLAN" refers to a plan that briefly describes the concept of operations for integrating and synchronizing existing Federal capabilities to accomplish the mission essential tasks, and describes how Federal capabilities will be integrated into and support regional, State, local, and tribal plans.
  - f. The term "operations plan" or "OPLAN" refers to a plan that identifies detailed resource, personnel and asset allocations in order to execute the objectives of the strategic plan and turn strategic priorities into operational execution. An operations plan contains a full description of the concept of operations, to include specific roles and responsibilities, tasks, integration, and actions required, with supporting support function annexes as appropriate.
  - g. The term "tactical plan" refers to the detailed development and identification of individual tasks, actions, and objectives tailored to specific situations and fact patterns at an operational level. Tactical planning is meant to support and achieve the objectives of the operations plan.

## **Policy**

31. It is the policy of the United States Government to enhance the preparedness of the Nation by developing and maintaining a standardized approach to national planning to integrate and effect policy and operational objectives to prevent, protect against, respond to, and recover from all hazards, and comprises:
- a. a standardized Federal planning process;
  - b. national planning doctrine;
  - c. resourced operational and tactical planning capabilities at each Federal department and agency with a role in homeland security;
  - d. strategic guidance, strategic plans, concepts of operations, and operations plans and as appropriate, tactical plans; and
  - e. a system for integrating plans among all levels of government.

## **Development of a Standardized National Planning Process and Integration System**

32. There is established a planning process involving three levels of planning:
- a. strategic;
  - b. operational; and
  - c. tactical.

The planning process will result in the development of a family of related planning documents to include strategic guidance statements, strategic plans, concepts of operations, operations plans, and as appropriate, tactical plans.

33. No later than 2 months after the issuance of this Annex, the Secretary of Homeland Security (Secretary) shall submit to the President for approval, through the Assistant to the President for Homeland Security and Counterterrorism, an Integrated Planning System (IPS) that is developed in coordination with the heads of Federal agencies with a role in homeland security and that
- a. provides common processes for developing plans,
  - b. serves to implement phase one of the Homeland Security Management System, and
  - c. includes the following:
    - i. national planning doctrine and planning guidance, instruction, and process to ensure consistent planning across the Federal Government;
    - ii. a mechanism that provides for concept development to identify and analyze the mission and potential courses of action;
    - iii. a description of the process that allows for plan refinement and proper execution to reflect developments in risk, capabilities, or policies, as well as to incorporate lessons learned from exercises and actual events;
    - iv. a description of the process that links regional, State, local, and tribal plans, planning cycles, and processes and allows these plans to inform the development of Federal plans;
    - v. a process for fostering vertical and horizontal integration of Federal, State, local, and tribal plans that allows for State, local, and tribal capability assessments to feed into Federal plans; and
    - vi. a guide for all-hazards planning, with comprehensive, practical guidance and instruction on fundamental planning principles that can be used at Federal, State, local, and tribal levels to assist the planning process.

## **Development of National Planning Scenarios**

34. National Planning Scenarios shall be developed, updated, or amended as necessary by the Secretary, in coordination with the heads of Federal agencies with a role in homeland security, and shall be informed by a risk-based analysis intended to focus planning efforts on the most likely or most dangerous threats to the homeland. The Secretary shall update the National Planning Scenarios on a biennial basis, or more frequently if necessary, and notify the Assistant to the President for Homeland Security and Counterterrorism of any updates.

## **Federal Roles and Responsibilities**

35. After the approval of the IPS, the Secretary shall develop, in coordination with the heads of Federal agencies with a role in homeland security, a strategic guidance statement for each National Planning Scenario developed under section 34. A strategic guidance statement shall be effective upon its approval by the Secretary.
36. No later than 90 days after the approval of each strategic guidance statement, the Secretary shall develop, in coordination with the heads of Federal agencies with a role in homeland security and the Director of the National Counterterrorism Center (consistent with section 119 of the National Security Act of 1947, as amended (50 U.S.C. 404o)), a corresponding strategic plan. A strategic plan shall be effective upon its approval by the Secretary.
37. No later than 180 days after the approval of each strategic plan under section 36, the Secretary, in coordination with the heads of Federal agencies with a role in homeland security and in consultation with appropriate State, local, and tribal governments, shall develop a concept of operations plan (CONPLAN). A CONPLAN shall be effective upon its approval by the Secretary.
38. No later than 120 days after approval of each CONPLAN under section 37, the head of each Federal agency with a role in homeland security shall develop an operations plan (OPLAN) and, at his or her discretion, a tactical plan to execute the roles and responsibilities assigned to that agency in each CONPLAN. The development of an OPLAN (and any tactical plan) may begin before the commensurate strategic plan and CONPLAN are completed.
39. As part of regular budget submissions to the Director of the Office of Management and Budget, each Federal agency with a role in homeland security shall incorporate into its overall mission priorities and guidance constraints the following elements:
  - a. the estimated costs, if any, of its role in Federal strategic, operational, and tactical planning; and
  - b. the estimated costs of executing its responsibilities under any approved OPLAN.
40. The Secretary, in coordination with Federal agencies with a role in homeland security, shall develop a National Homeland Security Plan (Plan) that is an overarching strategic plan to guide national efforts to execute the National Strategy for Homeland Security of 2007. This Plan is intended to facilitate Federal homeland security coordination, establish priorities, and define roles and responsibilities for preventing, protecting against, responding to, and recovering from man-made or natural disasters. The Plan shall be submitted to the President for approval through the Assistant to the President for Homeland Security and Counterterrorism within 120 days of the approval of this Annex.

## **State and Local Planning**

41. Developing a synchronized and coordinated planning capability at all levels of government is of paramount national importance. To that end, the Secretary shall:

- a. expand opportunities for education, training, and professional development for planning communities at all levels, consistent with Executive Order 13434, National Security Professional Development, of May 17, 2007;
- b. identify opportunities within Federal homeland security preparedness programs, to foster effective synchronization of Federal, State, local, and tribal plans; and
- c. expand opportunities in the National Exercise Program to rigorously test and validate plans for a broader spectrum of the national planning community.

### **General Provisions**

- 42. All general provisions of HSPD-8 apply to this Annex.
- 43. This Annex is intended only to require Federal agencies with a role in homeland security to standardize their plans, participate in the broader Federal planning system for the purposes of interagency coordination, and participate in the development of formal plans as needed.

### **Conforming Amendments to HSPD-5**

- 44. HSPD-5 (Management of Domestic Incidents) of February 28, 2003 is amended as follows:
  - a. Striking "prevent, prepare for, respond to, and recover from" in section 3 and inserting "prevent, protect against, respond to, and recover from";
  - b. After "coordinating Federal" in section 4, inserting "preparedness activities and", and striking "prepare for";
  - c. Striking "preventing, preparing for, responding to, and recovering from" in section 7 and inserting "preparedness and activities to prevent, protect against, respond to, and recover from";
  - d. Striking "prevention, preparation, response, and recovery from" in section 10 and inserting "preparedness and activities to prevent, protect against, respond to, and recover from";
  - e. Striking "prepare for," in section 12 and inserting "protect against,";
  - f. Striking "prevention, preparedness, response, and recovery plans" in section 16 and inserting "prevention, protection, response, and recovery plans for use during an impending or actual incident"; and
  - g. Striking "prevention, preparedness," in section 18 and inserting "preparedness and operational prevention, protection,".

### **Conforming Amendments to HSPD-8**

- 45. HSPD-8 (National Preparedness) of December 17, 2003 is amended as follows:
  - a. Striking "prevent and respond to" in section 1 and inserting "prevent, protect against, respond to, and recover from";
  - b. After "prevent," in section 2(h), inserting "protect against,";
  - c. After "prevention" in section 3, inserting "and protection";
  - d. After "prevent" in section 6, inserting "protect against";
  - e. After "prevention" in section 17, inserting "protection"; and
  - f. After "prevent" in section 19, inserting "protect against".

## APPENDIX 2-14: 42 U.S.C. §9605 (NATIONAL CONTINGENCY PLAN)

### § 9605. National contingency plan

*Release date: 2003-07-24*

#### **(a) Revision and republication**

Within one hundred and eighty days after December 11, 1980, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 1321 of title 33, to reflect and effectuate the responsibilities and powers created by this chapter, in addition to those matters specified in section 1321 (c)(2) <sup>[1]</sup> of title 33. Such revision shall include a section of the plan to be known as the national hazardous substance response plan which shall establish procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants, which shall include at a minimum:

- (1)** methods for discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;
- (2)** methods for evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial danger to the public health or the environment;
- (3)** methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this chapter;
- (4)** appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the plan;
- (5)** provision for identification, procurement, maintenance, and storage of response equipment and supplies;
- (6)** a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;
- (7)** means of assuring that remedial action measures are cost-effective over the period of potential exposure to the hazardous substances or contaminated materials;
- (8)**
  - (A)** criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the damage to natural resources which may affect the human food chain and which is associated with any release or threatened release, the contamination or potential contamination of the ambient air which is associated with the release or threatened release, State preparedness to assume State costs and responsibilities, and other appropriate factors;
  - (B)** based upon the criteria set forth in subparagraph (A) of this paragraph, the President shall list as part of the plan national priorities among the known releases or

threatened releases throughout the United States and shall revise the list no less often than annually. Within one year after December 11, 1980, and annually thereafter, each State shall establish and submit for consideration by the President priorities for remedial action among known releases and potential releases in that State based upon the criteria set forth in subparagraph (A) of this paragraph. In assembling or revising the national list, the President shall consider any priorities established by the States. To the extent practicable, the highest priority facilities **shall be designated individually and shall be referred to as the "top priority among known response targets", and, to the extent practicable, shall include among the one hundred highest priority facilities one such facility from each State which shall be the facility designated by the State as presenting the greatest danger to public health or welfare or the environment among the known facilities in such State. A State shall be allowed to designate its highest priority facility only once. Other priority facilities or incidents may be listed singly or grouped for response priority purposes;**

**(9)** specified roles for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor and including consideration of minority firms in accordance with subsection (f) of this section; and

**(10)** standards and testing procedures by which alternative or innovative treatment technologies can be determined to be appropriate for utilization in response actions authorized by this chapter.

The plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing, or remedying releases of hazardous substances comparable to those required under section 1321 (c)(2)(F) and (G) and (j)(1) of title 33. Following publication of the revised national contingency plan, the response to and actions to minimize damage from hazardous substances releases shall, to the greatest extent possible, be in accordance with the provisions of the plan. The President may, from time to time, revise and republish the national contingency plan.

#### **(b) Revision of plan**

Not later than 18 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986 [October 17, 1986], the President shall revise the National Contingency Plan to reflect the requirements of such amendments. The portion of such **Plan known as "the National Hazardous Substance Response Plan"** shall be revised to provide procedures and standards for remedial actions undertaken pursuant to this chapter which are consistent with amendments made by the Superfund Amendments and Reauthorization Act of 1986 relating to the selection of remedial action.

#### **(c) Hazard ranking system**

##### **(1) Revision**

Not later than 18 months after October 17, 1986, and after publication of notice and opportunity for submission of comments in accordance with section 553 of title 5, the President shall by rule promulgate amendments to the hazard ranking system in effect on September 1, 1984. Such amendments shall assure, to the maximum extent feasible, that the hazard ranking system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review. The President shall establish an effective date for the amended hazard ranking system which is not later than 24 months after October 17, 1986. Such amended hazard ranking system shall be applied to any site or facility to be newly listed on the National Priorities List after the effective date established by the President. Until such effective date of the regulations, the hazard ranking system in

effect on September 1, 1984, shall continue in full force and effect.

**(2) Health assessment of water contamination risks**

In carrying out this subsection, the President shall ensure that the human health risks associated with the contamination or potential contamination (either directly or as a result of the runoff of any hazardous substance or pollutant or contaminant from sites or facilities) of surface water are appropriately assessed where such surface water is, or can be, used for recreation or potable water consumption. In making the assessment required pursuant to the preceding sentence, the President shall take into account the potential migration of any hazardous substance or pollutant or contaminant through such surface water to downstream sources of drinking water.

**(3) Reevaluation not required**

The President shall not be required to reevaluate, after October 17, 1986, the hazard ranking of any facility which was evaluated in accordance with the criteria under this section before the effective date of the amendments to the hazard ranking system under this subsection and which was assigned a national priority under the National Contingency Plan.

**(4) New information**

Nothing in paragraph (3) shall preclude the President from taking new information into account in undertaking response actions under this chapter.

**(d) Petition for assessment of release**

Any person who is, or may be, affected by a release or threatened release of a hazardous substance or pollutant or contaminant, may petition the President to conduct a preliminary assessment of the hazards to public health and the environment which are associated with such release or threatened release. If the President has not previously conducted a preliminary assessment of such release, the President shall, within 12 months after the receipt of any such petition, complete such assessment or provide an explanation of why the assessment is not appropriate. If the preliminary assessment indicates that the release or threatened release concerned may pose a threat to human health or the environment, the President shall promptly evaluate such release or threatened release in accordance with the hazard ranking system referred to in paragraph (8)(A) of subsection (a) of this section to determine the national priority of such release or threatened release.

**(e) Releases from earlier sites**

Whenever there has been, after January 1, 1985, a significant release of hazardous substances or pollutants or contaminants from a site which is listed by the President as a "Site Cleaned Up To Date" on the National Priorities List (revised edition, December 1984) the site shall be restored to the National Priorities List, without application of the hazard ranking system.

**(f) Minority contractors**

In awarding contracts under this chapter, the President shall consider the availability of qualified minority firms. The President shall describe, as part of any annual report submitted to the Congress under this chapter, the participation of minority firms in contracts carried out under this chapter. Such report shall contain a brief description of the contracts which have been awarded to minority firms under this chapter and of the efforts made by the President to encourage the participation of such firms in programs carried out under this chapter.

**(g) Special study wastes**

**(1) Application**

This subsection applies to facilities—

**(A)** which as of October 17, 1986, were not included on, or proposed for inclusion on, the National Priorities List; and

**(B)** at which special study wastes described in paragraph (2), (3)(A)(ii) or (3)(A)(iii) of section 6921 (b) of this title are present in significant quantities, including any such facility from which there has been a release of a special study waste.

**(2) Considerations in adding facilities to NPL**

Pending revision of the hazard ranking system under subsection (c) of this section, the President shall consider each of the following factors in adding facilities covered by this section to the National Priorities List:

**(A)** The extent to which hazard ranking system score for the facility is affected by the presence of any special study waste at, or any release from, such facility.

**(B)** Available information as to the quantity, toxicity, and concentration of hazardous substances that are constituents of any special study waste at, or released from such facility, the extent of or potential for release of such hazardous constituents, the exposure or potential exposure to human population and the environment, and the degree of hazard to human health or the environment posed by the release of such hazardous constituents at such facility. This subparagraph refers only to available information on actual concentrations of hazardous substances and not on the total quantity of special study waste at such facility.

**(3) Savings provisions**

Nothing in this subsection shall be construed to limit the authority of the President to remove any facility which as of October 17, 1986, is included on the National Priorities List from such List, or not to list any facility which as of such date is proposed for inclusion on such list.

**(4) Information gathering and analysis**

Nothing in this chapter shall be construed to preclude the expenditure of monies from the Fund for gathering and analysis of information which will enable the President to consider the specific factors required by paragraph (2).

**(h) NPL deferral**

**(1) Deferral to State voluntary cleanups**

At the request of a State and subject to paragraphs (2) and (3), the President generally shall defer final listing of an eligible response site on the National Priorities List if the President determines that—

**(A)** the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site—

**(i)** in compliance with a State program that specifically governs response actions for the protection of public health and the environment; and

**(ii)** that will provide long-term protection of human health and the environment; or

**(B)** the State is actively pursuing an agreement to perform a response action described in subparagraph (A) at the site with a person that the State has reason to believe is capable of conducting a response action that meets the requirements of subparagraph (A).

**(2) Progress toward cleanup**

If, after the last day of the 1-year period beginning on the date on which the President proposes to list an eligible response site on the National Priorities List, the President determines that the State or other party is not making reasonable progress toward completing a response action at the eligible response site, the President may list the eligible response site on the National Priorities List.

**(3) Cleanup agreements**

With respect to an eligible response site under paragraph (1)(B), if, after the last day of the 1-year period beginning on the date on which the President proposes to list the eligible response site on the National Priorities List, an agreement described in paragraph (1)(B) has not been reached, the President may defer the listing of the

eligible response site on the National Priorities List for an additional period of not to exceed 180 days if the President determines deferring the listing would be appropriate based on—

- (A) the complexity of the site;
- (B) substantial progress made in negotiations; and
- (C) other appropriate factors, as determined by the President.

**(4) Exceptions**

The President may decline to defer, or elect to discontinue a deferral of, a listing of an eligible response site on the National Priorities List if the President determines that—

- (A) deferral would not be appropriate because the State, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party;
  - (B) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or
  - (C) the conditions in paragraphs (1) through (3), as applicable, are no longer being met.
- 

[1] See References in Text note below.

Source: <http://www4.law.cornell.edu/uscode/42/9605.html>

**APPENDIX 2-15: 42 U.S.C. §5121, *ET SEQ.*, (THE STAFFORD ACT)**

# Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and Related Authorities

FEMA 592, June 2007





**Robert T. Stafford Disaster Relief and Emergency Assistance Act,  
Public Law 93-288, as amended, 42 U.S.C. 5121-5207,  
and Related Authorities**

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

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*\* This section of the Stafford Act has been amended by either the Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295, 120 Stat.1355 (2006), signed on October 4, 2006, the Pets Evacuation and Transportation Standards Act of 2006, Pub. L. No 109-308, 120 Stat. 1725 (2006), signed on October 6, 2006, or the Security and Accountability for Every Port Act of 2006, Pub. L. No. 109-347, 120 Stat. 1884 (2006), signed on October 13, 2006. The changes are effective for emergencies or major disasters declared on or after October 4, 6, or 13, 2006. For events before those dates, please consult an earlier version of the Stafford Act.*

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## **Title I -- Findings, Declarations and Definitions**

### **Sec. 101. Congressional Findings and Declarations (42 U.S.C. 5121)**

(a) The Congress hereby finds and declares that -

- (1) because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and
- (2) because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity; special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by -

- (1) revising and broadening the scope of existing disaster relief programs;
- (2) encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and by local governments;
- (3) achieving greater coordination and responsiveness of disaster preparedness and relief programs;
- (4) encouraging individuals, States, and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance;
- (5) encouraging hazard mitigation measures to reduce losses from disasters, including development of land use and construction regulations; and
- (6) providing Federal assistance programs for both public and private losses sustained in disasters

**Sec. 102. Definitions (42 U.S.C. 5122)\***

As used in this Act -

- (1) "Emergency" means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.
- (2) "Major disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.
- (3) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
- (4) "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.
- (5) "Governor" means the chief executive of any State.
- (6) "Individual with a Disability"- The term "individual with a disability" means an individual with a disability as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).
- (7) The term "local government" means –
  - (A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;
  - (B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and
  - (C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.
- (8) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government,

including the United States Postal Service, but shall not include the American National Red Cross.

(9) "Public facility" means the following facilities owned by a State or local government:

- (A) Any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility.
- (B) Any non-Federal-aid street, road, or highway.
- (C) Any other public building, structure, or system, including those used for educational, recreational, or cultural purposes.
- (D) Any park.

(10) Private nonprofit facility -

- (A) In General - The term "private nonprofit facility" means private nonprofit educational, utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled) and facilities on Indian reservations, as defined by the President.
- (B) Additional Facilities - In addition to the facilities described in subparagraph (A), the term "private nonprofit facility" includes any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, and facilities that provide health and safety services of a governmental nature), as defined by the President.

## **Title II -- Disaster Preparedness and Mitigation Assistance**

### **Sec. 201. Federal and State Disaster Preparedness Programs (42 U.S.C. 5131)**

(a) Utilization of services of other agencies - The President is authorized to establish a program of disaster preparedness that utilizes services of all appropriate agencies and includes -

- (1) preparation of disaster preparedness plans for mitigation, warning, emergency operations, rehabilitation, and recovery;
- (2) training and exercises;
- (3) postdisaster critiques and evaluations;
- (4) annual review of programs;

(5) coordination of Federal, State, and local preparedness programs;

(6) application of science and technology;

(7) research.

(b) Technical assistance for the development of plans and programs - The President shall provide technical assistance to the States in developing comprehensive plans and practicable programs for preparation against disasters, including hazard reduction, avoidance, and mitigation; for assistance to individuals, businesses, and State and local governments following such disasters; and for recovery of damages or destroyed public and private facilities.

(c) Grants to States for development of plans and programs - Upon application by a State, the President is authorized to make grants, not to exceed in the aggregate to such State \$250,000, for the development of plans, programs, and capabilities for disaster preparedness and prevention. Such grants shall be applied for within one year from May 22, 1974. Any State desiring financial assistance under this section shall designate or create an agency to plan and administer such a disaster preparedness program, and shall, through such agency, submit a State plan to the President, which shall

(1) set forth a comprehensive and detailed State program for preparation against and assistance following, emergencies and major disasters, including provisions for assistance to individuals, businesses, and local governments; and

(2) include provisions for appointment and training of appropriate staffs, formulation of necessary regulations and procedures and conduct of required exercises.

(d) Grants for improvement, maintenance, and updating of State plans - The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining and updating State disaster assistance plans, including evaluations of natural hazards and development of the programs and actions required to mitigate such hazards; except that no such grant shall exceed \$50,000 per annum to any State.

#### **Sec. 202. Disaster Warnings (42 U.S.C. 5132)**

(a) Readiness of Federal agencies to issue warnings to state and local officials - The President shall insure that all appropriate Federal agencies are prepared to issue warnings of disasters to State and local officials.

(b) Technical assistance to State and local governments for effective warnings - The President shall direct appropriate Federal agencies to provide technical assistance

to State and local governments to insure that timely and effective disaster warning is provided.

- (c) Warnings to governmental authorities and public endangered by disaster - The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 5196(c) of this title or any other Federal communications system for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters.
- (d) Agreements with commercial communications systems for use of facilities - The President is authorized to enter into agreements with the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable or nonreimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by disasters.

**Sec. 203. Predisaster Hazard Mitigation (42 U.S.C. 5133)**

- (a) Definition of Small Impoverished Community - In this section, the term “small impoverished community” means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.
- (b) Establishment of Program - The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.
- (c) Approval by President - If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the “Fund”), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).
- (d) State Recommendations -
  - (1) In general -
    - (A) Recommendations -The Governor of each State may recommend to the President not fewer than five local governments to receive assistance under this section.

- (B) Deadline for submission -The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.
- (C) Criteria - In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

(2) Use -

- (A) In general - Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.
- (B) Extraordinary circumstances - In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

- (3) Effect of failure to nominate - If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

(e) Uses of Technical and Financial Assistance -

- (1) In general - Technical and financial assistance provided under this section

- (A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and
- (B) may be used -
  - (i) to support effective public-private natural disaster hazard mitigation partnerships;
  - (ii) to improve the assessment of a community's vulnerability to natural hazards; or
  - (iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community

- (2) Dissemination - A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

(f) Allocation of Funds - The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year -

(1) shall be not less than the lesser of -

(A) \$500,000; or

(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

(3) shall be subject to the criteria specified in subsection (g).

(g) Criteria for Assistance Awards - In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account -

(1) the extent and nature of the hazards to be mitigated;

(2) the degree of commitment by the State or local government to reduce damages from future natural disasters;

(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

(7) if the State or local government has submitted a mitigation plan under section 5165 of this title, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

(8) the opportunity to fund activities that maximize net benefits to society;

(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

(10) such other criteria as the President establishes in consultation with State and local governments.

(h) Federal Share -

- (1) In general - Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.
- (2) Small impoverished communities - Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

(i) National Predisaster Mitigation Fund -

- (1) Establishment - The President may establish in the Treasury of the United States a fund to be known as the "National Predisaster Mitigation Fund", to be used in carrying out this section.
- (2) Transfers to fund - There shall be deposited in the Fund -
  - (A) amounts appropriated to carry out this section, which shall remain available until expended; and
  - (B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.
- (3) Expenditures from fund - Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.
- (4) Investment of amounts -
  - (A) In general - The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.
  - (B) Acquisition of obligations - For the purpose of investments under subparagraph (A), obligations may be acquired -
    - (i) on original issue at the issue price; or
    - (ii) by purchase of outstanding obligations at the market price.
  - (C) Sale of obligations - Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.
  - (D) Credits to fund - The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

- (E) Transfers of amounts -
  - (i) In general - The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.
  - (ii) Adjustments - Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.
- (j) Limitation on Total Amount of Financial Assistance - The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.
- (k) Multihazard Advisory Maps -
  - (1) Definition of multihazard advisory map - In this subsection, the term "multihazard advisory map" means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.
  - (2) Development of maps - In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than five States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).
  - (3) Use of technology - In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.
  - (4) Use of maps -
    - (A) Advisory nature - The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.
    - (B) Availability of maps - The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of -
      - (i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);
      - (ii) supporting the activities described in subsection (e); and
      - (iii) other public uses.

- (l) Report on Federal and State Administration - Not later than Oct. 30, 2000, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.
- (m) Termination of Authority - The authority provided by this section terminates September 30, 2008.

**Sec. 204. Interagency Task Force (42 U.S.C. 5134)**

- (a) In General - The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.
- (b) Chairperson - The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.
- (c) Membership - The membership of the task force shall include representatives of
  - (1) relevant Federal agencies;
  - (2) State and local government organizations (including Indian tribes); and
  - (3) the American Red Cross.

**Title III -- Major Disaster and Emergency Assistance Administration**

**Sec. 301. Waiver of Administrative Conditions (42 U.S.C. 5141)**

Any Federal agency charged with the administration of a Federal assistance program may, if so requested by the applicant State or local authorities, modify or waive, for a major disaster, such administrative conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the major disaster.

**Sec. 302. Coordinating Officers (42 U.S.C. 5143)\***

- (a) Appointment of Federal coordinating officer - Immediately upon his declaration of a major disaster or emergency, the President shall appoint a Federal coordinating officer to operate in the affected area.

- (b) Functions of Federal coordinating officer - In order to effectuate the purposes of this Act, the Federal coordinating officer, within the affected area, shall
  - (1) make an initial appraisal of the types of relief most urgently needed;
  - (2) establish such field offices as he deems necessary and as are authorized by the President;
  - (3) coordinate the administration of relief, including activities of the State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, which agree to operate under his advice or direction, except that nothing contained in this Act shall limit or in any way affect the responsibilities of the American National Red Cross under the Act of January 5, 1905, as amended (33 Stat. 599) and
  - (4) take such other action, consistent with authority delegated to him by the President, and consistent with the provisions of this Act, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.
- (c) State Coordinating officer - When the President determines assistance under this Act is necessary, he shall request that the Governor of the affected State designate a State coordinating officer for the purpose of coordinating State and local disaster assistance efforts with those of the Federal Government.
- (d) Where the area affected by a major disaster or emergency includes parts of more than 1 State, the President, at the discretion of the President, may appoint a single Federal coordinating officer for the entire affected area, and may appoint such deputy Federal coordinating officers to assist the Federal coordinating officer as the President determines appropriate.

**Sec. 303. Emergency Support and Response Teams (42 U.S.C. 5144)\***

- (a) Emergency Support Teams – The President shall form emergency support teams of Federal personnel to be deployed in an area affected by a major disaster or emergency. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to this Act. Upon request of the President, the head of any Federal agency is directed to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the President, such personnel within the administrative jurisdiction of the head of the Federal agency as the President may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

(b) Emergency Response Teams-

- (1) Establishment - In carrying out subsection (a), the President, acting through the Director of the Federal Emergency Management Agency, shall establish-
  - (A) at a minimum 3 national response teams; and
  - (B) sufficient regional response teams, including Regional Office strike teams under section 507 of the Homeland Security Act of 2002; and
  - (C) other response teams as may be necessary to meet the incident management responsibilities of the Federal Government.
- (2) Target Capability Level - The Director shall ensure that specific target capability levels, as defined pursuant to the guidelines established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006, are established for Federal emergency response teams.
- (3) Personnel - The President, acting through the Director, shall ensure that the Federal emergency response teams consist of adequate numbers of properly planned, organized, equipped, trained, and exercised personnel to achieve the established target capability levels. Each emergency response team shall work in coordination with State and local officials and onsite personnel associated with a particular incident.
- (4) Readiness Reporting - The Director shall evaluate team readiness on a regular basis and report team readiness levels in the report required under section 652(a) of the Post-Katrina Emergency Management Reform Act of 2006.

**Sec. 304. Reimbursement of Federal Agencies (42 U.S.C. 5147)**

Federal agencies may be reimbursed for expenditures under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this Act shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

**Sec. 305. Nonliability of Federal Government (42 U.S.C. 5148)**

The Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this Act.

**Sec. 306. Performance of Services (42 U.S.C. 5149)**

- (a) Utilization of services or facilities of State and local governments - In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government.
- (b) Appointment of temporary personnel, experts, and consultants; acquisition, rental, or hire of equipment, services, materials and supplies - In performing any services under this Act, any Federal agency is authorized
  - (1) to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, governing appointments in competitive service;
  - (2) to employ experts and consultants in accordance with the provisions of section 3109 of such title, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and
  - (3) to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communications, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

**Sec. 307. Use of Local Firms and Individuals (42 U.S.C. 5150)\***

- (a) Contracts or Agreements With Private Entities-
  - (1) In General - In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster or emergency.
  - (2) Construction - This section shall not be considered to restrict the use of Department of Defense resources under this Act in the provision of assistance in a major disaster.
  - (3) Specific Geographic Area - In carrying out this section, a contract or agreement may be set aside for award based on a specific geographic area.

(b) Implementation-

- (1) Contracts not to entities in area - Any expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, not awarded to an organization, firm, or individual residing or doing business primarily in the area affected by such major disaster shall be justified in writing in the contract file.
  - (2) Transition - Following the declaration of an emergency or major disaster, an agency performing response, relief, and reconstruction activities shall transition work performed under contracts in effect on the date on which the President declares the emergency or major disaster to organizations, firms, and individuals residing or doing business primarily in any area affected by the major disaster or emergency, unless the head of such agency determines that it is not feasible or practicable to do so.
  - (3) Formation of Requirements – The head of a Federal agency, as feasible and practicable, shall formulate appropriate requirements to facilitate compliance with this section.
- (c) Prior Contracts - Nothing in this section shall be construed to require any Federal agency to breach or renegotiate any contract in effect before the occurrence of a major disaster or emergency.

**Sec. 308. Nondiscrimination in Disaster Assistance (42 U.S.C. 5151)\***

- (a) Regulations for equitable and impartial relief operations - The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.
- (b) Compliance with regulations as prerequisite to participation by other bodies in relief operations - As a condition of participation in the distribution of assistance or supplies under this Act or of receiving assistance under this Act, governmental bodies and other organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the President, and such other regulations applicable to activities within an area affected by a major disaster or emergency as he deems necessary for the effective coordination of relief efforts.

**Sec. 309. Use and Coordination of Relief Organizations (42 U.S.C. 5152)**

- (a) In providing relief and assistance under this Act, the President may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services housing and essential facilities, whenever the President finds that such utilization is necessary.
- (b) The President is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster or emergency. Any such agreement shall include provisions assuring that use of Federal facilities, supplies, and services will be in compliance with regulations prohibiting duplication of benefits and guaranteeing nondiscrimination promulgated by the President under this Act, and such other regulation as the President may require.

**Sec. 310. Priority to Certain Applications for Public Facility and Public Housing Assistance (42 U.S.C. 5153)**

- (a) Priority - In the processing of applications for assistance, priority and immediate consideration shall be given by the head of the appropriate Federal agency, during such period as the President shall prescribe, to applications from public bodies situated in areas affected by major disasters under the following Acts:
  - (1) The United States Housing Act of 1937 for the provision of low-income housing.
  - (2) Section 702 of the Housing Act of 1954 for assistance in public works planning.
  - (3) The Community Development Block Grant Program under title I of the Housing and Community Development Act of 1974.
  - (4) Section 306 of the Consolidated Farm and Rural Development Act.
  - (5) The Public Works and Economic Development Act of 1965.
  - (6) The Appalachian Regional Development Act of 1965.
  - (7) The Federal Water Pollution Control Act.

- (b) Obligation of certain discretionary funds - In the obligation of discretionary funds or funds which are not allocated among the States or political subdivisions of a State, the Secretary of Housing and Urban Development and the Secretary of Commerce shall give priority to applications for projects for major disaster areas.

**Sec. 311. Insurance (42 U.S.C. 5154)**

- (a) Applicants for replacement of damaged facilities
  - (1) Compliance with certain regulations - An applicant for assistance under section 5172 of this title (relating to repair, restoration, and replacement of damaged facilities), section 5189 of this title (relating to simplified procedure) or section 3149(c)(2) of this title shall comply with regulations prescribed by the President to assure that, with respect to any property to be replaced, restored, repaired, or constructed with such assistance, such types and extent of insurance will be obtained and maintained as may be reasonably available, adequate, and necessary, to protect against future loss to such property.
  - (2) Determination - In making a determination with respect to availability, adequacy, and necessity under paragraph (1), the President shall not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State insurance commissioner responsible for regulation of such insurance.
- (b) Maintenance of insurance - No applicant for assistance under section 5172 of this title (relating to repair, restoration, and replacement of damaged facilities), section 5189 of this title (relating to simplified procedure), or section 3149(c)(2) of this title may receive such assistance for any property or part thereof for which the applicant has previously received assistance under this Act unless all insurance required pursuant to this section has been obtained and maintained with respect to such property. The requirements of this subsection may not be waived under section 5141 of this title.
- (c) State acting as self-insurer - A State may elect to act as a self-insurer with respect to any or all of the facilities owned by the State. Such an election, if declared in writing at the time of acceptance of assistance under section 5172 or 5189 of this title or section 3149(c)(2) of this title) or subsequently and accompanied by a plan for self-insurance which is satisfactory to the President, shall be deemed compliance with subsection (a). No such self-insurer may receive assistance under section 5172 or 5189 of this title for any property or part thereof for which it has previously received assistance under this Act, to the extent that insurance for such property or part thereof would have been reasonably available.

**Prohibited Flood Disaster Assistance (42 U.S.C. 5154a)**

(a) General prohibition - Notwithstanding any other provision of law, no Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to a person for repair, replacement, or restoration for damage to any personal, residential, or commercial property if that person at any time has received flood disaster assistance that was conditional on the person first having obtained flood insurance under applicable Federal law and subsequently having failed to obtain and maintain flood insurance as required under applicable Federal law on such property.

(b) Transfer of property -

(1) Duty to notify - In the event of the transfer of any property described in paragraph (3), the transferor shall, not later than the date on which such transfer occurs, notify the transferee in writing of the requirements to -

(A) obtain flood insurance in accordance with applicable Federal law with respect to such property, if the property is not so insured as of the date on which the property is transferred; and

(B) maintain flood insurance in accordance with applicable Federal law with respect to such property. Such written notification shall be contained in documents evidencing the transfer of ownership of the property.

(2) Failure to notify - If a transferor described in paragraph (1) fails to make a notification in accordance with such paragraph and, subsequent to the transfer of the property -

(A) the transferee fails to obtain or maintain flood insurance in accordance with applicable Federal law with respect to the property,

(B) the property is damaged by a flood disaster, and

(C) Federal disaster relief assistance is provided for the repair, replacement, or restoration of the property as a result of such damage, the transferor shall be required to reimburse the Federal Government in an amount equal to the amount of the Federal disaster relief assistance provided with respect to the property.

(3) Property described - For purposes of paragraph (1), a property is described in this paragraph if it is personal, commercial, or residential property for which Federal disaster relief assistance made available in a flood disaster area has been provided, prior to the date on which the property is transferred, for repair, replacement, or restoration of the property, if such assistance was conditioned upon obtaining flood insurance in accordance with applicable Federal law with respect to such property.

(c) [Omitted]

- (d) Definition - For purposes of this section, the term "flood disaster area" means an area with respect to which -
- (1) the Secretary of Agriculture finds, or has found, to have been substantially affected by a natural disaster in the United States pursuant to section 1961(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or
  - (2) the President declares, or has declared, the existence of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as a result of flood conditions existing in or affecting that area.
- (e) Effective date - This section and the amendments made by this section [adding this section and amending 42 U.S.C. 4012a(a)] shall apply to disasters declared after September 23, 1994.

**Sec. 312. Duplication of Benefits (42 U.S.C. 5155)**

- (a) General prohibition - The President, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as a result of a major disaster or emergency, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program or from insurance or any other source.
- (b) Special rules -
- (1) Limitation - This section shall not prohibit the provision of Federal assistance to a person who is or may be entitled to receive benefits for the same purposes from another source if such person has not received such other benefits by the time of application for Federal assistance and if such person agrees to repay all duplicative assistance to the agency providing the Federal assistance.
  - (2) Procedures - The President shall establish such procedures as the President considers necessary to ensure uniformity in preventing duplication of benefits.
  - (3) Effect of partial benefits - Receipt of partial benefits for a major disaster or emergency shall not preclude provision of additional Federal assistance for any part of a loss or need for which benefits have not been provided.
- (c) Recovery of duplicative benefits - A person receiving Federal assistance for a major disaster or emergency shall be liable to the United States to the extent that such assistance duplicates benefits available to the person for the same purpose

- (d) Assistance not income - Federal major disaster and emergency assistance provided to individuals and families under this Act, and comparable disaster assistance provided by States, local governments, and disaster assistance organizations, shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs.

**Sec. 313. Standard of Review (42 U.S.C. 5156)**

The President shall establish comprehensive standards which shall be used to assess the efficiency and effectiveness of Federal major disaster and emergency assistance programs administered under this Act. The President shall conduct annual reviews of the activities of Federal agencies and State and local governments in major disaster and emergency preparedness and in providing major disaster and emergency assistance in order to assure maximum coordination and effectiveness of such programs and consistency in policies for reimbursement of States under this Act.

**Sec. 314. Penalties (42 U.S.C. 5157)**

- (a) Misuse of funds - Any person who knowingly misapplies the proceeds of a loan or other cash benefit obtained under this Act shall be fined an amount equal to one and one-half times the misapplied amount of the proceeds or cash benefit.
- (b) Civil enforcement - Whenever it appears that any person has violated or is about to violate any provision of this Act, including any civil penalty imposed under this Act, the Attorney General may bring a civil action for such relief as may be appropriate. Such action may be brought in an appropriate United States district court.
- (c) Referral to Attorney General - The President shall expeditiously refer to the Attorney General for appropriate action any evidence developed in the performance of functions under this Act that may warrant consideration for criminal prosecution.
- (d) Civil penalty - Any individual who knowingly violates any order or regulation issued under this Act shall be subject to a civil penalty of not more than \$5,000 for each violation.

**Sec. 315. Availability of Materials (42 U.S.C. 5158)**

The President is authorized, at the request of the Governor of an affected State, to provide for a survey of construction materials needed in the area affected by a major disaster on an emergency basis for housing repairs, replacement housing, public facilities repairs and replacement, farming operations, and business enterprises and to take appropriate action to assure the availability and fair distribution of needed materials, including, where possible, the allocation of such materials for a period of not more than one hundred and eighty days after such major disaster. Any allocation program shall be implemented by the President to the extent possible, by working with and through those companies which traditionally supply construction materials in the affected area. For the purposes of this section "construction materials" shall include building materials and materials required for repairing housing, replacement housing, public facilities repairs and replacement, and for normal farm and business operations.

**Sec. 316. Protection of Environment (42 U.S.C. 5159)**

An action which is taken or assistance which is provided pursuant to section 5170a , 5170b, 5172, 5173, or 5192 of this title, including such assistance provided pursuant to the procedures provided for in section 5189 of this title , which has the effect of restoring a facility substantially to its condition prior to the disaster or emergency, shall not be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C. §4321 et seq.]. Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 [42 U.S.C. §4321 et seq.] to other Federal actions taken under this Act or under any other provisions of law.

**Sec. 317. Recovery of Assistance (42 U.S.C. 5160)**

- (a) Party liable - Any person who intentionally causes a condition for which Federal assistance is provided under this Act or under any other Federal law as a result of a declaration of a major disaster or emergency under this Act shall be liable to the United States for the reasonable costs incurred by the United States in responding to such disaster or emergency to the extent that such costs are attributable to the intentional act or omission of such person which caused such condition. Such action for reasonable costs shall be brought in an appropriate United States district court.
- (b) Rendering of care - A person shall not be liable under this section for costs incurred by the United States as a result of actions taken or omitted by such person in the course of rendering care or assistance in response to a major disaster or emergency.

**Sec. 318. Audits and Investigations (42 U.S.C. 5161)**

- (a) In general - Subject to the provisions of chapter 75 of title 31, relating to requirements for single audits, the President shall conduct audits and investigations as necessary to assure compliance with this Act, and in connection therewith may question such persons as may be necessary to carry out such audits and investigations.
- (b) Access to records - For purposes of audits and investigations under this section, the President and Comptroller General may inspect any books, documents, papers, and records of any person relating to any activity undertaken or funded under this Act.
- (c) State and local audits - The President may require audits by State and local governments in connection with assistance under this Act when necessary to assure compliance with this Act or related regulations.

**Sec. 319. Advance of Non-Federal Share (42 U.S.C. 5162)**

- (a) In general - The President may lend or advance to an eligible applicant or a State the portion of assistance for which the State is responsible under the cost-sharing provisions of this Act in any case in which--
  - (1) the State is unable to assume its financial responsibility under such cost-sharing provisions—
    - (A) with respect to concurrent, multiple major disasters in a jurisdiction, or
    - (B) after incurring extraordinary costs as a result of a particular disaster; and
  - (2) the damages caused by such disasters or disaster are so overwhelming and severe that it is not possible for the applicant or the State to assume immediately their financial responsibility under this Act.
- (b) Terms of loans and advances -
  - (1) In general - Any loan or advance under this section shall be repaid to the United States.
  - (2) Interest - Loans and advances under this section shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the loan or advance.

- (c) Regulations - The President shall issue regulations describing the terms and conditions under which any loan or advance authorized by this section may be made.

**Sec. 320. Limitation on Use of Sliding Scale (42 U.S.C. 5163)**

No geographic area shall be precluded from receiving assistance under this Act solely by virtue of an arithmetic formula or sliding scale based on income or population.

**Sec. 321. Rules and Regulations (42 U.S.C. 5164)**

The President may prescribe such rules and regulations as may be necessary and proper to carry out the provisions of this Act, and may exercise, either directly or through such Federal agency as the President may designate, any power or authority conferred to the President by this Act.

**Sec. 322. Mitigation Planning (42 U.S.C. 5165)**

- (a) Requirement of Mitigation Plan - As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.
- (b) Local and Tribal Plans - Each mitigation plan developed by a local or tribal government shall -
  - (1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and
  - (2) establish a strategy to implement those actions.
- (c) State Plans - The State process of development of a mitigation plan under this section shall -
  - (1) identify the natural hazards, risks, and vulnerabilities of areas in the State;
  - (2) support development of local mitigation plans;
  - (3) provide for technical assistance to local and tribal governments for mitigation planning; and
  - (4) identify and prioritize mitigation actions that the State will support, as resources become available.

(d) Funding -

- (1) In general - Federal contributions under section 5170c of this title may be used to fund the development and updating of mitigation plans under this section.
- (2) Maximum federal contribution - With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 5170c of this title not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

(e) Increased Federal Share for Hazard Mitigation Measures -

- (1) In general - If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 5170c(a) of this title.
- (2) Factors for consideration -In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established -
  - (A) eligibility criteria for property acquisition and other types of mitigation measures;
  - (B) requirements for cost effectiveness that are related to the eligibility criteria;
  - (C) a system of priorities that is related to the eligibility criteria; and
  - (D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

**Sec. 323. Standards for Public and Private Structures (42 U.S.C. 5165a)**

(a) In General - As a condition of receipt of a disaster loan or grant under this Act -

- (1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and
- (2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

(b) Evidence of Compliance - A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.

*Note: Section 324 becomes effective when FEMA has promulgated a management cost rate regulation. Until then subsection 406(f) of the Stafford Act is used to establish management cost rates.*

**Sec. 324. Management Costs (42 U.S.C. 5165b)**

- (a) Definition of Management Cost - In this section, the term “management cost” includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.
- (b) Establishment of Management Cost Rates - Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.
- (c) Review - The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

**Sec. 325. Public Notice, Comment, and Consultation Requirements (42 U.S.C. 5165c)**

- (a) Public Notice and Comment Concerning New or Modified Policies -
  - (1) In general - The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that -
    - (A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and
    - (B) could result in a significant reduction of assistance under the program.
  - (2) Application - Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.
- (b) Consultation Concerning Interim Policies -
  - (1) In general - Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely -

- (A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or
- (B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

(2) No legal right of action - Nothing in this subsection confers a legal right of action on any party.

(c) Public Access - The President shall promote public access to policies governing the implementation of the public assistance program.

**Sec. 326. Designation of Small State and Rural Advocate (42 U.S.C. 5165d)\***

(a) In General - The President shall designate in the Federal Emergency Management Agency a Small State and Rural Advocate.

(b) Responsibilities - The Small State and Rural Advocate shall be an advocate for the fair treatment of small States and rural communities in the provision of assistance under this Act.

(c) Duties - The Small State and Rural Advocate shall

- (1) participate in the disaster declaration process under section 401 and the emergency declaration process under section 501, to ensure that the needs of rural communities are being addressed;
- (2) assist small population States in the preparation of requests for major disasters or emergency declarations; and
- (3) conduct such other activities as the Director of the Federal Emergency Management Agency considers appropriate.

## **Title IV -- Major Disaster Assistance Programs**

### **Sec. 401. Procedure for Declaration (42 U.S.C. 5170)**

All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As part of such request, and as a prerequisite to major disaster assistance under this Act, the Governor shall take appropriate response action under State law and direct execution of the State's emergency plan. The Governor shall furnish information on the nature and amount of State and local resources which have been or will be committed to alleviating the results of the disaster, and shall certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will comply with all applicable cost-sharing requirements of this Act. Based on the request of a Governor under this section, the President may declare under this Act that a major disaster or emergency exists.

### **Sec. 402. General Federal Assistance (42 U.S.C. 5170a)\***

In any major disaster, the President may -

- (1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance response and recovery efforts, including precautionary evacuations;
- (2) coordinate all disaster relief assistance (including voluntary assistance) provided by Federal agencies, private organizations, and State and local governments, including precautionary evacuations and recovery;
- (3) provide technical and advisory assistance to affected State and local governments for -
  - (A) the performance of essential community services;
  - (B) issuance of warnings of risks and hazards;
  - (C) public health and safety information, including dissemination of such information;
  - (D) provision of health and safety measures;
  - (E) management, control, and reduction of immediate threats to public health and safety; and
  - (F) recovery activities, including disaster impact assessments and planning;

- (4) assist State and local governments in the distribution of medicine, food, and other consumable supplies, and emergency assistance; and
- (5) provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request and in which case the President
  - (A) shall, to the fullest extent practicable, promptly notify and coordinate with officials in a State in which such assistance or support is provided; and
  - (B) shall not, in notifying and coordinating with a State under subparagraph (A), delay or impede the rapid deployment, use, and distribution of critical resources to victims of a major disaster.

**Sec. 403. Essential Assistance (42 U.S.C. 5170b)\***

- (a) In general - Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster, as follows:
  - (1) Federal resources, generally - Utilizing, lending, or donating to State and local governments Federal equipment, supplies, facilities, personnel, and other resources, other than the extension of credit, for use or distribution by such governments in accordance with the purposes of this Act.
  - (2) Medicine, durable medical equipment, food, and other consumables - Distributing or rendering through State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations medicine, durable medical equipment, food, and other consumable supplies, and other services and assistance to disaster victims.
  - (3) Work and services to save lives and protect property - Performing on public or private lands or waters any work or services essential to saving lives and protecting and preserving property or public health and safety, including -
    - (A) debris removal;
    - (B) search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicine, durable medical equipment, and other essential needs, including movement of supplies or persons;
    - (C) clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services;
    - (D) provision of temporary facilities for schools and other essential community services;
    - (E) demolition of unsafe structures which endanger the public;
    - (F) warning of further risks and hazards;

- (G) dissemination of public information and assistance regarding health and safety measures;
- (H) provision of technical advice to State and local governments on disaster management and control;
- (I) reduction of immediate threats to life, property, and public health and safety; and
- (J) provision of rescue, care, shelter, and essential needs -
  - (i) to individuals with household pets and service animals; and
  - (ii) to such pets and animals.

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

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

(c) Utilization of DOD resources -

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

(2) Rules applicable to debris removal - Any removal of debris and wreckage carried out under this subsection shall be subject to section 5173(b) of this title, relating to unconditional authorization and indemnification for debris removal.

(3) Expenditures out of disaster relief funds - The cost of any assistance provided pursuant to this subsection shall be reimbursed out of funds made available to carry out this Act.

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

(5) Guidelines - Not later than 180 days after the date of the enactment of the Disaster Relief and Emergency Assistance Amendments of 1988 [enacted Nov. 23, 1988], the President shall issue guidelines for carrying out this subsection. Such guidelines shall consider any likely effect assistance under

this subsection will have on the availability of other forms of assistance under this Act.

(6) Definitions - For purposes of this section

- (A) Department of Defense - The term "Department of Defense" has the meaning the term "department" has under section 101 of title 10.
- (B) Emergency work - The term "emergency work" includes clearance and removal of debris and wreckage and temporary restoration of essential public facilities and services.

**Sec. 404. Hazard Mitigation (42 U.S.C. 5170c)\***

(a) In General - The President may contribute up to 75 percent of the cost of hazard mitigation measures which the President has determined are cost-effective and which substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster. Such measures shall be identified following the evaluation of natural hazards under section 5165 of this title and shall be subject to approval by the President. Subject to section 5165 of this title, the total of contributions under this section for a major disaster shall not exceed 15 percent for amounts not more than \$2,000,000,000, 10 percent for amounts of more than \$2,000,000,000 and not more than \$10,000,000,000, and 7.5 percent on amounts of more than \$10,000,000,000 and not more than \$35,333,000,000 of the estimated aggregate amount of grants to be made (less any associated administrative costs) under this Act with respect to the major disaster.

(b) Property acquisition and relocation assistance -

(1) General authority - In providing hazard mitigation assistance under this section in connection with flooding, the Director of the Federal Emergency Management Agency may provide property acquisition and relocation assistance for projects that meet the requirements of paragraph (2).

(2) Terms and conditions - An acquisition or relocation project shall be eligible to receive assistance pursuant to paragraph (1) only if -

- (A) the applicant for the assistance is otherwise eligible to receive assistance under the hazard mitigation grant program established under subsection (a); and
- (B) on or after December 3, 1993, the applicant for the assistance enters into an agreement with the Director that provides assurances that -
  - (i) any property acquired, accepted, or from which a structure will be removed pursuant to the project will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices;

- (ii) no new structure will be erected on property acquired, accepted or from which a structure was removed under the acquisition or relocation program other than--
  - (I) a public facility that is open on all sides and functionally related to a designated open space;
  - (II) a rest room; or
  - (III) a structure that the Director approves in writing before the commencement of the construction of the structure; and
- (iii) after receipt of the assistance, with respect to any property acquired, accepted or from which a structure was removed under the acquisition or relocation program--
  - (I) no subsequent application for additional disaster assistance for any purpose will be made by the recipient to any Federal entity; and
  - (II) no assistance referred to in subclause (I) will be provided to the applicant by any Federal source.

(3) Statutory construction - Nothing in this subsection is intended to alter or otherwise affect an agreement for an acquisition or relocation project carried out pursuant to this section that was in effect on the day before December 3, 1993.

(c) Program Administration by States -

- (1) In general - A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.
- (2) Criteria - The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum -
  - (A) the demonstrated ability of the State to manage the grant program under this section;
  - (B) there being in effect an approved mitigation plan under section 5165 of this title; and
  - (C) a demonstrated commitment to mitigation activities.
- (3) Approval - The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).
- (4) Withdrawal of approval - If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this

section in a manner satisfactory to the President, the President shall withdraw the approval.

(5) Audits - The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.

**Sec. 405. Federal Facilities (42 U.S.C. 5171)**

- (a) Repair, reconstruction, restoration or replacement of United States facilities - The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes, or the obtaining of congressional committee approval.
- (b) Availability of funds appropriated to agency for repair, reconstruction, restoration, or replacement of agency facilities - In order to carry out the provisions of this section, such repair, reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated to that agency for another purpose.
- (c) Steps for mitigation of hazards - In implementing this section, Federal agencies shall evaluate the natural hazards to which these facilities are exposed and shall take appropriate action to mitigate such hazards, including safe land-use and construction practices, in accordance with standards prescribed by the President.

**Sec. 406. Repair, Restoration, and Replacement of Damaged Facilities (42 U.S.C. 5172)\***

(a) Contributions -

(1) In general -The President may make contributions -

- (A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and
- (B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

(2) Associated expenses - For the purposes of this section, associated expenses shall include -

- (A) the costs of mobilizing and employing the National Guard for performance of eligible work;
- (B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and
- (C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

(3) Conditions for assistance to private nonprofit facilities -

- (A) In general - The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if -
  - (i) the facility provides critical services (as defined by the President) in the event of a major disaster; or
  - (ii) the owner or operator of the facility -
    - (I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and
    - (II)(aa) has been determined to be ineligible for such a loan; or
    - (bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.
- (B) Definition of critical services - In this paragraph, the term "critical services" includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, education, and emergency medical care.

(4) Notification to Congress - Before making any contribution under this section in an amount greater than \$20,000,000, the President shall notify

- (A) the Committee on Environment and Public Works of the Senate;
- (B) the Committee on Transportation and Infrastructure of the House of Representatives;
- (C) the Committee on Appropriations of the Senate; and
- (D) the Committee on Appropriations of the House of Representatives.

(b) Federal Share -

(1) Minimum federal share - Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

*Note: Paragraph (2) takes effect after FEMA has promulgated an implementing regulation.*

(2) Reduced federal share - The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster -

(A) that has been damaged, on more than one occasion within the preceding 10-year period, by the same type of event; and

(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.

(c) Large In-Lieu Contributions -

(1) For public facilities -

(A) In general - In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

(B) Use of funds - Funds contributed to a State or local government under this paragraph may be used -

(i) to repair, restore, or expand other selected public facilities;

(ii) to construct new facilities; or

(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

(C) Limitations - Funds made available to a State or local government under this paragraph may not be used for -

(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

(2) For private nonprofit facilities -

- (A) In general - In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.
- (B) Use of funds - Funds contributed to a person under this paragraph may be used -
  - (i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;
  - (ii) to construct new private nonprofit facilities to be owned or operated by the person; or
  - (iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person's services and functions in the area affected by the major disaster.
- (C) Limitations - Funds made available to a person under this paragraph may not be used for--
  - (i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or
  - (ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

(d) Flood insurance -

- (1) Reduction of Federal assistance - If a public facility or private nonprofit facility located in a special flood hazard area identified for more than 1 year by the Director pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is damaged or destroyed, after the 180th day following November 23, 1988, by flooding in a major disaster and such facility is not covered on the date of such flooding by flood insurance, the Federal assistance which would otherwise be available under this section with respect to repair, restoration, reconstruction, and replacement of such facility and associated expenses shall be reduced in accordance with paragraph (2).

- (2) Amount of reduction - The amount of a reduction in Federal assistance under this section with respect to a facility shall be the lesser of -
- (A) the value of such facility on the date of the flood damage or destruction, or
  - (B) the maximum amount of insurance proceeds which would have been payable with respect to such facility if such facility had been covered by flood insurance under the National Flood Insurance Act of 1968 on such date.
- (3) Exception - Paragraphs (1) and (2) shall not apply to a private nonprofit facility which is not covered by flood insurance solely because of the local government's failure to participate in the flood insurance program established by the National Flood Insurance Act.
- (4) Dissemination of information - The President shall disseminate information regarding the reduction in Federal assistance provided for by this subsection to State and local governments and the owners and operators of private nonprofit facilities who may be affected by such a reduction.

*Note: The following version of subsection (e) remains in effect until the cost estimation procedures established under paragraph (3) of the revised version of subsection 406(e) – see next subsection – take effect.*

(e) Net Eligible Cost –

- (1) General Rule – For purposes of this section, the cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility on the basis of the design of such facility as it existed immediately prior to the major disaster and in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) shall, at a minimum, be treated as the net eligible cost of such repair, restoration, reconstruction, or replacement.
- (2) Special Rule – In any case in which the facility being repaired, restored, reconstructed, or replaced, under this section was under construction on the dated of the major disaster, the cost of repairing, restoring, reconstruction, or replacing such facility shall include, for purposes of this section, only those costs which, under the contract for such construction, are the owner's responsibility and not the contractor's responsibility.

*Note: The following version of subsection 406(e)(1) and (2) becomes effective when the procedures established by paragraph (3) of this subsection take effect. Subsection 406(e)(4) is currently in effect.*

( e ) Eligible Cost -

(1) Determination -

- (A) In general - For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility--
  - (i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and
  - (ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.
- (B) Cost estimation procedures -
  - (i) In general - Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.
  - (ii) Applicability - The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 5189 of this title.

(2) Modification of eligible cost -

- (A) Actual cost greater than ceiling percentage of estimated cost - In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).
- (B) Actual cost less than estimated cost -
  - (i) Greater than or equal to floor percentage of estimated cost - In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds

to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

- (ii) Less than floor percentage of estimated cost - In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.
- (C) No effect on appeals process - Nothing in this paragraph affects any right of appeal under section 5189a of this title.

(3) Expert panel -

- (A) Establishment - Not later than 18 months after October 30, 2000, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.
- (B) Duties - The expert panel shall develop recommendations concerning
  - (i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and
  - (ii) the ceiling and floor percentages referred to in paragraph (2).
- (C) Regulations - Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish
  - (i) cost estimation procedures described in subparagraph (B)(i); and
  - (ii) the ceiling and floor percentages referred to in paragraph (2).
- (D) Review by President - Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.
- (E) Report to Congress - Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

- (4) Special rule - In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only

*Note: The following Subsection 406(f) will be repealed when the regulation to implement section 324 has been promulgated.*

- (f) Associated Expenses – For purposes of this section, associated expenses include the following –
- (1) Necessary costs – Necessary costs of requesting, obtaining, and administering Federal assistance based on a percentage of assistance provided as follows:
    - (A) For an applicant whose net eligible costs equal \$100,000, 3 percent of such net eligible costs.
    - (B) For an applicant whose net eligible cost equal \$100,000 or more but less than \$1,000,000, \$3,000 plus 2 percent of such net eligible costs in excess of \$100,000.
    - (C) For an applicant whose net eligible costs equal \$1,000,000 or more but less than \$5,000,000, \$21,000 plus 1 percent of such net eligible costs in excess of \$1,000,000.
    - (D) For an applicant whose net eligible costs equal \$5,000,000 or more, \$61,000 plus 1/2 percent of such eligible costs in excess of \$5,000,000.
  - (2) Extraordinary Costs – Extraordinary costs incurred by a State for preparation of damage survey reports, final inspection reports, project applications, final audits, and related field inspections by State employees, including overtime pay and per diem and travel expense of such employees, but not including pay for regular time of such employees, based on the total amount of assistance provided under section 403, 404, 406, 407, 502, and 503 in such State in connection with the major disaster as follows.
    - (A) If such total amount is less than \$100,000, 3 percent of such total amount.
    - (B) If such total amount is \$100,000 or more but less than \$1,000,000, \$3,000 plus 2 percent of such total amount in excess of \$100,000.
    - (C) If such total amount is \$1,000,000 or more but less than \$5,000,000, \$21,000 plus 1 percent of such total amount in excess of \$1,000,000.
    - (D) If such total amount is \$5,000,000 or more, \$61,000 plus 1/2 per cent of such total amount in excess of \$5,000,000.
  - (3) Costs of National Guard – The costs of mobilizing and employing the National Guard for performance of eligible work.

- (4) Costs of Prison Labor – The costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging.
- (5) Other Labor Costs – Base and overtime wages for an applicant’s employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the disaster.

**Sec. 407. Debris Removal (42 U.S.C. 5173)\***

- (a) Presidential Authority - The President, whenever he determines it to be in the public interest, is authorized -
  - (1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters; and
  - (2) to make grants to any State or local government or owner or operator of a private non-profit facility for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.
- (b) Authorization by State or local government; indemnification agreement - No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal.
- (c) Rules relating to large lots - The President shall issue rules which provide for recognition of differences existing among urban, suburban, and rural lands in implementation of this section so as to facilitate adequate removal of debris and wreckage from large lots.
- (d) Federal share - The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of debris and wreckage removal carried out under this section.
- (e) Expedited Payments -
  - (1) Grant Assistance – In making a grant under subsection (a)(2), the President shall provide not less than 50 percent of the President’s initial estimate of the Federal share of assistance as an initial payment in accordance with paragraph (2).
  - (2) Date of Payment – Not later than 60 days after the date of the estimate described in paragraph (1) and not later than 90 days after the date on which

the State or local government or owner or operator of a private nonprofit facility applies for assistance under this section, an initial payment described in paragraph (1) shall be paid.

**Sec. 408. Federal Assistance to Individuals and Households (42 U.S.C. 5174)\***

(a) In General -

- (1) Provision of assistance - In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.
- (2) Relationship to other assistance - Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

(b) Housing Assistance -

- (1) Eligibility - The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable, or with respect to individuals with disabilities, rendered inaccessible or uninhabitable, as a result of damage caused by a major disaster.
- (2) Determination of appropriate types of assistance -
  - (A) In general - The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.
  - (B) Multiple types of assistance - One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

(c) Types of Housing Assistance -

(1) Temporary housing -

(A) Financial assistance -

(i) In general - The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings. Such assistance may include the payment of the cost of utilities, excluding telephone service.

(ii) Amount - The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, security deposits, or unit installation not provided directly by the President.

(B) Direct assistance -

(i) In general - The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

(ii) Period of assistance - The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

(iii) Collection of rental charges - After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

(2) Repairs -

(A) In general - The President may provide financial assistance for -

(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

(B) Relationship to other assistance - A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

(3) Replacement -

- (A) In general - The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.
- (B) Applicability of flood insurance requirement - With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

(4) Permanent or semi-permanent housing construction - The President may provide financial assistance or direct assistance to individuals or households to construct permanent or semi-permanent housing in insular areas outside the continental United States and in other locations in cases in which

- (A) no alternative housing resources are available; and
- (B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

(d) Terms and Conditions Relating to Housing Assistance -

(1) Sites -

- (A) In general - Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that -
  - (i) is complete with utilities;
  - (ii) meets the physical accessibility requirements for individuals with disabilities; and
  - (iii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.
- (B) Sites provided by the President - A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

(2) Disposal of units -

- (A) Sale to occupants -
  - (i) In general - Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.
  - (ii) Sale price - A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

- (iii) Deposit of proceeds - Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.
  - (iv) Hazard and flood insurance - A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.
  - (v) Use of GSA services - The President may use the services of the General Services Administration to accomplish a sale under clause (i).
- (B) Other methods of disposal - If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims -
- (i) may be sold to any person; or
  - (ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees -
    - (a) to comply with the nondiscrimination provisions of section 5151 of this title; and
    - (b) to obtain and maintain hazard and flood insurance on the housing unit.

(e) Financial Assistance To Address Other Needs -

- (1) Medical, dental, and funeral expenses - The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.
- (2) Personal property, transportation, and other expenses - The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

(f) State Role -

(1) Financial assistance to address other needs -

- (A) Grant to state - Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).
- (B) Administrative costs - A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

(2) Access to records - In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

(g) Cost Sharing -

(1) Federal share - Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

(2) Financial assistance to address other needs - In the case of financial assistance provided under subsection (e) -

- (A) the Federal share shall be 75 percent; and
- (B) the non-Federal share shall be paid from funds made available by the State.

(h) Maximum Amount of Assistance -

(1) In general - No individual or household shall receive financial assistance greater than \$25,000 under this section with respect to a single major disaster.

(2) Adjustment of limit - The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

(i) Verification Measures - In carrying out this section, the President shall develop a system, including an electronic database, that shall allow the President, or the designee of the President, to

- (1) verify the identity and address of recipients of assistance under this section to provide reasonable assurance that payments are made only to an individual or household that is eligible for such assistance;
- (2) minimize the risk of making duplicative payments or payments for fraudulent claims under this section;
- (3) collect any duplicative payment on a claim under this section, or reduce the amount of subsequent payments to offset the amount of any such duplicate payment;
- (4) provide instructions to recipients of assistance under this section regarding the proper use of any such assistance, regardless of how such assistance is distributed; and
- (5) conduct an expedited and simplified review and appeal process for an individual or household whose application for assistance under this section is denied.

(j) Rules and Regulations - The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.

**Sec. 410. Unemployment Assistance (42 U.S.C. 5177)**

(a) Benefit assistance - The President is authorized to provide to any individual unemployed as a result of a major disaster such benefit assistance as he deems appropriate while such individual is unemployed for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of the Internal Revenue Code of 1986) or a waiting period credit. Such assistance as the President shall provide shall be available to an individual as long as the individual's unemployment caused by the major disaster continues or until the individual is reemployed in a suitable position, but no longer than 26 weeks after the major disaster is declared. Such assistance for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred. The President is directed to provide such assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies.

(b) Reemployment assistance

- (1) State assistance - A State shall provide, without reimbursement from any funds provided under this Act, reemployment assistance services under any other law administered by the State to individuals receiving benefits under this section.

- (2) Federal assistance - The President may provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster and who reside in a State which does not provide such services.

**Sec. 412. Food Coupons and Distribution (42 U.S.C. 5179)**

- (a) Persons eligible; terms and conditions - Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture or other appropriate agencies coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964 (P.L. 91-671; 84 Stat. 2048), 7 U.S.C. 2011 *et seq.*, and to make surplus commodities available pursuant to the provisions of this Act.
- (b) Duration of assistance; factors considered - The President, through the Secretary of Agriculture or other appropriate agencies, is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households, to which assistance is made available under this section.
- (c) Food Stamp Act provisions unaffected - Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964, 7 U.S.C. 2011 *et seq.*, except as they relate to the availability of food stamps in an area affected by a major disaster.

**Sec. 413. Food Commodities (42 U.S.C. 5180)**

- (a) Emergency mass feeding - The President is authorized and directed to assure that adequate stocks of food will be ready and conveniently available for emergency mass feeding or distribution in any area of the United States which suffers a major disaster or emergency.
- (b) Funds for purchase of food commodities - The Secretary of Agriculture shall utilize funds appropriated under section 612c of title 7, to purchase food commodities necessary to provide adequate supplies for use in any area of the United States in the event of a major disaster or emergency in such area.

**Sec. 414. Relocation Assistance (42 U.S.C. 5181)**

Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, 42 U.S.C. 4601 *et seq.*, shall be denied such

eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by such Act.

**Sec. 415. Legal Services (42 U.S.C. 5182)**

Whenever the President determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this Act, the President shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

**Sec. 416. Crisis Counseling Assistance and Training (42 U.S.C. 5183)**

The President is authorized to provide professional counseling services, including financial assistance to State or local agencies or private mental health organizations to provide such services or training of disaster workers, to victims of major disasters in order to relieve mental health problems caused or aggravated by such major disaster or its aftermath.

**Sec. 417. Community Disaster Loans (42 U.S.C. 5184)\***

- (a) In General - The President is authorized to make loans to any local government which may suffer a substantial loss of tax and other revenues as a result of a major disaster, and has demonstrated a need for financial assistance in order to perform its governmental functions.
- (b) Amount - The amount of any such loan shall be based on need, shall not exceed
  - (1) 25 percent of the annual operating budget of that local government for the fiscal year in which the major disaster occurs, and shall not exceed \$5,000,000; or
  - (2) if the loss of tax and other revenues of the local government as a result of the major disaster is at least 75 percent of the annual operating budget of that local government for the fiscal year in which the major disaster occurs, 50 percent of the annual operating budget of that local government for the fiscal year in which the major disaster occurs, and shall not exceed \$5,000,000.
- (c) Repayment -
  - (1) Cancellation - Repayment of all or any part of such loan to the extent that revenues of the local government during the three full fiscal year period following the major disaster are insufficient to meet the operating budget of the local government, including additional disaster-related expenses of a municipal operation character shall be cancelled.

(2) Condition on continuing eligibility - A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.

(d) Effect on Other Assistance - Any loans made under this section shall not reduce or otherwise affect any grants or other assistance under this Act.

**Sec. 418. Emergency Communications (42 U.S.C. 5185)**

The President is authorized during, or in anticipation of an emergency or major disaster to establish temporary communications systems and to make such communications available to State and local government officials and other persons as he deems appropriate.

**Sec. 419. Emergency Public Transportation (42 U.S.C. 5186)**

The President is authorized to provide temporary public transportation service in an area affected by a major disaster to meet emergency needs and to provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

**Sec. 420. Fire Management Assistance (42 U.S.C. 5187)**

(a) In General - The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government 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.

(b) Coordination with State and Tribal Departments of Forestry - In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

(c) Essential Assistance - In providing assistance under this section, the President may use the authority provided under section 5170b of this title.

(d) Rules and Regulations - The President shall prescribe such rules and regulations as are necessary to carry out this section.

**Sec. 421. Timber Sale Contracts (42 U.S.C. 5188)**

(a) Cost-sharing arrangement - Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major

physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than \$ 1,000 for sales under one million board feet, (2) of more than \$1 per thousand board feet for sales of one to three million board feet, or (3) of more than \$3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

- (b) Cancellation of authority - If the appropriate Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, he may allow cancellation of a contract entered into by his Department notwithstanding contrary provisions therein.
- (c) Public notice of sale - The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by section 476 of title 16, in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.
- (d) State grants for removal of damaged timber; reimbursement of expenses limited to salvage value of removed timber - The President, when he determines it to be in the public interest, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

#### **Sec. 422. Simplified Procedures (42 U.S.C. 5189)**

If the Federal estimate of the cost of -

- (1) repairing, restoring, reconstructing, or replacing under section 5172 of this title any damaged or destroyed public facility or private nonprofit facility,
- (2) emergency assistance under section 5170b or 5192 of this title, or
- (3) debris removed under section 5173 of this title, is less than \$35,000, the President (on application of the State or local government or the owner or operator of the private nonprofit facility) may make the contribution to such State or local government or owner or operator under section 5170b, 5172, 5173, or 5192 of this title, as the case may be, on the basis of such Federal estimate. Such \$35,000 amount shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

**Sec. 423. Appeals of Assistance Decisions (42 U.S.C. 5189a)**

- (a) Right of appeal - Any decision regarding eligibility for, from, or amount of assistance under this title may be appealed within 60 days after the date on which the applicant for such assistance is notified of the award or denial of award of such assistance.
- (b) Period for decision - A decision regarding an appeal under subsection (a) shall be rendered within 90 days after the date on which the Federal official designated to administer such appeals receives notice of such appeal.
- (c) Rules - The President shall issue rules which provide for the fair and impartial consideration of appeals under this section.

**Sec. 424. Date of Eligibility; Expenses Incurred Before Date of Disaster (42 U.S.C. 5189b)**

Eligibility for Federal assistance under this title shall begin on the date of the occurrence of the event which results in a declaration by the President that a major disaster exists; except that reasonable expenses which are incurred in anticipation of and immediately preceding such event may be eligible for Federal assistance under this Act.

**Sec. 425. Transportation Assistance to Individuals and Households (42 U.S.C. 5189c)\***

The President may provide transportation assistance to relocate individuals displaced from their predisaster primary residences as a result of an incident declared under this Act or otherwise transported from their predisaster primary residences under section 403(a)(3) or 502, to and from alternative locations for short or long-term accommodation or to return an individual or household to their predisaster primary residence or alternative location, as determined necessary by the President.

**Sec. 426. Case Management Services (42 U.S.C. 5189d)\***

The President may provide case management services, including financial assistance, to State or local government agencies or qualified private organizations to provide such services, to victims of major disasters to identify and address unmet needs.

**Sec. 427. Essential Service Providers (42 U.S.C. 5189e)\***

- (a) Definition - In this section, the term ‘essential service provider’ means an entity that
  - (1) provides -
    - (A) telecommunications service;

- (B) electrical power;
- (C) natural gas;
- (D) water and sewer services; or
- (E) any other essential service, as determined by the President;

(2) is -

- (A) a municipal entity;
- (B) a nonprofit entity; or
- (C) a private, for profit entity; and

(3) is contributing to efforts to respond to an emergency or major disaster.

(b) Authorization for accessibility - Unless exceptional circumstances apply, in an emergency or major disaster, the head of a Federal agency, to the greatest extent practicable, shall not -

(1) deny or impede access to the disaster site to an essential service provider whose access is necessary to restore and repair an essential service; or

(2) impede the restoration or repair of the services described in subsection (a)(1).

(c) Implementation - In implementing this section, the head of a Federal agency shall follow all applicable Federal laws, regulation, and policies.

## **Title V -- Emergency Assistance Programs**

### **Sec. 501. Procedure for Declaration (42 U.S.C. 5191)**

- (a) Request and declaration - All requests for a declaration by the President that an emergency exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As a part of such request, and as a prerequisite to emergency assistance under this Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. The Governor shall furnish information describing the State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. Based upon such Governor's request, the President may declare that an emergency exists.
- (b) Certain emergencies involving Federal primary responsibility - The President may exercise any authority vested in him by section 502 or section 503 with respect to an emergency when he determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency

involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority. In determining whether or not such an emergency exists, the President shall consult the Governor of any affected State, if practicable. The President's determination may be made without regard to subsection (a).

**Sec. 502. Federal emergency assistance (42 U.S.C. 5192)\***

(a) Specified - In any emergency, the President may -

- (1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical and advisory services) in support of State and local emergency assistance efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe, including precautionary evacuations;
- (2) coordinate all disaster relief assistance (including voluntary assistance) provided by Federal agencies, private organizations, and State and local governments;
- (3) provide technical and advisory assistance to affected State and local governments for -
  - (A) the performance of essential community services;
  - (B) issuance of warnings of risks or hazards;
  - (C) public health and safety information, including dissemination of such information;
  - (D) provision of health and safety measures; and
  - (E) management, control, and reduction of immediate threats to public health and safety;
- (4) provide emergency assistance through Federal agencies;
- (5) remove debris in accordance with the terms and conditions of section 407;
- (6) provide assistance in accordance with section 408;
- (7) assist State and local governments in the distribution of medicine, food, and other consumable supplies, and emergency assistance; and
- (8) provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request and in which case the President -

- (A) shall, to the fullest extent practicable, promptly notify and coordinate with a State in which such assistance or support is provided; and
- (B) shall not, in notifying and coordinating with a State under subparagraph (A), delay or impede the rapid deployment, use, and distribution of critical resources to victims of an emergency.

(b) General - Whenever the Federal assistance provided under subsection (a) with respect to an emergency is inadequate, the President may also provide assistance with respect to efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe, including precautionary evacuations.

(c) Guidelines - The President shall promulgate and maintain guidelines to assist Governors in requesting the declaration of an emergency in advance of a natural or man-made disaster (including for the purpose of seeking assistance with special needs and other evacuation efforts) under this section by defining the types of assistance available to affected States and the circumstances under which such requests are likely to be approved.

**Sec. 503. Amount of Assistance (42 U.S.C. 5193)**

(a) Federal share - The Federal share for assistance provided under this title shall be equal to not less than 75 percent of the eligible costs.

(b) Limit on amount of assistance—

(1) In general - Except as provided in paragraph (2), total assistance provided under this title for a single emergency shall not exceed \$5,000,000.

(2) Additional assistance - The limitation described in paragraph (1) may be exceeded when the President determines that -

- (A) continued emergency assistance is immediately required;
- (B) there is a continuing and immediate risk to lives, property, public health or safety; and
- (C) necessary assistance will not otherwise be provided on a timely basis.

(3) Report - Whenever the limitation described in paragraph (1) is exceeded, the President shall report to the Congress on the nature and extent of emergency assistance requirements and shall propose additional legislation if necessary.

## **Title VI -- Emergency Preparedness**

### **Sec. 601. Declaration of policy (42 U.S.C. 5195)**

The purpose of this title is to provide a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government and the States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the States and their political subdivisions for emergency preparedness purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance, and shall provide necessary assistance, as authorized in this title so that a comprehensive emergency preparedness system exists for all hazards.

### **Sec. 602. Definitions (42 U.S.C. 5195a)**

(a) Definitions - For purposes of this title only:

- (1) Hazard - The term "hazard" means an emergency or disaster resulting from
  - (A) a natural disaster; or
  - (B) an accidental or man-caused event.
- (2) Natural disaster - The term "natural disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.
- (3) Emergency preparedness - The term "emergency preparedness" means all those activities and measures designed or undertaken to prepare for or minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term includes the following:
  - (A) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters,

- shelter areas, and control centers, and, when appropriate, the non-military evacuation of the civilian population).
- (B) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).
  - (C) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).
- (4) Organizational equipment - The term “organizational equipment” means equipment determined by the Director to be necessary to an emergency preparedness organization, as distinguished from personal equipment, and of such a type or nature as to require it to be financed in whole or in part by the Federal Government. Such term does not include those items which the local community normally uses in combating local disasters, except when required in unusual quantities dictated by the requirements of the emergency preparedness plans.
  - (5) Materials - The term “materials” includes raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for emergency preparedness.
  - (6) Facilities - The term “facilities”, except as otherwise provided in this title, includes buildings, shelters, utilities, and land.
  - (7) Director - The term “Director” means the Director of the Federal Emergency Management Agency.
  - (8) Neighboring countries - The term “neighboring countries” includes Canada and Mexico.
  - (9) United States and States - The terms “United States “ and “States” includes the several States, the District of Columbia , and territories and possessions of the United States .
  - (10) State - The term “State” includes interstate emergency preparedness authorities established under section 5196(h) of this title.
- (b) Cross Reference - The terms “national defense” and “defense,” as used in the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), includes [include] emergency preparedness activities conducted pursuant to this title.

**Sec. 603. Administration of Title (42 U.S.C. 5195b)**

This title shall be carried out by the Director of the Federal Emergency Management Agency.

**SUBTITLE A – POWERS AND DUTIES**

**Sec. 611. Detailed Functions or Administration (42 U.S.C. 5196)\***

- (a) In General - In order to carry out the policy described in section 5195 of this title, the Director shall have the authorities provided in this section.
- (b) Federal Emergency Response Plans and Programs - The Director may prepare Federal response plans and programs for the emergency preparedness of the United States and sponsor and direct such plans and programs. To prepare such plans and programs and coordinate such plans and programs with State efforts, the Director may request such reports on State plans and operations for emergency preparedness as may be necessary to keep the President, Congress, and the States advised of the status of emergency preparedness in the United States.
- (c) Delegation of emergency preparedness responsibilities - With the approval of the President, the Director may delegate to other departments and agencies of the Federal Government appropriate emergency preparedness responsibilities and review and coordinate the emergency preparedness activities of the departments and agencies with each other and with the activities of the States and neighboring countries.
- (d) Communications and warnings - The Director may make appropriate provision for necessary emergency preparedness communications and for dissemination of warnings to the civilian population of a hazard.
- (e) Emergency preparedness measures - The Director may study and develop emergency preparedness measures designed to afford adequate protection of life and property, including -
  - (1) research and studies as to the best methods of treating the effects of hazards;
  - (2) developing shelter designs and materials for protective covering or construction;
  - (3) developing equipment or facilities and effecting the standardization thereof to meet emergency preparedness requirements; and
  - (4) plans that take into account the needs of individuals with pets and service animals prior to, during, and following a major disaster or emergency.

(f) Training programs -

(1) The Director may -

- (A) conduct or arrange, by contract or otherwise, for training programs for the instruction of emergency preparedness officials and other persons in the organization, operation, and techniques of emergency preparedness;
- (B) conduct or operate schools or including the payment of travel expenses, in accordance with subchapter 1 of chapter 57 of title 5, and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the Director; and
- (C) provide instructors and training aids as necessary.

(2) The terms prescribed by the Director for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed one-half of the total cost of such expenses.

(3) The Director may lease real property required for the purpose of carrying out this subsection, but may not acquire fee title to property unless specifically authorized by law.

(g) Public dissemination of emergency preparedness information - The Director may publicly disseminate appropriate emergency preparedness information by all appropriate means.

(h) Emergency preparedness compacts -

(1) The Director shall establish a program supporting the development of emergency preparedness compacts for acts of terrorism, disasters, and emergencies throughout the Nation, by -

- (A) identifying and cataloging existing emergency preparedness compacts for acts of terrorism, disasters, and emergencies at the State and local levels of government;
- (B) disseminating to State and local governments examples of best practices in the development of emergency preparedness compacts and models of existing emergency preparedness compacts, including agreements involving interstate jurisdictions; and
- (C) completing an inventory of Federal response capabilities for acts of terrorism, disasters, and emergencies, making such inventory available to appropriate Federal, State, and local government officials, and ensuring that such inventory is as current and accurate as practicable.

(2) The Director may -

- (A) assist and encourage the States to negotiate and enter into interstate emergency preparedness compacts;
- (B) review the terms and conditions of such proposed compacts in order to assist, to the extent feasible, in obtaining uniformity between such compacts and consistency with Federal emergency response plans and programs;
- (C) assist and coordinate the activities under such compacts; and
- (D) aid and assist in encouraging reciprocal emergency preparedness legislation by the States which will permit the furnishing of mutual aid for emergency preparedness purposes in the event of a hazard which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or experiencing a hazard.

(3) A copy of each interstate emergency preparedness compact shall be transmitted promptly to the Senate and the House of Representatives. The consent of Congress is deemed to be granted to each such compact upon the expiration of the 60-day period beginning on the date on which the compact is transmitted to Congress.

(4) Nothing in this subsection shall be construed as preventing Congress from disapproving, or withdrawing at any time its consent to, any interstate emergency preparedness compact.

(i) Materials and facilities -

- (1) The Director may procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency preparedness, with the right to take immediate possession thereof.
- (2) Facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this title before the approval of title by the Attorney General as required by section 255 of title 40 .
- (3) The Director may lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by law.
- (4) The Director may procure and maintain under this subsection radiological, chemical, bacteriological, and biological agent monitoring and decontamination devices and distribute such devices by loan or grant to the States for emergency preparedness purposes, under such terms and conditions as the Director shall prescribe.

(j) Financial contributions -

- (1) The Director may make financial contributions, on the basis of programs or projects approved by the Director, to the States for emergency preparedness purposes, including the procurement, construction, leasing, or renovating of materials and facilities. Such contributions shall be made on such terms or conditions as the Director shall prescribe, including the method of purchase, the quantity, quality, or specifications of the materials or facilities, and such other factors or care or treatment to assure the uniformity, availability, and good condition of such materials or facilities.
- (2) The Director may make financial contributions, on the basis of programs or projects approved by the Director, to the States and local authorities for animal emergency preparedness purposes, including the procurement, construction, leasing, or renovating of emergency shelter facilities and materials that will accommodate people with pets and service animals.
- (3) No contribution may be made under this subsection for the procurement of land or for the purchase of personal equipment for State or local emergency preparedness workers.
- (4) The amounts authorized to be contributed by the Director to each State for organizational equipment shall be equally matched by such State from any source it determines is consistent with its laws.
- (5) Financial contributions to the States for shelters and other protective facilities shall be determined by taking the amount of funds appropriated or available to the Director for such facilities in each fiscal year and apportioning such funds among the States in the ratio which the urban population of the critical target areas (as determined by the Director) in each State, at the time of the determination, bears to the total urban population of the critical target areas of all of the States.
- (6) The amounts authorized to be contributed by the Director to each State for such shelters and protective facilities shall be equally matched by such State from any source it determines is consistent with its laws and, if not matched within a reasonable time, the Director may reallocate such amounts to other States under the formula described in paragraph (4). The value of any land contributed by any State or political subdivision thereof shall be excluded from the computation of the State share under this subsection.
- (7) The amounts paid to any State under this subsection shall be expended solely in carrying out the purposes set forth herein and in accordance with State emergency preparedness programs or projects approved by the Director. The Director shall make no contribution toward the cost of any program or project for the procurement, construction, or leasing of any

facility which (A) is intended for use, in whole or in part, for any purpose other than emergency preparedness, and (B) is of such kind that upon completion it will, in the judgment of the Director, be capable of producing sufficient revenue to provide reasonable assurance of the retirement or repayment of such cost; except that (subject to the preceding provisions of this subsection) the Director may make a contribution to any State toward that portion of the cost of the construction, reconstruction, or enlargement of any facility which the Director determines to be directly attributable to the incorporation in such facility of any feature of construction or design not necessary for the principal intended purpose thereof but which is, in the judgment of the Director necessary for the use of such facility for emergency preparedness purposes.

(8) The Director shall submit to Congress a report, at least annually, regarding all contributions made pursuant to this subsection.

(9) All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Director under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act, 40 U.S.C. 276a - 276a-5), and every such employee shall receive compensation at a rate not less than one and 1/2 times the basic rate of pay of the employee for all hours worked in any workweek in excess of eight hours in any workday or 40 hours in the workweek, as the case may be. The Director shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 276c of title 40.

(k) Sale or disposal of certain materials and facilities - The Director may arrange for the sale or disposal of materials and facilities found by the Director to be unnecessary or unsuitable for emergency preparedness purposes in the same manner as provided for excess property under the Federal Property and Administrative Services Act of 1949 ( 40 U.S.C. 471 et seq.). Any funds received as proceeds from the sale or other disposition of such materials and facilities shall be deposited into the Treasury as miscellaneous receipts.

**Sec. 612. Mutual Aid Pacts Between States and Neighboring Countries (42 U.S.C. 5196a)**

The Director shall give all practicable assistance to States in arranging, through the Department of State, mutual emergency preparedness aid between the States and neighboring countries.

**Sec. 613. Contributions for Personnel and Administrative Expenses (42 U.S.C. 5196b)\***

- (a) General authority - To further assist in carrying out the purposes of this title, the Director may make financial contributions to the States (including interstate emergency preparedness authorities established pursuant to section 5196(h) of this title) for necessary and essential State and local emergency preparedness personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the Federal emergency response plans for emergency preparedness) for the emergency preparedness of the States. The financial contributions to the States under this section may not exceed one-half of the total cost of such necessary and essential State and local emergency preparedness personnel and administrative expenses.
- (b) Plan requirements - A plan submitted under this section shall -
  - (1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them and be administered or supervised by a single State agency;
  - (2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;
  - (3) provide for the development of State and local emergency preparedness operational plans, including a catastrophic incident annex, pursuant to standards approved by the Director;
  - (4) provide for the employment of a full-time emergency preparedness director, or deputy director, by the State;
  - (5) provide that the State shall make such reports in such form and content as the Director may require;
  - (6) make available to duly authorized representatives of the Director and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section; and
  - (7) include a plan for providing information to the public in a coordinated manner.

(c) Catastrophic Incident Annex -

(1) Consistency - A catastrophic incident annex submitted under subsection (b)(3) shall be -

- (A) modeled after the catastrophic incident annex of the National Response Plan; and
- (B) consistent with the national preparedness goal established under section 643 of the Post-Katrina Emergency Management Reform Act of 2006, the National Incident Management System, the National Response Plan, and other related plans and strategies.

(2) Consultation - In developing a catastrophic incident annex submitted under subsection (b)(3), a State shall consult with and seek appropriate comments from local governments, emergency response providers, locally governed multijurisdictional councils of government, and regional planning commissions.

(d) Terms and conditions - The Director shall establish such other terms and conditions as the Director considers necessary and proper to carry out this section.

(e) Application of other provisions - In carrying out this section, the provisions of sections 5196(h) and 5197(h) of this title shall apply.

(f) Allocation of funds - For each fiscal year concerned, the Director shall allocate to each State, in accordance with regulations and the total sum appropriated under this title, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States under this subsection shall give due regard to (1) the criticality of the areas which may be affected by hazards with respect to the development of the total emergency preparedness readiness of the United States, (2) the relative state of development of emergency preparedness readiness of the State, (3) population, and (4) such other factors as the Director shall prescribe. The Director may reallocate the excess of any allocation not used by a State in a plan submitted under this section. Amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth in this section.

(g) Standards for State and Local Emergency Preparedness Operational Plans - In approving standards for State and local emergency preparedness operational plans pursuant to subsection (b)(3), the Director shall ensure that such plans take into account the needs of individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

(h) Submission of plan - If a State fails to submit a plan for approval as required by this section within 60 days after the Director notifies the States of the allocations under this section, the Director may reallocate such funds, or portions thereof, among the other States in such amounts as, in the judgment of the Director, will

best assure the adequate development of the emergency preparedness capability of the United States.

- (i) Annual reports - The Director shall report annually to the Congress all contributions made pursuant to this section.

**Sec. 614. Requirement for State Matching Funds for Construction of Emergency Operating Centers (42 U.S.C. 5196c)**

Notwithstanding any other provision of this title, funds appropriated to carry out this title may not be used for the purpose of constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this title for such purpose.

**Sec. 615. Use of Funds to Prepare for and Respond to Hazards (42 U.S.C. 5196d)**

Funds made available to the States under this title may be used by the States for the purposes of preparing for hazards and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of emergency preparedness personnel, materials, and facilities supported in whole or in part through contributions under this title for emergency preparedness activities and measures related to hazards.

**Sec. 616. Disaster Related Information Services (42 U.S.C. 5196f)\***

- (a) In General - Consistent with section 308(a), the Director of the Federal Emergency Management Agency shall -
  - (1) identify, in coordination with State and local governments, population groups with limited English proficiency and take into account such groups in planning for an emergency or major disaster;
  - (2) ensure that information made available to individuals affected by a major disaster or emergency is made available in formats that can be understood by -
    - (A) population groups identified under paragraph (1); and
    - (B) individuals with disabilities or other special needs; and
  - (3) develop and maintain an informational clearinghouse of model language assistance programs and best practices for State and local governments in providing services related to a major disaster or emergency.
- (b) Group Size - For purposes of subsection (a), the Director of the Federal Emergency Management Agency shall define the size of a population group.

## **SUBTITLE B – GENERAL PROVISIONS**

### **Sec. 621. Administrative Authority (42 U.S.C. 5197)**

- (a) In General - For the purpose of carrying out the powers and duties assigned to the Director under this title, the Director may exercise the administrative authorities provided under this section.
- (b) Advisory personnel - The Director may employ not more than 100 part-time or temporary advisory personnel (including not to exceed 25 subjects of the United Kingdom or citizens of Canada) as the Director considers to be necessary in carrying out the provisions of this title.
  - (1) Persons holding other offices or positions under the United States for which they receive compensation, while serving as advisory personnel, shall receive no additional compensation for such service. Other part-time or temporary advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed \$180 for each day of service, plus authorized subsistence and travel, as determined by the Director.
- (c) Services of other agency personnel and volunteers - The Director may -
  - (1) use the services of Federal agencies and, with the consent of any State or local government, accept and use the services of State and local agencies;
  - (2) establish and use such regional and other offices as may be necessary; and
  - (3) use such voluntary and uncompensated services by individuals or organizations as may from time to time be needed.
- (d) Gifts - Notwithstanding any other provision of law, the Director may accept gifts of supplies, equipment, and facilities and may use or distribute such gifts for emergency preparedness purposes in accordance with the provisions of this title.
- (e) Reimbursement - The Director may reimburse any Federal agency for any of its expenditures or for compensation of its personnel and use or consumption of its materials and facilities under this title to the extent funds are available.
- (f) Printing - The Director may purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies as the Director considers necessary upon orders placed by the Public Printer or upon waivers issued in accordance with section 504 of title 44.
- (g) Rules and regulations - The Director may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this title and perform any of the powers and duties provided by this title. The Director may perform any of the powers and duties provided by this title through or with the aid

of such officials of the Federal Emergency Management Agency as the Director may designate.

(h) Failure to expend contributions correctly - When, after reasonable notice and opportunity for hearing to the State or other person involved, the Director finds that there is a failure to expend funds in accordance with the regulations, terms, and conditions established under this subchapter for approved emergency preparedness plans, programs, or projects, the Director may notify such State or person that further payments will not be made to the State or person from appropriations under this subchapter (or from funds otherwise available for the purposes of this subchapter for any approved plan, program, or project with respect to which there is such failure to comply) until the Director is satisfied that there will no longer be any such failure.

(1) When, after reasonable notice and opportunity for hearing to the State or other person involved, the Director finds that there is a failure to expend funds in accordance with the regulations, terms, and conditions established under this title for approved emergency preparedness plans, programs, or projects, the Director may notify such State or person that further payments will not be made to the State or person from appropriations under this title (or from funds otherwise available for the purposes of this title for any approved plan, program, or project with respect to which there is such failure to comply) until the Director is satisfied that there will no longer be any such failure.

(2) Until so satisfied, the Director shall either withhold the payment of any financial contribution to such State or person or limit payments to those programs or projects with respect to which there is substantial compliance with the regulations, terms, and conditions governing plans, programs, or projects hereunder.

(3) As used in this subsection, the term "person" means the political subdivision of any State or combination or group thereof or any person, corporation, association, or other entity of any nature whatsoever, including instrumentalities of States and political subdivisions.

#### **Sec. 622. Security Regulations (42 U.S.C. 5197a)**

(a) Establishment - The Director shall establish such security requirements and safeguards, including restrictions with respect to access to information and property as the Director considers necessary.

(b) Limitation on Employee access to information - No employee of the Federal Emergency Management Agency shall be permitted to have access to information or property with respect to which access restrictions have been established under this section, until it shall have been determined that no information is contained in the files of the Federal Bureau of Investigation or any other investigative agency of

the Government indicating that such employee is of questionable loyalty or reliability for security purposes, or if any such information is so disclosed, until the Federal Bureau of Investigation shall have conducted a full field investigation concerning such person and a report thereon shall have been evaluated in writing by the Director.

(c) National Security Positions - No employee of the Federal Emergency Management Agency shall occupy any position determined by the Director to be of critical importance from the standpoint of national security until a full field investigation concerning such employee shall have been conducted by the Director of the Office of Personnel Management and a report thereon shall have been evaluated in writing by the Director of the Federal Emergency Management Agency. In the event such full field investigation by the Director of the Office of Personnel Management develops any data reflecting that such applicant for a position of critical importance is of questionable loyalty or reliability for security purposes, or if the Director of the Federal Emergency Management Agency for any other reason considers it to be advisable, such investigation shall be discontinued and a report thereon shall be referred to the Director of the Federal Emergency Management Agency for evaluation in writing. Thereafter, the Director of the Federal Emergency Management Agency may refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation by such Bureau. The result of such latter investigation by such Bureau shall be furnished to the Director of the Federal Emergency Management Agency for action.

(d) Employee Oaths - Each Federal employee of the Federal Emergency Management Agency acting under the authority of this title, except the subjects of the United Kingdom and citizens of Canada specified in section 5197(b) of this title, shall execute the loyalty oath or appointment affidavits prescribed by the Director of the Office of Personnel Management. Each person other than a Federal employee who is appointed to serve in a State or local organization for emergency preparedness shall before entering upon duties, take an oath in writing before a person authorized to administer oaths, which oath shall be substantially as follows:

(e) "I \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am a member of \_\_\_\_\_ (name of emergency preparedness organization), I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence."

**Sec. 623. Use of Existing Facilities (42 U.S.C. 5197b)**

In performing duties under this title, the Director -

- (1) shall cooperate with the various departments and agencies of the Federal Government;
- (2) shall use, to the maximum extent, the existing facilities and resources of the Federal Government and, with their consent, the facilities and resources of the States and political subdivisions thereof, and of other organizations and agencies; and
- (3) shall refrain from engaging in any form of activity which would duplicate or parallel activity of any other Federal department or agency unless the Director, with the written approval of the President, shall determine that such duplication is necessary to accomplish the purposes of this title.

**Sec. 624. Annual Report to Congress (42 U.S.C. 5197c)**

The Director shall annually submit a written report to the President and Congress covering expenditures, contributions, work, and accomplishments of the Federal Emergency Management Agency pursuant to this title, accompanied by such recommendations as the Director considers appropriate.

**Sec. 625. Applicability of Subchapter (42 U.S.C. 5197d)**

The provisions of this title shall be applicable to the United States, its States, Territories and possessions, and the District of Columbia, and their political subdivisions.

**Sec. 626. Authorization of Appropriation and Transfers of Funds (42 U.S.C. 5197e)**

- (a) Authorization of appropriations - There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.
- (b) Transfer Authority - Funds made available for the purposes of this title may be allocated or transferred for any of the purposes of this title, with the approval of the Director of the Office of Management and Budget, to any agency or government corporation designated to assist in carrying out this title. Each such allocation or

**Sec. 627. Relation to Atomic Energy Act of 1954 (42 U.S.C. 5197f)**

Nothing in this title shall be construed to alter or modify the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

**Sec. 628. Federal Bureau of Investigation (42 U.S.C. 5197g)**

Nothing in this title shall be construed to authorize investigations of espionage, sabotage, or subversive acts by any persons other than personnel of the Federal Bureau of Investigation.

**Title VII -- Miscellaneous**

**Sec. 701. Rules and Regulations (42 U.S.C. 5201)**

(a) Rules and regulations

(1) The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency or agencies as he may designate.

(2) Deadline for payment of assistance - Rules and regulations authorized by paragraph (1) shall provide that payment of any assistance under this Act to a State shall be completed within 60 days after the date of approval of such assistance.

(b) In furtherance of the purposes of this Act, the President or his delegate may accept and use bequests, gifts, or donations of service, money, or property, real, personal, or mixed, tangible, or intangible. All sums received under this subsection shall be deposited in a separate fund on the books of the Treasury and shall be available for expenditure upon the certification of the President or his delegate. At the request of the President or his delegate, the Secretary of the Treasury may invest and reinvest excess monies in the fund. Such investments shall be in public debt securities with maturities suitable for the needs of the fund and shall bear interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The interest on such investments shall be credited to, and form a part of, the fund.

**Sec. 705. Disaster Grant Closeout Procedures (42 U.S.C. 5205)**

(a) Statute of Limitations -

- (1) In general - Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.
- (2) Fraud exception - The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

(b) Rebuttal of Presumption of Record Maintenance -

- (1) In general - In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.
- (2) Affirmative evidence - The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.
- (3) Inability to produce documentation - The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).
- (4) Right of access - The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

(c) Binding Nature of Grant Requirements - A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if -

- (1) the payment was authorized by an approved agreement specifying the costs;
- (2) the costs were reasonable; and
- (3) the purpose of the grant was accomplished.

**Sec. 706. Firearms Policies (42 U.S.C. 5207)\***

- (a) Prohibition on Confiscation of Firearms - No officer or employee of the United States (including any member of the uniformed services), or person operating pursuant to or under color of Federal law, or receiving Federal funds, or under control of any Federal official, or providing services to such an officer,

- (1) temporarily or permanently seize, or authorize seizure of, any firearm the possession of which is not prohibited under Federal, State, or local law, other than for forfeiture in compliance with Federal law or as evidence in a criminal investigation;
  - (2) require registration of any firearm for which registration is not required by Federal, State, or local law;
  - (3) prohibit possession of any firearm, or promulgate any rule, regulation, or order prohibiting possession of any firearm, in any place or by any person where such possession is not otherwise prohibited by Federal, State, or local law; or
  - (4) prohibit the carrying of firearms under Federal, State, or local law, solely because such person is operating under the direction, control, or supervision of a Federal agency in support of relief from the major disaster or emergency.
- (b) Limitation - Nothing in this section shall be construed to prohibit any person in subsection (a) from requiring the temporary surrender of a firearm as a condition for entry into any mode of transportation used for rescue or evacuation during a major disaster or emergency, provided that such temporarily surrendered firearm is returned at the completion of such rescue or evacuation.
- (c) Private Rights of Action -
- (1) In General - Any individual aggrieved by a violation of this section may seek relief in an action at law, suit in equity, or other proper proceeding for redress against any person who subjects such individual, or causes such individual to be subjected, to the deprivation of any of the rights, privileges, or immunities secured by this section.
  - (2) Remedies - In addition to any existing remedy in law or equity, under any law, an individual aggrieved by the seizure or confiscation of a firearm in violation of this section may bring an action for return of such firearm in the United States district court in the district in which that individual resides or in which such firearm may be found.
  - (3) Attorney Fees - In any action or proceeding to enforce this section, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

## **MISCELLANEOUS STATUTORY PROVISIONS THAT RELATE TO THE STAFFORD ACT**

### **Excess Disaster Assistance Payments as Budgetary Emergency Requirements (42 U.S.C. 5203)**

Hereafter, beginning in fiscal year 1993, and in each year thereafter, notwithstanding any other provision of law, all amounts appropriated for disaster assistance payments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that are in excess of either the historical annual average obligation of \$320,000,000, or the amount submitted in the President's initial budget request, whichever is lower, shall be considered as "emergency requirements" pursuant to section 901(b)(2)(D) of title 2, and such amounts shall hereafter be so designated.

### **Insular Areas Disaster Survival and Recovery; Definitions (42 U.S.C. 5204)**

As used in sections 5204 to 5204c of this title -

(1) the term "insular area" means any of the following: American Samoa, the Federated States of Micronesia, Guam, the Marshall Islands, the Northern Mariana Islands, and the Virgin Islands;

(2) the term "disaster" means a declaration of a major disaster by the President after September 1, 1989, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(3) the term "Secretary" means the Secretary of the Interior.

*Note: See the note preceding 48 U.S.C. § 1681 terminating the Trust Territory of the Pacific Islands which effectively removes the Federated States of Micronesia and the Marshall Islands from the definition of "insular area".*

### **Authorization of Appropriations for Insular Areas (Disaster Recovery) (42 U.S.C. 5204a)**

There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to -

(1) reconstruct essential public facilities damaged by disasters in the insular areas that occurred prior to February 24, 1992; and

(2) enhance the survivability of essential public facilities in the event of disasters in the insular areas, except that with respect to the disaster declared by the President in the case of Hurricane Hugo, September 1989, amounts for any fiscal year shall not exceed 25 percent of the estimated aggregate amount of grants to be made under sections 5170b and 5172 of this title for such disaster. Such sums shall remain available until expended.

**Technical Assistance for Insular Areas (Disaster Recovery) (42 U.S.C. 5204b)**

(a) Upon the declaration by the President of a disaster in an insular area, the President, acting through the Director of the Federal Emergency Management Agency, shall assess, in cooperation with the Secretary and chief executive of such insular area, the capability of the insular government to respond to the disaster, including the capability to assess damage; coordinate activities with Federal agencies, particularly the Federal Emergency Management Agency; develop recovery plans, including recommendations for enhancing the survivability of essential infrastructure; negotiate and manage reconstruction contracts; and prevent the misuse of funds. If the President finds that the insular government lacks any of these or other capabilities essential to the recovery effort, then the President shall provide technical assistance to the insular area which the President deems necessary for the recovery effort.

(b) One year following the declaration by the President of a disaster in an insular area, the Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall submit to the Senate Committee on Energy and Natural Resources and the House Committee on Natural Resources a report on the status of the recovery effort, including an audit of Federal funds expended in the recovery effort and recommendations on how to improve public health and safety, survivability of infrastructure, recovery efforts, and effective use of funds in the event of future disasters.

*Note: The following provision is superseded by Section 404 of the Stafford Act.*

**Hazard Mitigation for Insular Areas (Limitation on Amount of Contributions, Local Match) (42 U.S.C. 5204c)**

The total of contributions under the last sentence of section 5170c of this title for the insular areas shall not exceed 10 percent of the estimated aggregate amounts of grants to be made under sections 5170c, 5172, 5173, 5174 and 5178 of this title for any disaster: Provided, That the President shall require a 50 percent local match for assistance in excess of 10 percent of the estimated aggregate amount of grants to be made under section 5172 of this title for any disaster.

**Buy American (Requirements) (42 U.S.C. 5206)**

(a) Compliance With Buy American Act - No funds authorized to be appropriated under this Act [Disaster Mitigation Act of 2000, Pub. L. No.106-390] or any amendment made by this Act [Disaster Mitigation Act of 2000, Pub. L. No.106-390] may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) Debarment of Persons Convicted of Fraudulent Use of "Made in America" Labels -

(1) In general - If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) Definition of debar - In this subsection, the term "debar" has the meaning given the term in section 2393(c) of title 10, United States Code.

**U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Pub. L. No. 110-28, 121 Stat. 112 (2007), Signed on May 25, 2007.**

**Sec. 4501.**

(a) IN GENERAL – Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including any direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Wilma, Dennis, and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY –

- (1) IN GENERAL – The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.
- (2) LIMITATION – In the case of disaster assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share provided by subsection (a) shall be limited to assistance provided for projects for which a “request for public assistance form” has been submitted.

**Sec. 4502.**

(a) COMMUNITY DISASTER LOAN ACT –

- (1) IN GENERAL – Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109-88) is amended by striking “*Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:”.
- (2) EFFECTIVE DATE – The amendment made by paragraph (1) shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109-88).

(b) EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT –

- (1) IN GENERAL – Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234) is amended under Federal Emergency Management Agency, “Disaster Assistance Direct Loan Program Account” by striking “*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:”.
- (2) EFFECTIVE DATE – The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

**Sec. 4503.**

(a) IN GENERAL – Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234) is amended by striking “12 months” and inserting “24 months”.

*Note: Section 2401 is set forth below.*

(b) EFFECTIVE DATE – The amendment made by this section shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

**Department of Homeland Security Appropriations Act, 2007, Pub. L. No. 109-295, 120 Stat. 1355 (2006), Signed on October 4, 2006.**  
*[Includes Post-Katrina Emergency Management Reform Act (PKEMRA)]*

**Sec. 508.**

None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the Office of Grants and Training shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award of formula-based grants; law enforcement terrorism prevention grants; or high-threat, high-density urban areas grants.

**Sec. 536.**

The Department of Homeland Security shall, in approving standards for State and local emergency preparedness operational plans under section 613(b)(3) of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5196b(b)(3)), account for the needs of individuals with household pets and service animals before, during, and following a major disaster or emergency: *Provided*, That Federal agencies may provide assistance as described in section 403(a) of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5170b(a)) to carry out plans described in the previous proviso.

## TITLE VI – NATIONAL EMERGENCY MANAGEMENT

### **Sec. 601. Short Title (6 U.S.C. 701 note)**

This title may be cited as the ‘Post-Katrina Emergency Management Reform Act of 2006’.

### **Sec. 612. (6 U.S.C. 313 note and 6 U.S.C. 311 note)**

(c) References- Any reference to the Director of the Federal Emergency Management Agency, in any law, rule, regulation, certificate, directive, instruction, or other official paper shall be considered to refer and apply to the Administrator of the Federal Emergency Management Agency.

(f) Interim Actions-

- (1) IN GENERAL- During the period beginning on the date of enactment of this Act and ending on March 31, 2007, the Secretary, the Under Secretary for Preparedness, and the Director of the Federal Emergency Management Agency shall take such actions as are necessary to provide for the orderly implementation of any amendment under this subtitle that takes effect on March 31, 2007.
- (2) REFERENCES- Any reference to the Administrator of the Federal Emergency Management Agency in this title or an amendment by this title shall be considered to refer and apply to the Director of the Federal Emergency Management Agency until March 31, 2007.

### **Sec. 640a. Disclosure of Certain Information to Law Enforcement Agencies (6 U.S.C. 727)**

In the event of circumstances requiring an evacuation, sheltering, or mass relocation, the Administrator may disclose information in any individual assistance database of the Agency in accordance with section 552a(b) of title 5, United States Code (commonly referred to as the “Privacy Act”), to any law enforcement agency of the Federal Government or a State, local, or tribal government in order to identify illegal conduct or address public safety or security issues, including compliance with sex offender notification laws.

### **Sec. 653. Federal Preparedness (6 U.S.C. 753)**

(c) Mission Assignments – To expedite the provision of assistance under the National Response Plan, the President shall ensure that the Administrator, in coordination with Federal agencies with responsibilities under the National Response Plan, develops prescribed mission assignments, including logistics, communications, mass care, health services, and public safety.

## Subtitle E – Stafford Act Amendments

### Sec. 682. National Disaster Recovery Strategy (6 U.S.C. 771)

(a) In General – The Administrator, in coordination with the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the Secretary of Transportation, the Administrator of the Small Business Administration, the Assistant Secretary for Indian Affairs of the Department of the Interior, and the heads of other appropriate Federal agencies, State, local, and tribal government officials (including through the National Advisory Council), and representatives of appropriate nongovernmental organizations shall develop, coordinate, and maintain a National Disaster Recovery Strategy to serve as a guide to recovery efforts after major disasters and emergencies.

(b) Contents – The National Disaster Recovery Strategy shall –

- (1) outline the most efficient and cost-effective Federal programs that will meet the recovery needs of States, local and tribal governments, and individuals and households affected by a major disaster;
- (2) clearly define the role, programs, authorities, and responsibilities of each Federal agency that may be of assistance in providing assistance in the recovery from a major disaster;
- (3) promote the use of the most appropriate and cost-effective building materials (based on the hazards present in an area) in any area affected by a major disaster, with the goal of encouraging the construction of disaster-resistant buildings; and
- (4) describe in detail the programs that may be offered by the agencies described in paragraph (2), including –
  - (A) discussing funding issues;
  - (B) detailing how responsibilities under the National Disaster Recovery Strategy will be shared; and
  - (C) addressing other matters concerning the cooperative effort to provide recovery assistance.

(c) Report –

- (1) IN GENERAL – Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing in detail the National Disaster Recovery Strategy and any additional authorities necessary to implement any portion of the National Disaster Recovery Strategy.
- (2) UPDATE – The Administrator shall submit to the appropriate committees of Congress a report updating the report submitted under paragraph (1) –
  - (A) on the same date that any change is made to the National Disaster Recovery Strategy; and

- (B) on a periodic basis after the submission of the report under paragraph (1), but not less than once every 5 years after the date of the submission of the report under paragraph (1).

**Sec. 683. National Disaster Housing Strategy (6 U.S.C. 772)**

(a) In General – The Administrator, in coordination with representatives of the Federal agencies, governments, and organizations listed in subsection (b)(2) of this section, the National Advisory Council, the National Council on Disability, and other entities at the Administrator’s discretion, shall develop, coordinate, and maintain a National Disaster Housing Strategy.

(b) Contents – The National Disaster Housing Strategy shall –

- (1) outline the most efficient and cost effective Federal programs that will best meet the short-term and long-term housing needs of individuals and households affected by a major disaster;
- (2) clearly define the role, programs, authorities, and responsibilities of each entity in providing housing assistance in the event of a major disaster, including –
  - (A) the Agency;
  - (B) the Department of Housing and Urban Development;
  - (C) the Department of Agriculture;
  - (D) the Department of Veterans Affairs;
  - (E) the Department of Health and Human Services;
  - (F) the Bureau of Indian Affairs;
  - (G) any other Federal agency that may provide housing assistance in the event of a major disaster;
  - (H) the American Red Cross; and
  - (I) State, local, and tribal governments;
- (3) describe in detail the programs that may be offered by the entities described in paragraph (2), including –
  - (A) outlining any funding issues;
  - (B) detailing how responsibilities under the National Disaster Housing Strategy will be shared; and
  - (C) addressing other matters concerning the cooperative effort to provide housing assistance during a major disaster;
- (4) consider methods through which housing assistance can be provided to individuals and households where employment and other resources for living are available;
- (5) describe programs directed to meet the needs of special needs and low-income populations and ensure that a sufficient number of housing units are provided for individuals with disabilities;
- (6) describe plans for operation of clusters of housing provided to individuals and households, including access to public services, site management, security, and site density;

- (7) describe plans for promoting the repair or rehabilitation of existing rental housing, including through lease agreements or other means, in order to improve the provision of housing to individuals and households under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and
  - (8) describe any additional authorities necessary to carry out any portion of the strategy.
- (c) Guidance – The Administrator should develop and make publicly available guidance on –
- (1) types of housing assistance available under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to individuals and households affected by an emergency or major disaster;
  - (2) eligibility for such assistance (including, where appropriate, the continuation of such assistance); and
  - (3) application procedures for such assistance.
- (d) Report –
- (1) IN GENERAL – Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing in detail the National Disaster Housing Strategy, including programs directed to meeting the needs of special needs populations.
  - (2) UPDATED REPORT – The Administrator shall submit to the appropriate committees of Congress a report updating the report submitted under paragraph (1) –
    - (A) on the same date that any change is made to the National Disaster Housing Strategy; and
    - (B) on a periodic basis after the submission of the report under paragraph (1), but not less than once every 5 years after the date of the submission of the report under paragraph (1).

**Sec. 689. Individuals with Disabilities (6 U.S.C. 773)**

- (a) Guidelines – Not later than 90 days after the date of enactment of this Act, and in coordination with the National Advisory Council, the National Council on Disability, the Interagency Coordinating Council on Preparedness and Individuals With Disabilities established under Executive Order No. 13347 (6 U.S.C. 312 note), and the Disability Coordinator (established under section 513 of the Homeland Security Act of 2002, as added by this Act), the Administrator shall develop guidelines to accommodate individuals with disabilities, which shall include guidelines for –
- (1) the accessibility of, and communications and programs in, shelters, recovery centers, and other facilities; and
  - (2) devices used in connection with disaster operations, including first aid stations, mass feeding areas, portable payphone stations, portable toilets, and temporary housing.

**Sec. 689b. Reunification (6 U.S.C. 774)**

(a) Definitions – In this section:

- (1) Child Locator Center – The term “Child Locator Center” means the National Emergency Child Locator Center established under subsection (b).
- (2) Declared Event – The term “declared event” means a major disaster or emergency.
- (3) Displaced Adult – The term “displaced adult” means an individual 21 years of age or older who is displaced from the habitual residence of that individual as a result of a declared event.
- (4) Displaced Child – The term “displaced child” means an individual under 21 years of age who is displaced from the habitual residence of that individual as a result of a declared event.

(b) National Emergency Child Locator Center –

- (1) In general – Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the Attorney General of the United States, shall establish within the National Center for Missing and Exploited Children the National Emergency Child Locator Center. In establishing the National Emergency Child Locator Center, the Administrator shall establish procedures to make all relevant information available to the National Emergency Child Locator Center in a timely manner to facilitate the expeditious identification and reunification of children with their families.
- (2) Purposes – The purposes of the Child Locator Center are to
  - (A) enable individuals to provide to the Child Locator Center the name of and other identifying information about a displaced child or a displaced adult who may have information about the location of a displaced child;
  - (B) enable individuals to receive information about other sources of information about displaced children and displaced adults; and
  - (C) assist law enforcement in locating displaced children.
- (3) Responsibilities and Duties – The responsibilities and duties of the Child Locator Center are to –
  - (A) establish a toll-free telephone number to receive reports of displaced children and information about displaced adults that may assist in locating displaced children;
  - (B) create a website to provide information about displaced children;
  - (C) deploy its staff to the location of a declared event to gather information about displaced children;
  - (D) assist in the reunification of displaced children with their families;
  - (E) provide information to the public about additional resources for disaster assistance;

- (F) work in partnership with Federal, State, and local law enforcement agencies;
- (G) provide technical assistance in locating displaced children;
- (H) share information on displaced children and displaced adults with governmental agencies and nongovernmental organizations providing disaster assistance;
- (I) use its resources to gather information about displaced children;
- (J) refer reports of displaced adults to
  - (i) an entity designated by the Attorney General to provide technical assistance in locating displaced adults; and
  - (ii) the National Emergency Family Registry and Locator System as defined under section 689c(a);
- (K) enter into cooperative agreements with Federal and State agencies and other organizations such as the American Red Cross as necessary to implement the mission of the Child Locator Center; and
- (L) develop an emergency response plan to prepare for the activation of the Child Locator Center.

(c) Conforming Amendments – Section 403(1) of the Missing Children’s Assistance Act (42 U.S.C. 5772(1)) is amended –

- (1) in subparagraph (A), by striking “or” at the end;
- (2) in subparagraph (B), by adding “or” after the semicolon; and
- (3) by inserting after subparagraph (B) the following:  
 “(C) the individual is an individual under 21 years of age who is displaced from the habitual residence of that individual as a result of an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).”.

(d) Report – Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Transportation and Infrastructure and the Committee on the Judiciary of the House of Representatives a report describing in detail the status of the Child Locator Center, including funding issues and any difficulties or issues in establishing the Center or completing the cooperative agreements described in subsection (b)(3)(K).

**Sec. 689c. National Emergency Family Registry and Locator System (6 U.S.C. 775)**

- (a) Definitions – In this section –
- (1) the term “displaced individual” means an individual displaced by an emergency or major disaster; and
  - (2) the term “National Emergency Family Registry and Locator System” means the National Emergency Family Registry and Locator System established under subsection (b).

(b) Establishment – Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a National Emergency Family Registry and Locator System to help reunify families separated after an emergency or major disaster.

(c) Operation of System – The National Emergency Family Registry and Locator System shall –

- (1) allow a displaced adult (including medical patients) to voluntarily register (and allow an adult that is the parent or guardian of a displaced child to register such child), by submitting personal information to be entered into a database (such as the name, current location of residence, and any other relevant information that could be used by others seeking to locate that individual);
- (2) ensure that information submitted under paragraph (1) is accessible to those individuals named by a displaced individual and to those law enforcement officials;
- (3) be accessible through the Internet and through a toll-free number, to receive reports of displaced individuals; and
- (4) include a means of referring displaced children to the National Emergency Child Locator Center established under section 689b.

(d) Publication of Information – Not later than 210 days after the date of enactment of this Act, the Administrator shall establish a mechanism to inform the public about the National Emergency Family Registry and Locator System and its potential usefulness for assisting to reunite displaced individuals with their families.

(e) Coordination – Not later than 90 days after the date of enactment of this Act, the Administrator shall enter a memorandum of understanding with the Department of Justice, the National Center for Missing and Exploited Children, the Department of Health and Human Services, and the American Red Cross and other relevant private organizations that will enhance the sharing of information to facilitate reuniting displaced individuals (including medical patients) with families.

(f) Report – Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing in detail the status of the National Emergency Family Registry and Locator System, including any difficulties or issues in establishing the System, including funding issues.

**Sec. 689i. Individuals and Households Pilot Program (6 U.S.C. 776)**

(a) Pilot Program –

- (1) In general – The President, acting through the Administrator, in coordination with State, local, and tribal governments, shall establish and conduct a pilot program. The pilot program shall be designed to make better use of existing rental housing, located in areas covered by a major disaster declaration, in

order to provide timely and cost-effective temporary housing assistance to individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) where alternative housing options are less available or cost-effective.

(2) Administration –

(A) In General – For the purposes of the pilot program under this section, the Administrator may –

(i) enter into lease agreements with owners of multi-family rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174);

(ii) make improvements to properties under such lease agreements;

(iii) use the pilot program where the program is cost effective in that the cost to the Government for the lease agreements is in proportion to the savings to the Government by not providing alternative housing; and

(iv) limit repairs to those required to ensure that the housing units shall meet Federal housing quality standards.

(B) Improvements to leased properties – Under the terms of any lease agreement for a property described under subparagraph (A)(ii), the value of the contribution of the Agency to such improvements –

(i) shall be deducted from the value of the lease agreement; and

(ii) may not exceed the value of the lease agreement.

(3) Consultation – In administering the pilot program under this section, the Administrator may consult with State, local, and tribal governments.

(4) Report –

(A) In General – Not later than March 31, 2009, the Administrator shall submit to the appropriate committees of Congress a report regarding the effectiveness of the pilot program.

(B) Contents – The Administrator shall include in the report –

(i) an assessment of the effectiveness of the pilot program under this section, including an assessment of cost-savings to the Federal Government and any benefits to individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) under the pilot program;

(ii) findings and conclusions of the Administrator with respect to the pilot program;

(iii) an assessment of additional authorities needed to aid the Agency in its mission of providing disaster housing assistance to individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), either under the pilot program under this section or other potential housing programs; and

(iv) any recommendations of the Administrator for additional authority to continue or make permanent the pilot program.

(b) Pilot Program Project Approval – The Administrator shall not approve a project under the pilot program after December 31, 2008.

**Sec. 689j. Public Assistance Pilot Program (6 U.S.C. 777)**

(a) Pilot Program –

(1) In General – The President, acting through the Administrator, and in coordination with State and local governments, shall establish and conduct a pilot program to –

(A) reduce the costs of the Federal Government of providing assistance to States and local governments under sections 403(a)(3)(A), 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 1570b(a)(3), 5172, 5172);

(B) increase flexibility in the administration of sections 403(a)(3)(A), 406, and 407 of that Act; and

(C) expedite the provision of assistance to States and local governments provided under sections 403(a)(3)(A), 406, and 407 of that Act.

(2) Participation – Only States and local governments that elect to participate in the pilot program may participate in the pilot program for a particular project.

(3) Innovative Administration –

(A) In General – For purposes of the pilot program, the Administrator shall establish new procedures to administer assistance provided under the sections referred to in paragraph (1).

(B) New Procedures – The new procedures established under subparagraph

(A) may include 1 or more of the following:

(i) Notwithstanding section 406(c)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 1571(c)(1)(A)), providing an option for a State or local government to elect to receive an in-lieu contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State or local government and of management expenses.

(ii) Making grants on the basis of estimates agreed to by the local government (or where no local government is involved, by the State government) and the Administrator to provide financial incentives and disincentives for the local government (or where no local government is involved, for the State government) for the timely or cost effective completion of projects under section 403(a)(3)(A), 406, and 407 of that Act.

(iii) Increasing the Federal share for removal of debris and wreckage for States and local governments that have a debris management plan approved by the Administrator and have pre-qualified 1 or more debris

and wreckage removal contractors before the date of declaration of the major disaster.

(iv) Using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal.

(v) Using a financial incentive to recycle debris.

(vi) Reimbursing base wages for employees and extra hires of a State or local government involved in or administering debris and wreckage removal.

(4) Waiver – The Administrator may waive such regulations or rules applicable to the provisions of assistance under the sections referred to in paragraph (1) as the Administrator determines are necessary to carry out the pilot program under this section.

(b) Report –

(1) In General – Not later than March 31, 2009, the Administrator shall submit to the appropriate committees of Congress a report regarding the effectiveness of the pilot program under this section.

(2) Contents – The report submitted under paragraph (1) shall include –

(A) An assessment by the Administrator of any administrative or financial benefits of the pilot program;

(B) An assessment by the Administrator of the effect, including any savings in time and cost, of the pilot program;

(C) Any identified legal or other obstacles to increasing the amount of debris recycled after a major disaster;

(D) Any other findings and conclusions of the Administrator with respect to the pilot program; and

(E) Any recommendations of the Administrator for additional authority to continue or make permanent the pilot program.

(c) Deadline for Initiation of Implementation – The Administrator shall initiate implementation of the pilot program under this section not later than 90 days after the date of enactment of the Act.

(d) Pilot Program Project Duration – The Administrator may not approve a project under the pilot program under this section after December 31, 2008.

#### **Sec. 689k. Disposal of Unused Temporary Housing Units**

(a) In General – Notwithstanding section 408(d)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)(B)), if the Administrator authorizes the disposal of an unused temporary housing unit that is owned by the Agency on the date of enactment of this Act and is not used to house individuals or households under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) after that date, such unit shall be

disposed of under subchapter III of chapter 5 of subtitle I of title 40, United States Code.

(b) Tribal Governments – Housing units described in subsection (a) shall be disposed of in coordination with the Department of the Interior or other appropriate agencies in order to transfer such units to tribal governments if appropriate.

#### **Subtitle F – Prevention of Fraud, Waste, and Abuse**

#### **Sec. 691. Advance Contracting (6 U.S.C. 791)**

(a) Initial Report –

- (1) IN GENERAL – Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a report under paragraph (2) identifying –
  - (A) recurring disaster response requirements, including specific goods and services, for which the Agency is capable of contracting for in advance of a natural disaster or act of terrorism or other man-made disaster in a cost effective manner;
  - (B) recurring disaster response requirements, including specific goods and services, for which the Agency can not contract in advance of a natural disaster or act of terrorism or other man-made disaster in a cost effective manner; and
  - (C) a contracting strategy that maximizes the use of advance contracts to the extent practical and cost-effective.
- (2) SUBMISSION –The report under paragraph (1) shall be submitted to the appropriate committees of Congress.

(b) Entering Into Contracts –

- (1) IN GENERAL – Not later than 1 year after the date of enactment of this Act, the Administrator shall enter into 1 or more contracts for each type of goods or services identified under subsection (a)(1)(A), and in accordance with the contracting strategy identified in subsection (a)(1)(C). Any contract for goods or services identified in subsection (a)(1)(A) previously awarded may be maintained in fulfilling this requirement.
- (2) CONSIDERED FACTORS – Before entering into any contract under this subsection, the Administrator shall consider section 307 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5150), as amended by this Act.
- (3) PRENEGOTIATED FEDERAL CONTRACTS FOR GOODS AND SERVICES – The Administrator, in coordination with State and local governments and other Federal agencies, shall establish a process to ensure that Federal prenegotiated contracts for goods and services are coordinated with State and local governments, as appropriate.
- (4) PRENEGOTIATED STATE AND LOCAL CONTRACTS FOR GOODS AND SERVICES – The Administrator shall encourage State and local

governments to establish prenegotiated contracts with vendors for goods and services in advance of natural disasters and acts of terrorism or other man-made disasters.

(c) Maintenance of Contracts – After the date described under subsection (b), the Administrator shall have the responsibility to maintain contracts for appropriate levels of goods and services in accordance with subsection (a)(1)(C).

(d) Report on Contracts Not Using Competitive Procedures – At the end of each fiscal quarter, beginning with the first fiscal quarter occurring at least 90 days after the date of enactment of this Act, the Administrator shall submit a report on each disaster assistance contract entered into by the Agency by other than competitive procedures to the appropriate committees of Congress.

**Sec. 692. Limitations on Tiering of Subcontractors (6 U.S.C. 792)**

(a) Regulations – The Secretary shall promulgate regulations applicable to contracts described in subsection (c) to minimize the excessive use by contractors of subcontractors or tiers of subcontractors to perform the principal work of the contract.

(b) Specific Requirement – At a minimum, the regulations promulgated under subsection (a) shall preclude a contractor from using subcontracts for more than 65 percent of the cost of the contract or the cost of any individual task or delivery order (not including overhead and profit), unless the Secretary determines that such requirement is not feasible or practicable.

(c) Covered Contracts – This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) entered into by the Department to facilitate response to or recovery from a natural disaster or act of terrorism or other man-made disaster.

**Sec. 693. Oversight and Accountability of Federal Disaster Expenditures (6 U.S.C. 793)**

(a) Authority of Administrator to Designate Funds for Oversight Activities – The Administrator may designate up to 1 percent of the total amount provided to a Federal agency for a mission assignment as oversight funds to be used by the recipient agency for performing oversight of activities carried out under the Agency reimbursable mission assignment process. Such funds shall remain available until expended.

(b) Use of Funds –

(1) TYPES OF OVERSIGHT ACTIVITIES – Oversight funds may be used for the following types of oversight activities related to Agency mission assignments:

- (A) Monitoring, tracking, and auditing expenditures of funds.
  - (B) Ensuring that sufficient management and internal control mechanisms are available so that Agency funds are spent appropriately and in accordance with all applicable laws and regulations.
  - (C) Reviewing selected contracts and other activities.
  - (D) Investigating allegations of fraud involving Agency funds.
  - (E) Conducting and participating in fraud prevention activities with other Federal, State, and local government personnel and contractors.
- (2) PLANS AND REPORTS – Oversight funds may be used to issue the plans required under subsection (e) and the reports required under subsection (f).

(c) Restriction on Use of Funds – Oversight funds may not be used to finance existing agency oversight responsibilities related to direct agency appropriations used for disaster response, relief, and recovery activities.

(d) Methods of Oversight Activities –

- (1) IN GENERAL – Oversight activities may be carried out by an agency under this section either directly or by contract. Such activities may include evaluations and financial and performance audits.
- (2) COORDINATION OF OVERSIGHT ACTIVITIES – To the extent practicable, evaluations and audits under this section shall be performed by the inspector general of the agency.

(e) Development of Oversight Plans –

- (1) IN GENERAL – If an agency receives oversight funds for a fiscal year, the head of the agency shall prepare a plan describing the oversight activities for disaster response, relief, and recovery anticipated to be undertaken during the subsequent fiscal year.
- (2) SELECTION OF OVERSIGHT ACTIVITIES – In preparing the plan, the head of the agency shall select oversight activities based upon a risk assessment of those areas that present the greatest risk of fraud, waste, and abuse.
- (3) SCHEDULE – The plan shall include a schedule for conducting oversight activities, including anticipated dates of completion.

(f) Federal Disaster Assistance Accountability Reports – A Federal agency receiving oversight funds under this section shall submit annually to the Administrator and the appropriate committees of Congress a consolidated report regarding the use of such funds, including information summarizing oversight activities and the results achieved.

(g) Definition – In this section, the term ‘oversight funds’ means funds referred to in subsection (a) that are designated for use in performing oversight activities.

**Sec. 695. Limitation on Length of Certain Noncompetitive Contracts (6 U.S.C. 794)**

(a) Regulations – The Secretary shall promulgate regulations applicable to contracts described in subsection (c) to restrict the contract period of any such contract entered into using procedures other than competitive procedures pursuant to the exception provided in paragraph (2) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) to the minimum contract period necessary –

- (1) to meet the urgent and compelling requirements of the work to be performed under the contract; and
- (2) to enter into another contract for the required goods or services through the use of competitive procedures.

(b) Specific Contract Period – The regulations promulgated under subsection (a) shall require the contract period to not to exceed 150 days, unless the Secretary determines that exceptional circumstances apply.

(c) Covered Contracts – This section applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) entered into by the Department to facilitate response to or recovery from a natural disaster, act of terrorism, or other man-made disaster.

**Sec. 696. Fraud, Waste, and Abuse Controls (6 U.S.C. 795)**

(a) In General – The Administrator shall ensure that –

- (1) all programs within the Agency administering Federal disaster relief assistance develop and maintain proper internal management controls to prevent and detect fraud, waste, and abuse;
- (2) application databases used by the Agency to collect information on eligible recipients must record disbursements;
- (3) such tracking is designed to highlight and identify ineligible applications; and
- (4) the databases used to collect information from applications for such assistance must be integrated with disbursement and payment records.

(b) Audits and Reviews Required – The Administrator shall ensure that any database or similar application processing system for Federal disaster relief assistance programs administered by the Agency undergoes a review by the Inspector General of the Agency to determine the existence and implementation of such internal controls required under this section and the amendments made by this section.

**Sec. 697. Registry of Disaster Response Contractors (6 U.S.C. 796)**

(a) Definitions – In this section –

- (1) the term ‘registry’ means the registry created under subsection (b); and
- (2) the terms ‘small business concern’, ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, ‘small business concern owned and controlled by women’, and ‘small business concern owned and controlled by service-disabled veterans’ have the meanings given those terms under the Small Business Act (15 U.S.C. 631 et seq.).

(b) Registry –

- (1) IN GENERAL – The Administrator shall establish and maintain a registry of contractors who are willing to perform debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities.
- (2) CONTENTS – The registry shall include, for each business concern –
  - (A) the name of the business concern;
  - (B) the location of the business concern;
  - (C) the area served by the business concern;
  - (D) the type of good or service provided by the business concern;
  - (E) the bonding level of the business concern ;
  - (F) whether the business concern is –
    - (i) a small business concern;
    - (ii) a small business concern owned and controlled by socially and economically disadvantaged individuals;
    - (iii) a small business concern owned and controlled by women; or
    - (iv) a small business concern owned and controlled by service-disabled veterans.
- (3) SOURCE OF INFORMATION –
  - (A) SUBMISSION – Information maintained in the registry shall be submitted on a voluntary basis and be kept current by the submitting business concerns.
  - (B) ATTESTATION – Each business concern submitting information to the registry shall submit –
    - (i) an attestation that the information is true; and
    - (ii) documentation supporting such attestation.
  - (C) VERIFICATION – The Administrator shall verify that the documentation submitted by each business concern supports the information submitted by that business concern.
- (4) AVAILABILITY OF REGISTRY – The registry shall be made generally available on the Internet site of the Agency.
- (5) CONSULTATION OF REGISTRY – As part of the acquisition planning for contracting for debris removal, distribution of supplies in a disaster, reconstruction, and other disaster or emergency relief activities, a Federal agency shall consult the registry.

**Sec. 698 Fraud Prevention Training Program (6 U.S.C. 797)**

The Administrator shall develop and implement a program to provide training on the prevention of waste, fraud, and abuse of Federal disaster relief assistance relating to the response to or recovery from natural disasters and acts of terrorism or other man-made disasters and ways to identify such potential waste, fraud, and abuse.

**Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, Pub. L. No. 109-234, 120 Stat. 418 (2006), Signed on June 15, 2006.**

**Sec. 2401.**

The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricane Katrina and other hurricanes of the 2005 season if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006: *Provided*, That the Federal share of the costs eligible to be paid shall be 100 percent.

*Note: Section 2401 has been extended from a period of 12 months to a period of 24 months by section 4503 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (signed on May 25, 2007), set forth above.*

**Sec. 2403.**

Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Individual Assistance Program the costs sufficient for alternative housing pilot programs in the areas hardest hit by Hurricane Katrina and other hurricanes of the 2005 season.



# THE HOMELAND SECURITY ACT OF 2002

6 U.S.C. 311-321j

*(As amended by the Department of Homeland Security Appropriations Act, 2007,  
Pub. L. No. 109-295)*

## TITLE V

### (National Emergency Management)

#### Sec. 501. Definitions (6 U.S.C. 311)

In this title—

- (1) the term 'Administrator' means the Administrator of the Agency;
- (2) the term 'Agency' means the Federal Emergency Management Agency;
- (3) the term 'catastrophic incident' means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;
- (4) the term 'Federal coordinating officer' means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);
- (5) the term 'interoperable' has the meaning given the term 'interoperable communications' under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1));
- (6) the term 'National Incident Management System' means a system to enable effective, efficient, and collaborative incident management;
- (7) the term 'National Response Plan' means the National Response Plan or any successor plan prepared under section 502(a)(6);
- (8) the term 'Regional Administrator' means a Regional Administrator appointed under section 507;
- (9) the term 'Regional Office' means a Regional Office established under section 507;

(10) the term 'surge capacity' means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident; and

(11) the term 'tribal government' means the government of any entity described in section 2(10)(B).

**Sec. 502. Definition (6 U.S.C. 312)**

In this subchapter, the term “Nuclear Incident Response Team” means a resource that includes—

(1) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

(2) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions.

**Sec. 503. Federal Emergency Management Agency (6 U.S.C. 313)**

(a) In General— There is in the Department the Federal Emergency Management Agency, headed by an Administrator.

(b) Mission—

(1) PRIMARY MISSION— The primary mission of the Agency is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

(2) SPECIFIC ACTIVITIES— In support of the primary mission of the Agency, the Administrator shall—

(A) lead the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(B) partner with State, local, and tribal governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency

management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(C) develop a Federal response capability that, when necessary and appropriate, can act effectively and rapidly to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural disaster, act of terrorism, or other man-made disaster;

(D) integrate the Agency's emergency preparedness, protection, response, recovery, and mitigation responsibilities to confront effectively the challenges of a natural disaster, act of terrorism, or other man-made disaster;

(E) develop and maintain robust Regional Offices that will work with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

(F) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department;

(G) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; and

(H) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation.

(c) Administrator—

(1) IN GENERAL— The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS— The Administrator shall be appointed from among individuals who have—

(A) a demonstrated ability in and knowledge of emergency management and homeland security; and

(B) not less than 5 years of executive leadership and management experience in the public or private sector.

(3) REPORTING— The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

(4) PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT—

(A) IN GENERAL— The Administrator is the principal advisor to the President, the Homeland Security Council, and the Secretary for all matters relating to emergency management in the United States.

(B) ADVICE AND RECOMMENDATIONS—

(i) IN GENERAL— In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency preparedness, protection, response, recovery, and mitigation options with respect to that matter.

(ii) ADVICE ON REQUEST— The Administrator, as the principal advisor on emergency management, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

(iii) RECOMMENDATIONS TO CONGRESS— After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency management as the Administrator considers appropriate.

(5) CABINET STATUS—

(A) IN GENERAL— The President may designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.

(B) RETENTION OF AUTHORITY— Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.

**Sec. 504. Authority and Responsibilities (6 U.S.C. 314)**

(a) In General — The Administrator shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from, or mitigate against a natural disaster, act of terrorism, or other man-made disaster, including—

(1) helping to ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies;

(2) with respect to the Nuclear Incident Response Team (regardless of whether it is operating as an organizational unit of the Department pursuant to this subchapter)—

(A) establishing standards and certifying when those standards have been met;

(B) conducting joint and other exercises and training and evaluating performance; and

(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

(3) providing the Federal Government's response to terrorist attacks and major disasters, including—

(A) managing such response;

(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and (when operating as an organizational unit of the Department pursuant to this subchapter) the Nuclear Incident Response Team;

(C) overseeing the Metropolitan Medical Response System; and

(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a terrorist attack or major disaster;

(4) aiding the recovery from terrorist attacks and major disasters;

(5) building a comprehensive national incident management system with Federal, State, and local government personnel, agencies, and authorities, to respond to such attacks and disasters;

(6) consolidating existing Federal Government emergency response plans into a single, coordinated national response plan;

(7) helping ensure the acquisition of operable and interoperable communications capabilities by Federal, State, local, and tribal governments and emergency response providers;

(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and carrying out all functions and authorities given to the Administrator under that Act;

(9) carrying out the mission of the Agency to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a risk-based, comprehensive emergency management system of—

(A) mitigation, by taking sustained actions to reduce or eliminate long-term risks to people and property from hazards and their effects;

(B) preparedness, by planning, training, and building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services; and

(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards;

(10) increasing efficiencies, by coordinating efforts relating to preparedness, protection, response, recovery, and mitigation;

(11) helping to ensure the effectiveness of emergency response providers in responding to a natural disaster, act of terrorism, or other man-made disaster;

(12) supervising grant programs administered by the Agency;

(13) administering and ensuring the implementation of the National Response Plan, including coordinating and ensuring the readiness of each emergency support function under the National Response Plan;

(14) coordinating with the National Advisory Council established under section 508;

(15) preparing and implementing the plans and programs of the Federal Government for—

(A) continuity of operations;

(B) continuity of government; and

(C) continuity of plans;

(16) minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector;

(17) maintaining and operating within the Agency the National Response Coordination Center or its successor;

(18) developing a national emergency management system that is capable of preparing for, protecting against, responding to, recovering from, and mitigating against catastrophic incidents;

(19) assisting the President in carrying out the functions under the national preparedness goal and the national preparedness system and carrying out all functions and authorities of the Administrator under the national preparedness System;

(20) carrying out all authorities of the Federal Emergency Management Agency and the Directorate of Preparedness of the Department as transferred under section 505; and

(21) otherwise carrying out the mission of the Agency as described in section 503(b).

(b) All-Hazards Approach— In carrying out the responsibilities under this section, the Administrator shall coordinate the implementation of a risk-based, all-hazards strategy that

builds those common capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against natural disasters, acts of terrorism, and other man-made disasters, while also building the unique capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against the risks of specific types of incidents that pose the greatest risk to the Nation.

**Sec. 505. Functions Transferred (6 U.S.C. 315)**

(a) In General— Except as provided in subsection (b), there are transferred to the Agency the following:

(1) All functions of the Federal Emergency Management Agency, including existing responsibilities for emergency alert systems and continuity of operations and continuity of government plans and programs as constituted on June 1, 2006, including all of its personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Federal Emergency Management relating thereto.

(2) The Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Preparedness relating thereto.

(b) Exceptions— The following within the Preparedness Directorate shall not be transferred:

(1) The Office of Infrastructure Protection.

(2) The National Communications System.

(3) The National Cybersecurity Division.

(4) The Office of the Chief Medical Officer.

(5) The functions, personnel, assets, components, authorities, and liabilities of each component described under paragraphs (1) through (4).

**Sec. 506. Preserving the Federal Emergency Management Agency (6 U.S.C. 316)**

(a) Distinct Entity— The Agency shall be maintained as a distinct entity within the Department.

(b) Reorganization— Section 872 shall not apply to the Agency, including any function or organizational unit of the Agency.

(c) Prohibition on Changes to Missions—

(1) IN GENERAL— The Secretary may not substantially or significantly reduce the authorities, responsibilities, or functions of the Agency or the capability of the Agency to perform those missions, authorities, responsibilities, except as otherwise specifically provided in an Act enacted after the date of enactment of the Post-Katrina Emergency Management Reform Act of 2006.

(2) CERTAIN TRANSFERS PROHIBITED— No asset, function, or mission of the Agency may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the capability of the Agency to perform its missions.

(d) Reprogramming and Transfer of Funds— In reprogramming or transferring funds, the Secretary shall comply with any applicable provisions of any Act making appropriations for the Department for fiscal year 2007, or any succeeding fiscal year, relating to the reprogramming or transfer of funds.

**Sec. 507. Regional Offices (6 U.S.C. 317)**

(a) In General— There are in the Agency 10 regional offices, as identified by the Administrator.

(b) Management of Regional Offices—

(1) REGIONAL ADMINISTRATOR— Each Regional Office shall be headed by a Regional Administrator who shall be appointed by the Administrator, after consulting with State, local, and tribal government officials in the region. Each Regional Administrator shall report directly to the Administrator and be in the Senior Executive Service.

(2) QUALIFICATIONS—

(A) IN GENERAL— Each Regional Administrator shall be appointed from among individuals who have a demonstrated ability in and knowledge of emergency management and homeland security.

(B) CONSIDERATIONS— In selecting a Regional Administrator for a Regional Office, the Administrator shall consider the familiarity of an individual with the geographical area and demographic characteristics of the population served by such Regional Office.

(c) Responsibilities—

(1) IN GENERAL— The Regional Administrator shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations,

multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

(2) RESPONSIBILITIES— The responsibilities of a Regional Administrator include—

(A) ensuring effective, coordinated, and integrated regional preparedness, protection, response, recovery, and mitigation activities and programs for natural disasters, acts of terrorism, and other man-made disasters (including planning, training, exercises, and professional development);

(B) assisting in the development of regional capabilities needed for a national catastrophic response system;

(C) coordinating the establishment of effective regional operable and interoperable emergency communications capabilities;

(D) staffing and overseeing 1 or more strike teams within the region under subsection (f), to serve as the focal point of the Federal Government's initial response efforts for natural disasters, acts of terrorism, and other man-made disasters within that region, and otherwise building Federal response capabilities to respond to natural disasters, acts of terrorism, and other man-made disasters within that region;

(E) designating an individual responsible for the development of strategic and operational regional plans in support of the National Response Plan;

(F) fostering the development of mutual aid and other cooperative agreements;

(G) identifying critical gaps in regional capabilities to respond to populations with special needs;

(H) maintaining and operating a Regional Response Coordination Center or its successor; and

(I) performing such other duties relating to such responsibilities as the Administrator may require.

(3) TRAINING AND EXERCISE REQUIREMENTS—

(A) TRAINING— The Administrator shall require each Regional Administrator to undergo specific training periodically to complement the qualifications of the Regional Administrator. Such training, as appropriate, shall include training with respect to the National Incident Management System, the National Response Plan, and such other subjects as determined by the Administrator.

(B) EXERCISES— The Administrator shall require each Regional Administrator to participate as appropriate in regional and national exercises.

(d) Area Offices—

(1) IN GENERAL— There is an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

(2) ALASKA— The Administrator shall establish an Area Office in Alaska, as a component in the appropriate Regional Office.

(e) Regional Advisory Council—

(1) ESTABLISHMENT— Each Regional Administrator shall establish a Regional Advisory Council.

(2) NOMINATIONS— A State, local, or tribal government located within the geographic area served by the Regional Office may nominate officials, including Adjutants General and emergency managers, to serve as members of the Regional Advisory Council for that region.

(3) RESPONSIBILITIES— Each Regional Advisory Council shall—

(A) advise the Regional Administrator on emergency management issues specific to that region;

(B) identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, protection, response, recovery, or mitigation more complicated or difficult; and

(C) advise the Regional Administrator of any weaknesses or deficiencies in preparedness, protection, response, recovery, and mitigation for any State, local, and tribal government within the region of which the Regional Advisory Council is aware.

(f) Regional Office Strike Teams—

(1) IN GENERAL— In coordination with other relevant Federal agencies, each Regional Administrator shall oversee multi-agency strike teams authorized under section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5144) that shall consist of

(A) a designated Federal coordinating officer;

(B) personnel trained in incident management;

(C) public affairs, response and recovery, and communications support personnel;

(D) a defense coordinating officer;

(E) liaisons to other Federal agencies;

(F) such other personnel as the Administrator or Regional Administrator determines appropriate; and

(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan.

(2) OTHER DUTIES— The duties of an individual assigned to a Regional Office strike team from another relevant agency when such individual is not functioning as a member of the strike team shall be consistent with the emergency preparedness activities of the agency that employs such individual.

(3) LOCATION OF MEMBERS— The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily within the region that corresponds to that strike team.

(4) COORDINATION— Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State, local, and tribal governments and private sector and nongovernmental entities which the strike team shall support when a natural disaster, act of terrorism, or other man-made disaster occurs.

(5) PREPAREDNESS— Each Regional Office strike team shall be trained as a unit on a regular basis and equipped and staffed to be well prepared to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

(6) AUTHORITIES— If the Administrator determines that statutory authority is inadequate for the preparedness and deployment of individuals in strike teams under this subsection, the Administrator shall report to Congress regarding the additional statutory authorities that the Administrator determines are necessary.

#### **Sec. 508. National Advisory Council (6 U.S.C. 318)**

(a) Establishment— Not later than 60 days after the date of enactment of the Post-Katrina Emergency Management Reform Act of 2006, the Secretary shall establish an advisory body under section 871(a) to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters, to be known as the National Advisory Council.

(b) Responsibilities— The National Advisory Council shall advise the Administrator on all aspects of emergency management. The National Advisory Council shall incorporate State, local, and tribal government and private sector input in the development and revision of the national preparedness goal, the national preparedness system, the National Incident Management System, the National Response Plan, and other related plans and strategies.

(c) Membership—

(1) IN GENERAL— The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials, emergency managers, and emergency response providers from State, local, and tribal governments, the private sector, and nongovernmental organizations, including as appropriate

(A) members selected from the emergency management field and emergency response providers, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency management personnel, or organizations representing such individuals;

(B) health scientists, emergency and inpatient medical providers, and public health professionals;

- (C) experts from Federal, State, local, and tribal governments, and the private sector, representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community, particularly those with expertise in the emergency preparedness and response field;
- (D) State, local, and tribal government officials with expertise in preparedness, protection, response, recovery, and mitigation, including Adjutants General;
- (E) elected State, local, and tribal government executives;
- (F) experts in public and private sector infrastructure protection, cybersecurity, and communications;
- (G) representatives of individuals with disabilities and other populations with special needs; and
- (H) such other individuals as the Administrator determines to be appropriate.

(2) **COORDINATION WITH THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND TRANSPORTATION**— In the selection of members of the National Advisory Council who are health or emergency medical services professionals, the Administrator shall work with the Secretary of Health and Human Services and the Secretary of Transportation.

(3) **EX OFFICIO MEMBERS**— The Administrator shall designate 1 or more officers of the Federal Government to serve as ex officio members of the National Advisory Council.

(4) **TERMS OF OFFICE**—

(A) **IN GENERAL**— Except as provided in subparagraph (B), the term of office of each member of the National Advisory Council shall be 3 years.

(B) **INITIAL APPOINTMENTS**— Of the members initially appointed to the National Advisory Council

- (i) one-third shall be appointed for a term of 1 year; and
- (ii) one-third shall be appointed for a term of 2 years.

(d) **Applicability of Federal Advisory Committee Act**—

(1) **IN GENERAL**— Notwithstanding section 871(a) and subject to paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the National Advisory Council.

(2) **TERMINATION**— Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Advisory Council.

### **Sec. 509. National Integration Center (6 U.S.C. 319)**

(a) **In General**— There is established in the Agency a National Integration Center.

(b) Responsibilities—

(1) IN GENERAL— The Administrator, through the National Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, and any successor to such system or plan.

(2) SPECIFIC RESPONSIBILITIES— The National Integration Center shall periodically review, and revise as appropriate, the National Incident Management System and the National Response Plan, including—

- (A) establishing, in consultation with the Director of the Corporation for National and Community Service, a process to better use volunteers and donations;
- (B) improving the use of Federal, State, local, and tribal resources and ensuring the effective use of emergency response providers at emergency scenes; and
- (C) revising the Catastrophic Incident Annex, finalizing and releasing the Catastrophic Incident Supplement to the National Response Plan, and ensuring that both effectively address response requirements in the event of a catastrophic incident.

(c) Incident Management—

(1) IN GENERAL—

(A) NATIONAL RESPONSE PLAN— The Secretary, acting through the Administrator, shall ensure that the National Response Plan provides for a clear chain of command to lead and coordinate the Federal response to any natural disaster, act of terrorism, or other man-made disaster.

(B) ADMINISTRATOR— The chain of the command specified in the National Response Plan shall

- (i) provide for a role for the Administrator consistent with the role of the Administrator as the principal emergency management advisor to the President, the Homeland Security Council, and the Secretary under section 503(c)(4) and the responsibility of the Administrator under the Post-Katrina Emergency Management Reform Act of 2006, and the amendments made by that Act, relating to natural disasters, acts of terrorism, and other man-made disasters; and
- (ii) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 302(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)).

(2) PRINCIPAL FEDERAL OFFICIAL— The Principal Federal Official (or the successor thereto) shall not—

- (A) direct or replace the incident command structure established at the incident; or
- (B) have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.

### **Sec. 510. Credentialing and Typing (6 U.S.C. 320)**

The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, and organizations that represent emergency response providers, to collaborate on developing standards for deployment capabilities, including credentialing of personnel and typing of resources likely needed to respond to natural disasters, acts of terrorism, and other man-made disasters.

### **Sec. 511. The National Infrastructure Simulation and Analysis Center (6 U.S.C. 321)**

(a) Definition— In this section, the term 'National Infrastructure Simulation and Analysis Center' means the National Infrastructure Simulation and Analysis Center established under section 1016(d) of the USA PATRIOT Act (42 U.S.C. 5195c(d)).

(b) Authority—

(1) IN GENERAL— There is in the Department the National Infrastructure Simulation and Analysis Center which shall serve as a source of national expertise to address critical infrastructure protection and continuity through support for activities related to

- (A) counterterrorism, threat assessment, and risk mitigation; and
- (B) a natural disaster, act of terrorism, or other man-made disaster.

(2) INFRASTRUCTURE MODELING—

(A) PARTICULAR SUPPORT— The support provided under paragraph (1) shall include modeling, simulation, and analysis of the systems and assets comprising critical infrastructure, in order to enhance preparedness, protection, response, recovery, and mitigation activities.

(B) RELATIONSHIP WITH OTHER AGENCIES— Each Federal agency and department with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive, shall establish a formal relationship, including an agreement regarding information sharing, between the elements of such agency or department and the National Infrastructure Simulation and Analysis Center, through the Department.

(C) PURPOSE—

(i) IN GENERAL— The purpose of the relationship under subparagraph (B) shall be to permit each Federal agency and department described in subparagraph (B) to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center (particularly vulnerability and consequence analysis), consistent with its work load capacity and priorities, for real-time response to reported and projected natural disasters, acts of terrorism, and other man-made disasters.

(ii) RECIPIENT OF CERTAIN SUPPORT— Modeling, simulation, and analysis provided under this subsection shall be provided to relevant Federal agencies and departments, including Federal agencies and departments with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive.

#### **Sec. 512. Evacuation Plans and Exercises (6 U.S.C. 321a)**

(a) In General— Notwithstanding any other provision of law, and subject to subsection (d), grants made to States or local or tribal governments by the Department through the State Homeland Security Grant Program or the Urban Area Security Initiative may be used to—

- (1) establish programs for the development and maintenance of mass evacuation plans under subsection (b) in the event of a natural disaster, act of terrorism, or other man-made disaster;
- (2) prepare for the execution of such plans, including the development of evacuation routes and the purchase and stockpiling of necessary supplies and shelters; and
- (3) conduct exercises of such plans.

(b) Plan Development— In developing the mass evacuation plans authorized under subsection (a), each State, local, or tribal government shall, to the maximum extent practicable—

- (1) establish incident command and decision making processes;
- (2) ensure that State, local, and tribal government plans, including evacuation routes, are coordinated and integrated;
- (3) identify primary and alternative evacuation routes and methods to increase evacuation capabilities along such routes such as conversion of two-way traffic to one-way evacuation routes;
- (4) identify evacuation transportation modes and capabilities, including the use of mass and public transit capabilities, and coordinating and integrating evacuation plans for all populations including for those individuals located in hospitals, nursing homes, and other institutional living facilities;
- (5) develop procedures for informing the public of evacuation plans before and during an evacuation, including individuals--
  - (A) with disabilities or other special needs;
  - (B) with limited English proficiency; or
  - (C) who might otherwise have difficulty in obtaining such information; and

(6) identify shelter locations and capabilities.

(c) Assistance—

(1) IN GENERAL— The Administrator may establish any guidelines, standards, or requirements determined appropriate to administer this section and to ensure effective mass evacuation planning for State, local, and tribal areas.

(2) REQUESTED ASSISTANCE— The Administrator shall make assistance available upon request of a State, local, or tribal government to assist hospitals, nursing homes, and other institutions that house individuals with special needs to establish, maintain, and exercise mass evacuation plans that are coordinated and integrated into the plans developed by that State, local, or tribal government under this section.

(d) Multipurpose Funds— Nothing in this section may be construed to preclude a State, local, or tribal government from using grant funds in a manner that enhances preparedness for a natural or man-made disaster unrelated to an act of terrorism, if such use assists such government in building capabilities for terrorism preparedness.

### **Sec. 513. Disability Coordinator (6 U.S.C. 321b)**

(a) In General— After consultation with organizations representing individuals with disabilities, the National Council on Disabilities, and the Interagency Coordinating Council on Preparedness and Individuals with Disabilities, established under Executive Order No. 13347 (6 U.S.C. 312 note), the Administrator shall appoint a Disability Coordinator. The Disability Coordinator shall report directly to the Administrator, in order to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

(b) Responsibilities The Disability Coordinator shall be responsible for—

(1) providing guidance and coordination on matters related to individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(2) interacting with the staff of the Agency, the National Council on Disabilities, the Interagency Coordinating Council on Preparedness and Individuals with Disabilities established under Executive Order No. 13347 (6 U.S.C. 312 note), other agencies of the Federal Government, and State, local, and tribal government authorities regarding the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(3) consulting with organizations that represent the interests and rights of individuals with disabilities about the needs of individuals with disabilities in

emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(4) ensuring the coordination and dissemination of best practices and model evacuation plans for individuals with disabilities;

(5) ensuring the development of training materials and a curriculum for training of emergency response providers, State, local, and tribal government officials, and others on the needs of individuals with disabilities;

(6) promoting the accessibility of telephone hotlines and websites regarding emergency preparedness, evacuations, and disaster relief;

(7) working to ensure that video programming distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible to individuals with hearing and vision disabilities;

(8) ensuring the availability of accessible transportation options for individuals with disabilities in the event of an evacuation;

(9) providing guidance and implementing policies to ensure that the rights and wishes of individuals with disabilities regarding post-evacuation residency and relocation are respected;

(10) ensuring that meeting the needs of individuals with disabilities are included in the components of the national preparedness system established under section 644 of the Post-Katrina Emergency Management Reform Act of 2006; and

(11) any other duties as assigned by the Administrator.

#### **Sec. 514. Department and Agency Officials (6 U.S.C. 321c)**

(a) Deputy Administrators— The President may appoint, by and with the advice and consent of the Senate, not more than 4 Deputy Administrators to assist the Administrator in carrying out this title.

(b) Cybersecurity and Communications— There is in the Department an Assistant Secretary for Cybersecurity and Communications.

(c) United States Fire Administration— The Administrator of the United States Fire Administration shall have a rank equivalent to an assistant secretary of the Department.

**Sec. 515. National Operations Center (6 U.S.C. 321d)**

(a) Definition— In this section, the term 'situational awareness' means information gathered from a variety of sources that, when communicated to emergency managers and decision makers, can form the basis for incident management decision making.

(b) Establishment— The National Operations Center is the principal operations center for the Department and shall—

(1) provide situational awareness and a common operating picture for the entire Federal Government, and for State, local, and tribal governments as appropriate, in the event of a natural disaster, act of terrorism, or other man-made disaster; and

(2) ensure that critical terrorism and disaster-related information reaches government decision-makers.

**Sec. 516. Chief Medical Officer (6 U.S.C. 321e)**

(a) In General— There is in the Department a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Qualifications— The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

(c) Responsibilities— The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—

(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

(2) coordinating the biodefense activities of the Department;

(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

(5) serving as the Department's primary point of contact for State, local, and tribal governments, the medical community, and others within and outside the Department, with respect to medical and public health matters;

(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield; and

(7) performing such other duties relating to such responsibilities as the Secretary may require.

**Sec. 517. Nuclear incident response (6 U.S.C. 321f)**

**(a) In general**

At the direction of the Secretary (in connection with an actual or threatened terrorist attack, major disaster, or other emergency in the United States), the Nuclear Incident Response Team shall operate as an organizational unit of the Department. While so operating, the Nuclear Incident Response Team shall be subject to the direction, authority, and control of the Secretary.

**(b) Rule of construction**

Nothing in this subchapter shall be construed to limit the ordinary responsibility of the Secretary of Energy and the Administrator of the Environmental Protection Agency for organizing, training, equipping, and utilizing their respective entities in the Nuclear Incident Response Team, or (subject to the provisions of this subchapter) from exercising direction, authority, and control over them when they are not operating as a unit of the Department.

**Sec. 518. Conduct of certain public health-related activities (6 U.S.C. 321g)**

**(a) In general**

With respect to all public health-related activities to improve State, local, and hospital preparedness and response to chemical, biological, radiological, and nuclear and other emerging terrorist threats carried out by the Department of Health and Human Services (including the Public Health Service), the Secretary of Health and Human Services shall set priorities and preparedness goals and further develop a coordinated strategy for such activities in collaboration with the Secretary.

**(b) Evaluation of progress**

In carrying out subsection (a) of this section, the Secretary of Health and Human Services shall collaborate with the Secretary in developing specific benchmarks and outcome measurements for evaluating progress toward achieving the priorities and goals described in such subsection.

**Sec. 519. Use of national private sector networks in emergency response (6 U.S.C. 321h)**

To the maximum extent practicable, the Secretary shall use national private sector networks and infrastructure for emergency response to chemical, biological, radiological, nuclear, or explosive disasters, and other major disasters.

**Sec. 520. Use of commercially available technology, goods, and services (6 U.S.C. 321i)**

It is the sense of Congress that—

(1) the Secretary should, to the maximum extent possible, use off-the-shelf commercially developed technologies to ensure that the Department's information technology systems allow the Department to collect, manage, share, analyze, and disseminate information securely over multiple channels of communication; and

(2) in order to further the policy of the United States to avoid competing commercially with the private sector, the Secretary should rely on commercial sources to supply the goods and services needed by the Department.

**Sec. 521. Procurement of security countermeasures for Strategic National Stockpile (6 U.S.C. 321j)**

**(a) Authorization of appropriations**

For the procurement of security countermeasures under section 247d–6b (c) of title 42 (referred to in this section as the “security countermeasures program”), there is authorized to be appropriated up to \$5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed \$3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed \$890,000,000 may be obligated during fiscal year 2004.

**(b) Special reserve fund**

For purposes of the security countermeasures program, the term “special reserve fund” means the “Biodefense Countermeasures” appropriations account or any other appropriation made under subsection (a) of this section.

**(c) Availability**

Amounts appropriated under subsection (a) of this section become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

**(d) Related authorizations of appropriations**

**(1) Threat assessment capabilities**

For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2006, for the hiring of professional personnel within the Directorate for Information Analysis and Infrastructure Protection, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment

(including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 403-4 of title 50.

**(2) Intelligence sharing infrastructure**

For the purpose of carrying out the acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than 180 days after July 21, 2004, all classified information and products to which the Under Secretary for Information Analysis and Infrastructure Protection is entitled under part A of subchapter II of this chapter, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2006.

## APPENDIX 2-16: 3025.1, MILITARY SUPPORT TO CIVIL AUTHORITIES

### Department of Defense DIRECTIVE

NUMBER 3025.1  
January 15, 1993

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USD(P)

SUBJECT: Military Support to Civil Authorities (MSCA)

References:

- (a) DoD Directive 3025.1, "Use of Military Resources During Peacetime Civil Emergencies within the United States, its Territories, and Possessions," May 23, 1980 (hereby canceled)
- (b) DoD Directive 3025.10, "Military Support of Civil Defense," July 22, 1981 (hereby canceled)
- (c) DoD Directive 5030.45, "DoD Representation on Federal Emergency Management Agency (FEMA) Regional Preparedness Committees and Regional Field Boards," November 29, 1983 (hereby canceled)
- (d) Executive Order 12656, "Assignment of Emergency Preparedness Responsibilities," November 18, 1988
- (e) through (u), see enclosure 1

#### 1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) and replaces references (b) and (c) to:

1.1. Consolidate all policy and responsibilities previously known as "Military Assistance to Civil Authorities (MACA)," applicable to disaster-related civil emergencies within the United States, its territories, and possessions under reference (a), with those related to attacks on the United States, which previously were known as "Military Support to Civil Defense (MSCD)" under reference (b).

1.2. Provide for continuation of the DoD Regional Military Emergency Coordinator (RMEC) teams, previously developed under reference (c), to facilitate peacetime planning for MSCA and to provide trained teams of DoD liaison personnel to represent essential DoD Components, as appropriate, for response to any national security emergency.

1.3. Constitute a single system for MSCA, by which DoD Components (as defined in subsection 2.1., below) shall plan for, and respond to, requests from civil government agencies for military support in dealing with the actual or anticipated consequences of civil emergencies requiring Federal response, or attacks, including national security emergencies as defined in reference (d).

1.4. State the policy and responsibilities by which the Department of Defense responds to major disasters or emergencies in accordance with the Stafford Act, as amended (reference (e)), and supports the national civil defense policy and Federal or State civil defense programs, in cooperation with the Federal Emergency Management Agency (FEMA), under the authority of The Federal Civil Defense Act of 1950 (reference (f)).

1.5. Designate the Secretary of the Army as the DoD Executive Agent for MSCA.

1.6. Authorize the publication of DoD 3025.1-M, "DoD Manual for Civil Emergencies," consistent with DoD 5025.1-M, reference (g).

## 2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (when it is operating, or planning for operations, as a Service in the Navy).

2.2. Shall govern MSCA activities of all DoD Components in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories and possessions.

2.3. Does not apply to foreign disasters covered by DoD Directive 5100.46 (reference (h)).

2.4. Focuses on the assignment and allocation of DoD resources to support civilian authorities during civil emergencies arising during peace, war, or transition to war.

2.5. Does not integrate contingency war planning as a subelement of MSCA, and does not relieve the Chairman of the Joint Chiefs of Staff of his authority to supervise contingency planning.

2.6. Does not include military support to civil law enforcement. (See paragraph 4.2., below.)

## 3. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

## 4. POLICY

### 4.1. National Policy

4.1.1. Planning and preparedness by the Federal Government for civil emergencies and attacks are important due to the severity of the consequences of emergencies for the Nation and the population, and to the sophistication of means of attack on the United States and its territories.

4.1.2. Under the Stafford Act, as amended (reference (e)), it is the policy of the Federal Government to provide an orderly and continuing means of supplemental assistance to State and local governments in their responsibilities to alleviate the suffering and damage that result from major disasters or emergencies. Upon declaring a major disaster or emergency under reference (e), the President may direct any Agency of the Federal Government to undertake missions and tasks (on either a reimbursable or non-reimbursable basis) to provide assistance to State and local agencies. The President appoints a Federal Coordinating Officer (FCO) to operate in the affected area, and delegates authority to the FCO. The President has delegated to the Director of FEMA the authority to appoint FCOs; and FEMA officials frequently serve as FCOs.

4.1.3. In accordance with the Federal Civil Defense Act of 1950, as amended (reference (f)), the national civil defense policy is to have a civil defense program to develop capabilities common to all catastrophic emergencies and those unique to attack emergencies, which will support all hazard emergency management at State and local levels, in order to protect the population and vital infrastructure. Under the national civil defense policy, the Department of Defense will support civil authorities in civil defense, to include facilitating the use of the National Guard in each State for response in both peacetime disasters and national security emergencies.

4.1.4. Under E.O. 12656 (reference (d)), it is the policy of the Federal Government to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency.

4.2. Scope. This Directive governs all planning and response by DoD Components for civil defense or other assistance to civil authorities, with the exception of military support to law enforcement operations under DoD Directive 3025.12 (reference (i)) and contingency war plans.

4.3. Delegations of Authority. The Secretary of Defense shall be assisted in executing his responsibility for MSCA by the following:

4.3.1. The Secretary of the Army shall be the DoD Executive Agent and shall act for the Secretary of Defense in accordance with this Directive and any supplemental direction or guidance received from the Secretary of Defense. In that capacity, the DoD Executive Agent will develop planning guidance, plans, and procedures for MSCA in accordance with this Directive. The DoD Executive Agent has the authority of the Secretary of Defense to task the DoD Components to plan for and to commit DoD resources, in response to requests from civil authorities under MSCA. The Secretary of the Army shall coordinate with the Chairman of the Joint Chiefs of Staff any commitment of military forces assigned to the Unified and Specified Commands.

4.3.2. The Chairman of the Joint Chiefs of Staff shall communicate to the Commanders of the Unified and Specified Commands appropriate guidance issued by the Secretary of the Army for their compliance with this Directive, and also shall assist the DoD Executive Agent in developing MSCA planning guidance for all conditions of war or attacks on the United States or its territories.

4.3.3. The Commander in Chief, Forces Command (CINCFOR); the Commander in Chief, U.S. Atlantic Command (USCINCLANT); and the Commander in Chief, U.S. Pacific Command (USCINCPAC), shall serve as "DoD Planning Agents" for MSCA. Pursuant to guidance issued by the DoD Executive Agent, after coordination with the Chairman of the Joint Chiefs of Staff, the DoD Planning Agents shall conduct MSCA planning, and shall lead MSCA planning activities of all DoD Components within the following geographic areas:

4.3.3.1. CINCFOR (48 contiguous States and the District of Columbia).

4.3.3.2. USCINCLANT (Puerto Rico and the U.S. Virgin Islands).

4.3.3.3. USCINCPAC (Alaska, Hawaii, and U.S. possessions and territories in the Pacific area).

4.3.4. The Commanders of the Unified and Specified Commands shall provide MSCA response, as directed by the DoD Executive Agent.

4.3.5. The Secretary of Defense reserves the authority to modify or terminate the executive agency established by this Directive if operational needs so require in a particular situation.

#### 4.4. MSCA Policy

4.4.1. MSCA shall include (but not be limited to) support similar to that described for Immediate Response (subsection 5.4., below), in either civil emergencies or attacks, during any period of peace, war, or transition to war. It shall include response to civil defense agencies, but shall not include military assistance for civil law enforcement operations.

4.4.1.1. DoD Directive 3025.12 (reference (i)) governs use of military resources in the event of civil disturbances, which may include providing physical security for DoD Key Assets, as defined in DoD Directive 5160.54 (reference (j)).

4.4.1.2. Materiel, logistic, communications, and other assistance to law enforcement (especially drug enforcement operations) is provided under DoD Directive 5525.5 (reference (k)).

4.4.2. The DoD Components shall respond to requirements of the DoD Executive Agent and DoD Planning Agents for MSCA, as authorized by this Directive.

4.4.3. To ensure sound management of DoD resources, MSCA planning will stress centralized direction of peacetime planning with civil authorities, with decentralized planning by DoD Components with civil agencies, where appropriate, and decentralized execution of approved plans in time of emergency.

4.4.4. Subject to priorities established by the President or the Secretary of Defense, all DoD resources are potentially available for MSCA. MSCA planning and execution will encourage and adhere to the following premises:

4.4.4.1. That civil resources are applied first in meeting requirements of civil authorities.

4.4.4.2. That DoD resources are provided only when response or recovery requirements are beyond the capabilities of civil authorities (as determined by FEMA or another lead Federal Agency for emergency response).

4.4.4.3. That specialized DoD capabilities requested for MSCA (e.g., airlift and airborne reconnaissance) are used efficiently.

4.4.4.4. Generally, military operations other than MSCA will have priority over MSCA, unless otherwise directed by the Secretary of Defense.

4.4.5. MSCA shall provide a mechanism to facilitate continuous and cooperative civil and military planning and preparedness to mobilize all appropriate resources and capabilities of the civil sector and the Department of Defense, whenever required for any form of national security emergency.

4.4.6. DoD planning shall recognize that:

4.4.6.1. Army and Air National Guard forces, acting under State orders (i.e., not in Federal service), have primary responsibility for providing military assistance to State and local government agencies in civil emergencies.

4.4.6.2. The Army National Guard State Area Command (STARC), when ordered to Federal Active Duty, will be the DoD focal point for delivery of MSCA at State and local levels in time of war.

4.4.6.3. Plans and preparedness measures for MSCA must foster close and continuous coordination for efficient employment of DoD resources of the National Guard (whether employed under State or Federal authority), as well as resources of the DoD Components, in time of peace, war, or transition to war.

4.4.6.4. In the event of an attack on the United States, its territories, or possessions, the scope of MSCA in each geographical area will depend upon the commitment of military resources to military operations, the extent of damage sustained by the civilian communities, and the status of Active and Reserve Component forces.

4.4.7. DoD Components shall augment staffs responsible for MSCA, as appropriate, with personnel from Reserve components of all Military Services who are specifically trained for civil-military

planning and emergency liaison duties. (See enclosure 3 in DoD Directive 1215.6 (reference (l))). The Military Services also shall ensure that all Active or Reserve component military personnel assigned or attached to FEMA are appropriately trained and employed to enhance DoD capabilities for MSCA in time of war or attack on the United States or its territories.

4.4.8. The DoD Components ordinarily shall provide DoD resources in response to civil emergencies on a cost reimbursable basis. However, see paragraph 4.5.2., below, for circumstances in which an inability or unwillingness of a requester to commit to reimbursement will not preclude action by DoD Components.

4.4.8.1. The DoD Components shall comply with legal and accounting requirements for the loan, grant, or consumption of DoD resources for MSCA, as necessary, to ensure reimbursement of costs to the DoD Components under the Stafford Act, as amended (reference (e)); the Defense Emergency Response Fund established by Pub. L. No. 101-165 (1989) (reference (m)); or other applicable authority.

4.4.8.2. The DoD Components shall not procure or maintain any supplies, materiel, or equipment exclusively for providing MSCA in civil emergencies, unless otherwise directed by the Secretary of Defense.

4.4.8.3. Planning for MSCA during any time of attack on the United States shall assume that financial requirements will be met through appropriate legal processes.

4.4.9. Military forces employed in MSCA activities shall remain under military command and control under the authority of the DoD Executive Agent at all times.

4.4.10. The DoD Components shall not perform any function of civil government unless absolutely necessary on a temporary basis under conditions of Immediate Response. Any commander who is directed, or undertakes, to perform such functions shall facilitate the reestablishment of civil responsibility at the earliest time possible.

#### 4.5. Immediate Response

4.5.1. Imminently serious conditions resulting from any civil emergency or attack may require immediate action by military commanders, or by responsible officials of other DoD Agencies, to save lives, prevent human suffering, or mitigate great property damage. When such conditions exist and time does not permit prior approval from higher headquarters, local military commanders and responsible officials of other DoD Components are authorized by this Directive, subject to any supplemental direction that may be provided by their DoD Component, to take necessary action to respond to requests of civil authorities. All such necessary action is referred to in this Directive as "Immediate Response."

4.5.2. While Immediate Response should be provided to civil agencies on a cost-reimbursable basis if possible, it should not be delayed or denied because of the inability or unwillingness of the requester to make a commitment to reimburse the Department of Defense.

4.5.3. Any commander or official acting under the Immediate Response authority of this Directive shall advise the DoD Executive Agent through command channels, by the most expeditious means available, and shall seek approval or additional authorizations as needed.

4.5.4. Immediate Response may include DoD assistance to civil agencies in meeting the following types of need:

4.5.4.1. Rescue, evacuation, and emergency medical treatment of casualties, maintenance or restoration of emergency medical capabilities, and safeguarding the public health.

4.5.4.2. Emergency restoration of essential public services (including fire-fighting, water, communications, transportation, power, and fuel).

4.5.4.3. Emergency clearance of debris, rubble, and explosive ordnance from public facilities and other areas to permit rescue or movement of people and restoration of essential services.

4.5.4.4. Recovery, identification, registration, and disposal of the dead.

4.5.4.5. Monitoring and decontaminating radiological, chemical, and biological effects; controlling contaminated areas; and reporting through national warning and hazard control systems.

4.5.4.6. Roadway movement control and planning.

4.5.4.7. Safeguarding, collecting, and distributing food, essential supplies, and materiel on the basis of critical priorities.

4.5.4.8. Damage assessment.

4.5.4.9. Interim emergency communications.

4.5.4.10. Facilitating the reestablishment of civil government functions.

#### 4.6. Military Cooperation With Civil Agencies

4.6.1. Under E.O. 12148 (reference (n)) and E.O. 12656 (reference (d)), FEMA is responsible for coordinating Federal plans and programs for response to civil emergencies at the national and regional levels, and for Federal assistance to the States in civil emergencies. Other Federal Departments and Agencies have specific responsibilities for emergency planning and response under reference (d), and under statutory authorities not listed in this Directive. The DoD Executive Agent shall ensure:

4.6.1.1. Coordination of MSCA plans and procedures with FEMA, and with other civil agencies as appropriate, at the national and Federal Region level.

4.6.1.2. Facilitation of direct planning for MSCA by DoD facilities and installations with their local communities, and with their respective STARCs, as appropriate.

4.6.2. The DoD Executive Agent also shall provide appropriate guidance to facilitate MSCA planning and response with the American Red Cross and other civilian disaster and emergency assistance organizations where authorized by law.

4.7. Response Under Other Authorities. DoD response to emergencies under authorities not cited in this Directive also may be directed, coordinated, or supplemented by the DoD Executive Agent, as circumstances require. For example:

4.7.1. The U.S. Coast Guard (USCG) or the U.S. Environmental Protection Agency (EPA) will coordinate Federal response to oil or hazardous material spills, other than those occurring within DoD jurisdictions. The DoD Executive Agent will provide MSCA to the USCG or the EPA; but responsibilities of DoD Components in areas under DoD jurisdiction are covered by DoD Directive 5030.41 (reference (o)).

4.7.2. Emergencies or other incidents involving radiological materials shall be handled in accordance with DoD Directive 5100.52 (reference (p)).

4.7.3. The Secretary of the Army shall ensure the implementation of DoD responsibilities for emergency water requirements, as specified in E.O. 12656 (reference (d)), and response to flooding, as provided in Pub. L. No. 84-99 (1941), as amended (reference (q)).

4.7.4. Forest fire emergencies are responsibilities of the U.S. Department of Agriculture or Interior. The Boise Interagency Fire Center (BIFC) may request DoD assistance; and specific details regarding DoD support are covered by agreements between the Department of Defense and the BIFC that are administered by the DoD Executive Agent.

4.7.5. The DoD Executive Agent is delegated the authority to direct DoD Components in planning for and responding to any civil emergency that may arise out of any mass immigration by aliens into the land territory of the United States, its territories, or possessions, consistent with applicable law and this Directive. The DoD Executive Agent should ensure appropriate coordination with Federal law enforcement authorities in exercising this authority.

4.7.6. Use of DoD transportation resources in response to a non-declared civil emergency shall be directed by the DoD Executive Agent under this Directive. (See also DoD Directive 4500.9 (reference (r)).)

4.8. Non-Declared Emergencies. The DoD Executive Agent may direct DoD Components to respond to any emergency, based on authority that is provided by this Directive or obtained from the Secretary or Deputy Secretary of Defense. If an emergency of any kind or size requires a response on behalf of the Department of Defense, where there has not been any declaration of major disaster or emergency by the President, or if reimbursement of funds to the Department of Defense is otherwise not certain, the DoD Executive Agent shall ascertain the authority necessary to commit DoD resources for response to requests from civil authorities.

4.8.1. Authorizations by the DoD Executive Agent under this subsection (4.7.) shall include (but not be limited to) commitment of funds from the Defense Emergency Response Fund (reference (m)) in anticipation of reimbursements to that fund.

4.8.2. The DoD Executive Agent shall obtain authorization from the Secretary of Defense or Deputy Secretary of Defense to provide support in those cases in which DoD response is not clearly required by Federal law or by DoD plans approved by the DoD Executive Agent.

4.9. Emergency Priorities. When guidance cannot be obtained from higher headquarters on a timely basis, due to attack on the United States or other emergency circumstances, the DoD Components should apply DoD resources to MSCA in the following order of priority:

4.9.1. To save human life and mitigate human suffering, and to protect essential U.S. Government capabilities, including:

4.9.1.1. Continuity of the U.S. Government.

4.9.1.2. Protection of U.S. Government officials.

4.9.1.3. Prevention of loss or destruction to Federal property.

4.9.1.4. Restoration of essential Federal functions.

4.9.2. To preserve or restore services of State and local government.

## 5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Policy shall:

5.1.1. Exercise policy oversight of MSCA for the Secretary of Defense, and ensure compatibility of MSCA with National Security Emergency Preparedness, in accordance with DoD Directive 3020.36 (reference (s)) and E.O. 12656 (reference (d)).

5.1.2. Coordinate DoD policy governing plans and operations with FEMA; and assist the DoD Executive Agent, the Chairman of the Joint Chiefs of Staff, and others, as appropriate, in their coordination with FEMA.

5.2. The Assistant Secretary of Defense (Health Affairs) shall coordinate policy for emergency medical support to civil authorities in consonance with this Directive, to include participation by the Department of Defense in the National Disaster Medical System (NDMS).

5.3. The Assistant Secretary of Defense (Reserve Affairs) shall advise the DoD Executive Agent, the Chairman of the Joint Chiefs of Staff, the USD(P), and the Secretaries of the Military Departments, as required, on Reserve component matters impacting on MSCA.

5.4. The Comptroller of the Department of Defense shall:

5.4.1. Facilitate accounting procedures that will enable the Department of Defense to respond on a timely basis to all emergency requirements for MSCA; and

5.4.2. In conjunction with the DoD Executive Agent, provide for accounting and other procedures necessary to manage expenditures for MSCA from the Defense Emergency Response Fund (reference (m)).

5.5. The Chairman of the Joint Chiefs of Staff shall:

5.5.1. Advise the Secretary of Defense and the DoD Executive Agent on policies, responsibilities, and programs bearing on MSCA.

5.5.2. In coordination with the DoD Executive Agent, facilitate communications by the DoD Executive Agent with commanders, as appropriate.

5.5.3. Ensure the compatibility of MSCA plans with other military plans.

5.5.4. Facilitate CINCFOR's development of an MSCA database and emergency reporting system, as described in paragraph 5.10.3., below.

5.5.5. Facilitate coordinated evaluation of MSCA plans and capabilities by the Commanders of the Unified and Specified Commands through exercises or other means, as appropriate.

5.6. The Secretaries of the Military Departments shall:

5.6.1. Provide for participation by the Military Services in MSCA planning, in accordance with this Directive and with guidance of the DoD Executive Agent; and ensure readiness of Active and Reserve components to execute plans for MSCA.

5.6.2. Ensure the designation of a principal planning agent and regional planning agents for MSCA for each Military Service, and advise the DoD Executive Agent and the Chairman of the Joint Chiefs of Staff of such agents.

5.6.3. Ensure effective and efficient coordination of MSCA planning by Service installations with Federal Regions, STARCs, and State and local civil authorities, through the DoD Planning Agents, as directed by the DoD Executive Agent.

5.6.4. Furnish available resources for MSCA when directed by the DoD Executive Agent.

5.6.5. Identify to the DoD Executive Agent the resources of their respective Military Services that are potentially available for MSCA within the parameters of the DoD Resources Data Base (DODRDB) for MSCA, which is described in paragraph 5.10.3., below. Facilitate use of that database to support decentralized management of MSCA in time of emergency, as appropriate.

5.6.6. Prepare to support civil requests for damage and residual capability assessment following civil emergencies or attacks, to include providing aerial reconnaissance as appropriate.

5.6.7. Provide Military Department representatives to serve on RMEC teams, as requested by the DoD Executive Agent.

5.6.8. Based on validated military planning and operational requirements, assign individual Reservists from Military Services to FEMA and other appropriate civil government offices and headquarters to provide liaison for planning and emergency operations for MSCA. (See enclosure 3 in DoD Directive 1215.6 (reference (l)).)

5.6.9. Provide available Military Service personnel for MSCA training, including courses conducted by CINCFOR and FEMA.

5.6.10. Provide for application of critical emergency capabilities of the Services (such as disposal of explosive ordnance and nuclear devices) for MSCA, as required.

5.7. In addition to the responsibilities assigned under subsection 5.6., above, the Secretary of the Army, as DoD Executive Agent, shall:

5.7.1. Coordinate with the Chairman of the Joint Chiefs of Staff, in advance, for the employment of forces assigned to the Unified and Specified Commands in MSCA missions.

5.7.2. Establish a single headquarters element (to be denominated the "Directorate of Military Support (DOMS)") under the Secretary of the Army, through which the Secretary of the Army issues orders necessary to perform the duties of the DoD Executive Agent under this Directive. The Secretary of the Army shall ensure that the staff element includes specially qualified and trained officers of all Military Services, including those at senior levels in the element.

5.7.3. Manage expenditures for MSCA from the Defense Emergency Response Fund (reference (m)). (See paragraph 4.4.2., above.)

5.7.4. Direct and coordinate the development of both generic and incident specific plans for MSCA through the DoD Planning Agents designated in paragraph 4.4.3., above, and through the DoD Components, as appropriate.

5.7.5. Establish appropriate guidance, through the National Guard Bureau, for the Adjutants General of the 50 States, District of Columbia, Guam, Puerto Rico, and the Virgin Islands to ensure compliance by the Army National Guard with this Directive. Such guidance shall provide for the following, as appropriate:

5.7.5.1. Resourcing the STARCs for MSCA planning and response tasks.

5.7.5.2. STARC interfaces with commands and installations of all Services, including the DoD Planning Agents, and with State civil agencies.

5.7.5.3. STARC acceptance, support, and utilization of liaison and augmentation from all Military Services, as appropriate.

5.7.6. Provide for the manning and operation of RMEC teams to coordinate the interface between the Defense Components and all Federal regional emergency management structures established by FEMA that may affect MSCA.

5.7.7. Provide for effective utilization in MSCA planning of the U.S. Army Corps of Engineers, the Naval Construction Force, and the U.S. Air Force Civil Engineers, to include all civil works authorities and other unique civil emergency capabilities, as permitted by law.

5.7.8. Delegate as appropriate authority under this Directive to the DoD Planning Agents, to Defense Coordinating Officers (DCOs) appointed for response to civil emergencies under the Stafford Act, as amended (reference (e)), or to other DoD officials to accomplish any requirement for MSCA planning or operations under this Directive.

5.7.9. Provide guidance to CINCFOR for content, dissemination, and use of the DODRDB for MSCA, which is described in paragraph 5.10.3., below; and ensure opportunity for input by the Chairman of the Joint Chiefs of Staff in the continuing development of that database.

5.7.10. Maintain national-level liaison with FEMA for MSCA.

5.7.11. Provide Army Reserve support to FEMA, on a reimbursable basis, for emergency communications, security operations, and associated management support, at the Federal Regions, as determined by agreement between FEMA and the DoD Executive Agent; and ensure the availability of such support during any time of war or national mobilization.

5.7.12. Provide full-time Army personnel, as required, to manage the Military Support Liaison Office established by agreement between the Secretary of Defense and the Director of FEMA. Utilize that office to facilitate requirements and communications of the DoD Executive Agent under this Directive.

5.7.13. Develop training courses for MSCA, including specialized training for Reserve component emergency preparedness liaison officers of all Military Services who will work with civilian communities and agencies as authorized for MSCA missions.

5.7.14. Provide authorizations to DoD Components to perform emergency work under Section 403(c) of the Stafford Act, as amended (reference (e)). That statute provides that, when authorized by the President at the request of a State Governor, under certain conditions, the Department of Defense may perform on public or private lands emergency work that is essential for the preservation of life or property. Emergency work by the Department of Defense under that provision may be carried out only for a period not to exceed 10 days, and is only 75 percent funded by Federal funds.

5.8. In addition to the responsibilities assigned under subsection 5.6., above, the Secretary of the Navy shall:

5.8.1. Maintain liaison and coordinate planning with the Department of Transportation for participation by USCG forces in MSCA.

5.8.2. Furnish technical advice and support for MSCA planning and implementation in areas that are uniquely within the competence of the Navy, Marine Corps, or USCG (e.g., nuclear material disposal for coastal and maritime areas, and emergency protection or restoration of seaport capabilities).

5.9. In addition to the responsibilities assigned under subsection 5.6., above, the Secretary of the Air Force shall:

5.9.1. Establish appropriate guidance, through the National Guard Bureau, for the Adjutants General of the 50 States, District of Columbia, Guam, Puerto Rico, and the Virgin Islands to ensure compliance by the Air National Guard with this Directive.

5.9.2. Facilitate planning by the Civil Air Patrol for participation in MSCA.

5.9.3. Furnish technical advice and support for MSCA planning and implementation in areas that are uniquely within the competence of the Air Force and its wartime augmentation elements (e.g., coordination with the Federal Aviation Administration, the National Aeronautics and Space Administration, and the National Oceanic and Atmospheric Administration).

5.9.4. Facilitate the conduct and coordination of aerial reconnaissance missions to perform damage assessment in support of MSCA.

5.10. In addition to serving as a DoD Planning Agent under subsection 5.11., below, the Commander in Chief Forces Command CINCFOR, subject to the direction of the DoD Executive Agent, shall:

5.10.1. Maintain liaison with FEMA to facilitate cooperative civil and military planning and training for MSCA.

5.10.2. Lead DoD liaison with FEMA and other Federal Agencies at the Federal Regions, including utilization of the RMEC Teams.

5.10.3. Continue to develop, maintain, and disseminate the DODRDB.

5.10.3.1. The DODRDB shall support MSCA planning for civil emergencies or attacks, as well as post-disaster and post-attack damage and residual capability assessment by field elements of the DoD Components. It shall include essential information on resources routinely held by the DoD Components and directly applicable to lifesaving, survival, and immediate recovery aspects of MSCA.

5.10.3.2. Forces to be included in the DODRDB are those that are based in the United States and its territories and most capable of supporting civil emergency functions. Those forces include (but are not limited to) construction, airlift, medical, signal, transportation, and military police elements, and training base forces of all Services. The DODRDB will not include strategic forces or any other forces identified for exclusion by the Chairman of the Joint Chiefs of Staff, unless otherwise directed by the Secretary of Defense.

5.10.3.3. The DODRDB shall serve as the basis for emergency reports under continuity of operations, damage assessment, and residual capabilities, and shall include (but not be limited to) reports through the STARCs required by subsection 6.2. of DoD Directive 3020.26 (reference (t)).

5.10.4. Plan and conduct civil-military training courses and exercises in conjunction with FEMA.

5.11. The Commander in Chief, Forces Command; the Commander in Chief, U.S. Atlantic Command; and the Commander in Chief, U.S. Pacific Command, shall:

5.11.1. In accordance with guidance from the DoD Executive Agent communicated through the Chairman of the Joint Chiefs of Staff:

5.11.1.1. Serve as DoD Planning Agents for MSCA for the areas specified in paragraph 4.3.3., above; and develop MSCA plans and preparedness measures for their MSCA areas of responsibility.

5.11.1.2. Ensure cooperative planning for MSCA operations between DoD Components, FEMA, and other Federal or State civil agencies, as required.

5.11.1.3. Utilize RMEC teams to assist in plan development.

5.11.1.4. Coordinate with the STARCs through channels established by the Secretary of the Army; and utilize liaison officers provided for in DoD Directive 1215.6 (reference (l)) and others, as appropriate, to facilitate coordination of emergency planning.

5.11.1.5. Plan to perform any designated function of the DoD Executive Agent under this Directive, if ordered by the Secretary of Defense in time of war or attack on the United States.

5.11.1.6. Evaluate MSCA plans, preparedness measures, and training in joint civil military exercises.

5.11.2. Furnish MSCA as directed by the DoD Executive Agent. Employ RMEC Teams and liaison officers, as appropriate, to coordinate emergency response operations with civil agencies, the National Guard, the Military Departments and the CINCs.

5.11.3. Furnish assistance to civil authorities in non-declared emergency situations when directed by the DoD Executive Agent.

5.12. The Directors of the Defense Agencies shall:

5.12.1. Designate a principal planning agent and regional planning agents for MSCA, and advise the DoD Executive Agent of such designated agents.

5.12.2. Ensure effective and efficient coordination of planning by subordinate elements with Federal Regions, STARCs, and State and local civil authorities, through the DoD Planning Agents, as directed by the DoD Executive Agent.

5.12.3. Furnish resources for MSCA when directed by the DoD Executive Agent.

5.12.4. Make DoD resources available for technical support to the other DoD Components for MSCA, when required.

5.12.5. Respond to requests by the DoD Executive Agent to identify resources for the DODRDB.

5.12.6. Provide representatives to serve on RMEC teams, as requested by the DoD Executive Agent.

## 6. INFORMATION REQUIREMENTS

The reporting requirements in section 5., above, are exempt from licensing in accordance with paragraph 5.4.2. of DoD 7750.5-M (reference (u)).

## 7. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. The DoD Executive Agent shall publish DoD 3025.1-M, "DoD Manual for Civil Emergencies," in accordance with this Directive within 120 days; and DoD Components shall revise existing documents or develop implementing documents as necessary to comply with this Directive or supplement that Manual. Forward one copy of implementing documents to the DoD Executive Agent within 120 days of receipt of that Manual.

/S/  
Donald J. Atwood  
Deputy Secretary of Defense

E1. References, continued

E2. Definitions

E1. ENCLOSURE 1  
REFERENCES, continued

- (e) Sections 5121, et seq., of title 42, United States Code App., "The Robert T. Stafford Disaster Relief and Emergency Assistance Act," as amended (referred to as "the Stafford Act")
- (f) Sections 2251, et seq., of title 50, United States Code App., "The Federal Civil Defense Act of 1950," as amended
- (g) [DoD 5025.1-M](#), "DoD Directives System Procedures," December 1990, authorized by [DoD Directive 5025.1](#), December 23, 1988
- (h) [DoD Directive 5100.46](#), "Foreign Disaster Relief," December 4, 1975
- (i) [DoD Directive 3025.12](#), "Employment of Military Resources in the Event of Civil Disturbances," August 19, 1971
- (j) [DoD Directive 5160.54](#), "DoD Key Assets Protection Program (KAPP)," June 26, 1989
- (k) [DoD Directive 5525.5](#), "DoD Cooperation with Civilian Law Enforcement Officials," January 15, 1986
- (l) [DoD Directive 1215.6](#), "Uniform Reserve, Training and Retirement Categories," December 18, 1990
- (m) Title V of Public Law No. 101-165, "Emergency Response Fund," November 21, 1989
- (n) Executive Order 12148, "Federal Emergency Management," July 20, 1979, as amended
- (o) [DoD Directive 5030.41](#), "Oil and Hazardous Substances Pollution Prevention and Contingency Program," June 1, 1977
- (p) DoD Directive 5100.52, "DoD Response to an Accident or Significant Incident Involving Radioactive Materials," December 21, 1989
- (q) Public Law No. 84-99, "The Flood Control Act of 1941," August 18, 1941, as amended (33 U.S.C. 701n et seq.)
- (r) [DoD Directive 4500.9](#), "Transportation and Traffic Management," January 26, 1989
- (s) [DoD Directive 3020.36](#), "Assignment of National Security Emergency Preparedness (NSEP) Responsibilities to DoD Components," November 2, 1988
- (t) [DoD Directive 3020.26](#), "Continuity of Operations Policies and Planning," October 24, 1985
- (u) DoD 7750.5-M, "DoD Procedures for Management of Information Requirements," November 1986, authorized by DoD Directive 7750.5, August 7, 1986
- (v) Memorandum, Deputy Secretary of Defense, "DoD Executive Agent for Support to Federal Agencies in Immigration Emergencies," August 20, 1991 (hereby superseded)

E2. ENCLOSURE 2  
DEFINITIONS

E2.1.1. Attack. Any attack or series of attacks by an enemy of the United States causing, or that may cause, substantial damage or injury to civilian property or persons in the United States (or its territories) in any manner, by sabotage or by the use of bombs, shellfire, or nuclear, radiological chemical, bacteriological, or biological means, or other weapons or processes (Federal Civil Defense Act of 1950 (reference (f))).

E2.1.2. Civil Defense. All those activities and measures designed or undertaken to:

E2.1.2.1. Minimize the effects upon the civilian population caused, or that would be caused, by an attack upon the United States or by a natural or technological disaster;

E2.1.2.2. Deal with the immediate emergency conditions that would be created by any such attack or natural or technological disaster; and

E2.1.2.3. Effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack or natural or technological disaster (reference (f)).

E2.1.3. Civil Disturbances. Group acts of violence and disorders prejudicial to public law and order within the 50 States, District of Columbia, Commonwealth of Puerto Rico, U.S. possessions and

territories, or any political subdivision thereof. The term "civil disturbance" includes all domestic conditions requiring the use of Federal Armed Forces, as more specifically defined in DoD Directive 3025.12 (reference (i)).

E2.1.4. Civil Emergency. Any natural or manmade disaster or emergency that causes or could cause substantial harm to the population or infrastructure. This term can include a "major disaster" or "emergency," as those terms are defined in the Stafford Act, as amended (reference (e)), as well as consequences of an attack or a national security emergency. Under reference (e), the terms "major disaster" and "emergency" are defined substantially by action of the President in declaring that extant circumstances and risks justify his implementation of the legal powers provided by those statutes.

E2.1.5. Civil Emergency Preparedness. The non-military actions taken by Federal Agencies, the private sector, and individual citizens to meet essential human needs, to support the military effort, to ensure continuity of Federal authority at national and regional levels, and to ensure survival as a free and independent nation under all emergency conditions, including a national emergency caused by threatened or actual attack on the United States.

E2.1.6. Civil Government Resources. Civil resources owned by, controlled by, or under the jurisdiction of civilian agencies of the U.S. Government, or of State and local government agencies.

E2.1.7. Civil Resources. Resources that normally are not controlled by the Government, including work force, food and water, health resources, industrial production, housing and construction, telecommunications, energy, transportation, minerals, materials, supplies, and other essential resources and services. Such resources cannot be ordered to support needs of the public except by competent civil government authority.

E2.1.8. Continental United States Airborne Reconnaissance for Damage Assessment (CARDA). A system of aerial reconnaissance of the Continental United States for determining the effects of a nuclear attack. CARDA integrates the combined resources of all Government Agencies and Military Services for the National Command Authority.

E2.1.9. Defense Coordinating Officer (DCO). A military or civilian official of any DoD Component, who has been designated by the DoD Executive Agent to exercise some delegated authority of the DoD Executive Agent to coordinate MSCA activities under this Directive. The authority of each DCO will be defined in documentation issued or authorized by the DoD Executive Agent, and will be limited either to the requirements of a specified interagency planning process or to a specified geographic area or emergency. (The DoD Executive Agent also may delegate authority to designate DCOs to any DoD Planning Agent specified in this Directive.)

E2.1.10. Defense Emergency Response Fund. Established by Pub. L. No. 101-165 (1989) (reference (m)). That law provides that, "The Fund shall be available for providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal Departments and Agencies and from State and local governments for assistance on a reimbursable basis to respond to natural or manmade disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received." The Fund is applicable to Foreign Disaster Assistance under DoD Directive 5100.46 (reference (h)), and to MSCA under the authority of this Directive.

E2.1.11. DoD Executive Agent. The individual designated by position to have and to exercise the assigned responsibility and delegated authority of the Secretary of Defense, as specified in this Directive.

E2.1.12. DoD Planning Agent. An individual designated by position to facilitate and coordinate MSCA contingency planning (and MSCA operations when ordered) by all DoD Components within an assigned geographic area in accordance with the requirements of this Directive.

E2.1.13. DoD Resources. Military and civilian personnel, including Selected and Ready Reservists of the Military Services, and facilities, equipment, supplies, and services owned by, controlled by, or under the jurisdiction of a DoD Component.

E2.1.14. Federal Function. Any function, operation, or action carried out under the laws of the United States by any Department, Agency, or instrumentality of the United States, or by an officer or employee thereof.

E2.1.15. Federal Property. Property that is owned, leased, possessed, or occupied by the Federal Government.

E2.1.16. Federal Region. A grouping of States and territories of the United States, by which FEMA coordinates responsibilities of the State governments with those of Federal Departments and Agencies, for disaster relief, civil defense, and planning for both civil and national security emergencies. These regions are sometimes referred to as "FEMA Regions" to distinguish them from any one of the various regional alignments of other Federal Departments and Agencies, all of which are circumscribed by FEMA's coordination authority. Today, there are ten Federal Regions, but the term is used generally to facilitate MSCA regardless of the number of Federal Regions at any time.

E2.1.17. Federal Response Plan. The inter-departmental planning mechanism, developed under FEMA leadership, by which the Federal Government prepares for and responds to the consequences of catastrophic disasters. Federal planning and response are coordinated on a functional group basis, with designated lead and support agencies for each identified functional area.

E2.1.18. Immediate Response. Any form of immediate action taken by a DoD Component or military commander, under the authority of this Directive and any supplemental guidance prescribed by the Head of a DoD Component, to assist civil authorities or the public to save lives, prevent human suffering, or mitigate great property damage under imminently serious conditions occurring where there has not been any declaration of major disaster or emergency by the President or attack.

E2.1.19. Imminently Serious Conditions. Emergency conditions in which, in the judgment of the military commander or responsible DoD official, immediate and possibly serious danger threatens the public and prompt action is needed to save lives, prevent human suffering, or mitigate great property damage. Under these conditions, timely prior approval from higher headquarters may not be possible before action is necessary for effective response.

E2.1.20. Military Resources. Military and civilian personnel, facilities, equipment, and supplies under the control of a DoD Component.

E2.1.21. Military Support to Civil Authorities (MSCA). Those activities and measures taken by the DoD Components to foster mutual assistance and support between the Department of Defense and any civil government agency in planning or preparedness for, or in the application of resources for response to, the consequences of civil emergencies or attacks, including national security emergencies.

E2.1.22. National Disaster Medical System (NDMS). An inter-departmental national mutual aid system developed by Federal Departments and Agencies to provide for the medical needs of victims of major disasters, and to provide backup support for medical systems of the Departments of Defense and Veterans Affairs in caring for casualties from military conflicts. The Department of Health and Human Services serves as the lead Federal Agency for administering NDMS, and would coordinate NDMS operations in response to civil emergencies. The Department of Defense could activate and coordinate NDMS operations in support of military contingencies.

E2.1.23. National Security Emergency. Any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or seriously threatens the national security of the United States (E.O. 12656 (reference (d))).

E2.1.24. Planning Agent. A military or civilian official of any DoD Component, who has been designated by the Head of that Component to exercise delegated authority for MSCA planning for the entire Component (i.e., "principal planning agent") or for certain subordinate elements or a specified geographic area (e.g., "regional planning agents"). Authority and responsibilities of each planning agent will be defined by the Component, and may include MSCA response as well as planning at the election of any Component. The actual authority of planning agents will be communicated to others, as determined by the DoD Component, or when requested by the DoD Executive Agent.

E2.1.25. Regional Military Emergency Coordinator (RMEC). An individual, designated on behalf of the Secretary of Defense and the DoD Executive Agent, to perform coordination, information exchange, and liaison functions on behalf of the Department of Defense with any Federal emergency management structure established at the Region level. Alternate RMECs are designated by other DoD Components, as required, in accordance with this Directive; and the RMECs and alternates collectively are referred to as "RMEC Teams."

E2.1.26. Residual Capability Assessment (RECA). An assessment of the effects of a nuclear or conventional attack on U.S. resources, or of a major peacetime disaster that results in the declaration of a national security emergency. Such an assessment is made (through all appropriate means) to determine the remaining capabilities of the United States with emphasis on military preparedness.

E2.1.27. Resource Claimancy. The procedure, employed during any period of attack or national security emergency, whereby authorized Federal Agencies determine definitive requirements and justify the allocation of civil government and civil resources needed to support programs under their cognizance. It does not imply procurement activity, nor does it involve the Government as an intermediary in the normal mechanisms of trade other than in expediting essential activities and ensuring equitable distribution of civil resources. Resource claimancy occurs at both the national and regional levels.

E2.1.28. State Area Commands (STARCs). Specific headquarters units of the Army National Guard for each State, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.



## **APPENDIX 2-17: National Oil and Hazardous Substances Pollution Contingency Plan**

*For the complete text of 40 CFR 300, see:*

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=8f2a607e9d482ff9f41b1f7baf4aeb28&rgn=div5&view=text&node=40:26.0.1.1.1&idno=40>

*The following article summarizes National Oil and Hazardous Substances Pollution Plan:*

*Source:* [http://homer.ornl.gov/oepa/guidance/cwa/ncp\\_rev.pdf](http://homer.ornl.gov/oepa/guidance/cwa/ncp_rev.pdf)



# Environmental Guidance Regulatory Bulletin

Office of Environmental Policy and Assistance · RCRA/CERCLA Division (EH-413)

July 31, 1995

## National Oil and Hazardous Substances Pollution Contingency Plan

# Revised Rule Issued

**Effective Date: October 17, 1994**

### Introduction

On September 15, 1994, at 59 FR 47384-47495, the Environmental Protection Agency promulgated a Final Rule revising 40 CFR Part 300\*; the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). One of the primary purposes of the revised NCP is to provide for efficient, coordinated, and effective action to minimize adverse impact from oil discharges and hazardous substance releases. The NCP is required by Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act and Section 311 (c) (2) of the Clean Water Act. The NCP establishes an organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants under these two Acts. The Oil Pollution Act of 1990 (OPA) amends the existing provisions of the Clean Water Act (CWA) and creates major new authorities addressing oil, and to a lesser extent, hazardous substance spill response. These amendments to the CWA, in turn, require revision of the NCP. The OPA specifies a number of revisions to the NCP that enhance and expand upon the current framework, standards, and procedures for response. A Notice of Proposed Rulemaking on changes to the NCP was issued on October 22, 1993 (58 FR 54702). DOE solicited comments on the proposed rule from DOE program and field offices, and submitted those comments to EPA on December 20, 1993.

Specific aspects of the revisions to the NCP that affect DOE programs and facilities include:

- Role of on-scene coordinators and remedial project managers
- Response operations

- Federal agency participation
- Natural resource trustee responsibilities

The NCP and Executive Order 12580 (issued January 23, 1987) are the basis for DOE's implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at DOE facilities. The Executive Order delegates response authority to DOE from the President, while the NCP establishes EPA's procedures for implementing the CERCLA program and for responding to oil and hazardous substance discharges. DOE is required to carry out a number of key functions, including providing representatives to the National Response Team (NRT), the interagency organization responsible for planning for and responding to CERCLA releases and CWA discharges (see Definitions Table); acting as a natural resource trustee for land that DOE manages; performing natural resource damage assessments (NRDA); and assuming authority for certain response actions.

The NCP applies to:

1) discharges of oil into or on the navigable waters of the United States, the adjoining shorelines, the waters of the contiguous zone, the exclusive economic zone; or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.

2) releases into the environment of hazardous substances and pollutants or contaminants which may present an imminent and present danger to public health and welfare.

For a discussion of the provisions of Executive Order 12580 signed on January 23, 1987, please refer to the "Executive Order 12580: Superfund Implementation" Information Brief (EH-231-015/0593, May 1993).

The major revisions to the NCP reflect OPA revisions to CWA section 311. These changes increase Presidential authority to direct cleanup of oil spills and hazardous substance releases and augment preparedness and planning activities on the part of the federal government, as well as vessel and facility owners and operators. The OPA was enacted to strengthen the national response system and provide for better coordination of spill contingency planning among federal, state, and local authorities. Because Presidential authority for response to CERCLA oil and hazardous substance releases was delegated to DOE and other specified federal agencies under E.O. 12580, the revisions to the NCP do not substantially alter current DOE responsibilities in this area. The majority of changes to the NCP, resulting from the OPA, address responses to discharges, or threatened

\*Also 40 CFR Part 9: "OMB Approvals Under the Paperwork Reduction Act," 1994, p. 183.

discharges, of oil under CWA section 311. The language of the Final Rule uses the term “discharge,” as defined by section 311(a)(2) of the CWA to refer to oil, and “releases,” as defined under CERCLA, to refer to hazardous substance spills or releases.

## Organization for Response

The NCP establishes a national response system for responding to discharges of oil and releases of hazardous substances. Figure 1a and 1b of the Final Rule illustrate the roles of the national response system. DOE’s request that EPA differentiate between responses to discharges of oil under the CWA and releases of hazardous substances under CERCLA was not incorporated in the revised rule. EPA believes these figures accurately reflect all categories of response without requiring additional explanation. DOE provides representation to the NRT, which is responsible for national response and preparedness activities, coordinating regional planning, and for providing policy guidance and support to the Regional Response Teams (RRTs). Under 40 CFR 300.120, federal agencies should also provide representation to the RRTs for the regions in which they have facilities. The regions, for the purposes of establishing RRT authority, correspond to existing EPA regions and U.S. Coast Guard (USCG) districts. Regions are further divided into areas which are managed by Area Committees.

### *On-Scene Coordinators (OSC) and Remedial Project Managers (RPM)*

The OSC or RPM directs response efforts and coordinates all other efforts at the scene of the discharge of oil or release of hazardous substances. Revised 40 CFR 300.120 provides that the EPA or the USCG will predesignate OSCs for all areas in each region.

- The USCG shall provide OSCs for all oil discharges, including discharges from facilities or vessels under the jurisdiction of another federal agency, within or threatening the coastal zone. The USCG will also provide OSCs for removal of releases of hazardous substances except:
  - where the release of hazardous substances, pollutants or contaminants is on, or the sole source of the release is from, any facility or vessel, under the jurisdiction, custody, or control of DOE, DOD, or any other federal agency.
- The EPA shall provide OSCs for discharges or releases into or threatening the inland zone except:
  - where the release of hazardous substances, pollutants or contaminants is on, or the sole source of the release is from, any facility or vessel, under the jurisdiction, custody, or control of DOE, DOD, or any other federal agency.

- DOE shall provide RPMs who are responsible for taking all response actions where the sole source of the release is from any facility or vessel under the jurisdiction, custody, or control of DOE.

In its comments on the proposed rule, DOE requested clarification in the final rule on EPA’s responsibility to provide OSCs for oil discharges into or threatening the inland zone even where those discharges are from facilities or vessels under the jurisdiction of another federal agency. EPA declined to address this comment in the final rule. However, following an informal request for clarification, an Environmental Protection Specialist of the Emergency Response Division stated that EPA will provide OSCs for all oil discharges in the inland zone.

In addition to providing OSCs or RPMs for hazardous substance releases from its facilities, DOE also provides advice and assistance to other OSCs or RPMs for emergency actions essential for the control of immediate radiological hazards.

Under revised 40 CFR 300.170, federal agencies are responsible for reporting to the National Response Center releases of hazardous substances from facilities or vessels under their jurisdiction or control in accordance with section 103 of CERCLA. In addition, all federal agencies are now required to report discharges of oil that are in violation of section 311(b)(3) of the CWA from facilities or vessels under their jurisdiction or control to the National Response Center (NRC). Discharges of oil that meet the requirements of section 311(b) of the CWA are those that:

- violate applicable water quality standards, or
- cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

### *Definitions*

The final rule amended the CWA definition of oil to reflect the OPA. In addition to the CWA definition of oil, the revised definition at 40 CFR 300.5 also states:

- Oil, as defined by section 1001 of OPA, means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredge spoil, but does not include crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of CERCLA and which is subject to provisions of that act.

In response to the public comments on the proposed changes to the NCP, EPA received a request to address both 1) the appropriate response and funding for spills of statutorily defined “oil” which may exhibit, if tested, characteristics of a CERCLA “hazardous substance” in either its initial or

weathered state; and 2) response funding where both “oil” and CERCLA “hazardous substances” may be involved in a discharge. The commenter had previously experienced difficulty where the USCG defined the discharge as CERCLA hazardous substance, while the EPA defined it as an oil. EPA declined to clarify the definition stating that the commenter’s concerns “touch on interagency policy issues that will be decided on a case-by-case basis between EPA and the USCG” (59 FR 47386). This definitional issue may become important to DOE because DOE will provide OSCs for releases of CERCLA hazardous substances that do not meet the definition of “oil” as defined at 40 CFR 300.5. Either the USCG or EPA, as appropriate, will provide OSCs for discharges of oil.

The revised NCP provides additional response actions and planning requirements for “worst case” discharges. DOE requested clarification of the term “worst case” discharge as it is used in the revised NCP. For example, section 311(a)(24) of the CWA does not specify whether “worst case” discharge applies only to oil or also to hazardous substances. EPA commented that, for the purposes of *responding* to a “worst case” discharge, the term applies only to discharges of oil. However, for *planning* purposes, CWA section 311(j)(5) requires tank vessel and facility response plans to address worst case discharges of oil or hazardous substances.

#### *Response operations*

Under revised 40 CFR 300.135, the OSC is required to coordinate all response activities with the affected natural resource trustees, and for discharges of oil, shall consult with the affected trustees on the appropriate removal action to be taken. EPA has indicated that it does not interpret “consultation with” the affected trustees as a requirement for obtaining concurrence of the trustees “although such concurrence is highly desirable” (59 FR 47390).

Under 40 CFR 300.600(b)(3), DOE is designated a federal natural resource trustee for resources on, over, or under land it administers. Other federal agencies may also serve as natural resource trustees for resources found on DOE facilities. The lead federal administrative trustee for a response is designated on an incident-by-incident basis by the other trustees whose natural resources are affected by the incident. The lead federal administrative trustee facilitates communication between the OSC and other federal trustees during response operations and is responsible for applying to the OSC for non-monetary (personnel and equipment) federal response resources on behalf of all trustees.

Revised 40 CFR 300.305(e) states that the OSC and the trustees shall coordinate assessments, evaluations, investigations, and planning with respect to removal actions. The trustees are required to provide “timely” advice concerning recommended removal actions with regard to trustee resources that may potentially be affected. The trustees are also required to inform the OSC of activities related to natural resource damage assessment (NRDA) that may affect response. The trustees, through the lead federal trustee, will ensure that all data from NRDA activities that may support more effective operational decisions are provided to the OSC

in a timely manner. Where circumstances permit, the OSC shall provide the trustees with non-monetary response resources (personnel and equipment) for conducting damage assessments. In the response to comments on the proposed rule, EPA states that activities of the trustees and the OSC should be coordinated to prevent duplication of effort and promote effective use of resources.

#### **Planning and Preparedness**

CWA section 311(j), as revised by the OPA, requires the development of Area Committees (ACs) composed of representatives from federal, state and local agencies. The ACs are responsible for developing an Area Contingency Plan (ACP) which, when implemented, is adequate to remove a worst case discharge of oil under section 300.324 and to mitigate or prevent a substantial threat of such discharge from a vessel, offshore facility, or onshore facility operating in or near the area. An April 24, 1992 Federal Register notice (57 FR 15198) designates the initial areas. However, EPA has indicated that both area boundaries and ACPs are expected to change as the national response system evolves. Changes to area boundaries will be published in the Federal Register.

Each ACP shall include a detailed annex containing a Fish and Wildlife Sensitive Environmental Plan (FWSEP) which shall address fish and wildlife resources and their habitat and shall include other areas considered sensitive environments. The FWSEP annex shall:

- identify and establish priorities for fish and wildlife resources and their habitats and other important sensitive areas requiring protection from discharges;
- provide a mechanism for timely identification of protection priorities;
- identify potential environmental effects on fish and wildlife, their habitat, and other sensitive environments resulting from removal actions or countermeasures;
- provide for pre-approval of application of specific countermeasures or removal actions which will minimize adverse impacts;
- provide monitoring plans to evaluate the effectiveness of different countermeasures or removal actions;
- identify and plan for the acquisition and utilization of necessary response capabilities for protection, rescue, and rehabilitation of fish and wildlife resources and habitat; and
- identify appropriate federal and state agency contacts and alternatives responsible for coordination of fish and wildlife rescue and rehabilitation and protection of sensitive environments.

Because of the requirement to pre-approve removal actions or countermeasures, DOE requested clarification of the application of the FWSEP annex; specifically requesting that the annex apply only to discharges of oil and not releases of hazardous substances under CERCLA. In its response, EPA stated that ACPs are currently required to only address discharges of oil; however, "planning for hazardous substance response is already being addressed in the area contingency planning process because individual Area Committees will consider planning for such releases, as appropriate"(59 FR 47397). Both Local Emergency Planning Committees (LEPCs) and State Emergency Response Committees (SERCs) may provide input to ACPs. The participation by these committees allows the ACPs to "effectively address hazardous substance planning issues, as necessary." The implication of this response appears to be that the extent to which ACPs address hazardous substances will be on a case-by-case basis and will be left to the Area Committee.

DOE also commented on the burden placed on federal agencies with control over extensive land and resources in the collection of fish and wildlife and sensitive environment information by the proposed rule. In the Final Rule, EPA clarified that although ACs, not facility owners, are responsible for identifying fish and wildlife resources and sensitive environments for inclusion in the ACP, "the facility owners and operators remain responsible for ensuring protection of sensitive environments in their proximity for inclusion in facility response plans" (59 FR 47397) until the geographic-specific annexes of the ACPs have been completed. The guidance for planning for these responsibilities on an interim basis is provided in a Federal Register notice published March 29, 1994 (59 FR 14713). However, EPA has reaffirmed the major role of the AC and has stated: "Ultimately, the Area Committee deliberations and their ACPs will specify information on fish, wildlife, and sensitive environments with

which the facility plans must be consistent" (59 FR 47397).

The FWSEP annex is required to be prepared in consultation with NOAA, the U.S. Fish and Wildlife Service, and other interested natural resource management agencies. Trustee concurrence on the pre-approval of countermeasures and response actions is required.

DOE facilities have several roles in the development of ACPs. Federal agency participation is required on the Area Committees which develop the ACPs and the FWSEPs. DOE must also cooperate with the AC to ensure that the Department adequately protects fish and wildlife and sensitive environments on, or in proximity to, its facilities. Once fish, wildlife and sensitive environments have been identified, DOE remains responsible for ensuring that those resources on, or in proximity to, its facilities are protected. Finally, as a natural resource trustee for resources on, in, or under land which it owns or manages, DOE concurrence on the pre-approval of countermeasures and response actions is required.

#### Designation of Federal Trustees

As established by the NCP, natural resource trustees have the responsibility for protection of resources, assessment of damage, and restoration, rehabilitation, replacement, or acquisition of resources equivalent to those impacted by a CERCLA hazardous substance release or a discharge of oil. Preplanning and coordination for damage assessment activities are strongly encouraged at the regional and area levels, both during the area and regional planning and preparation, and during specific incidents where coordination with the OSC is required. In the Final Rule, EPA has revised 40 CFR 300.600 to clarify that trusteeship extends to the ecosystems supporting specific natural resources, and that habitat is included as part of the ecosystem.

### Definitions

**Coastal Zone** means all United States waters subject to the tide, United States waters of Great Lakes, specified ports and harbors on inland rivers, waters of the contiguous zone, other waters of the high seas subject to the NCP, and the land surface or land substrata, ground waters, and ambient air proximal to those waters. The term delineates an area of federal responsibility for response action. Precise boundaries are determined by EPA/USCG agreements and identified in federal regional contingency plans.

**Discharge** as defined by section 311(a)(2) of the CWA includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA. For the purposes of the NCP, discharge also means the substantial threat of discharge.

**Inland Waters** for the purposes of classifying the size of discharges, means those waters of the United States in the inland zone, waters of the Great lakes, and specified ports and harbors on inland rivers.

**Inland Zone** means of the environment inland of the coastal zone excluding the Great Lakes and specified ports and harbors on inland rivers. The term delineates an area

of federal responsibility for response action. Precise boundaries are determined by EPA/USCG agreements and identified in federal regional contingency plans.

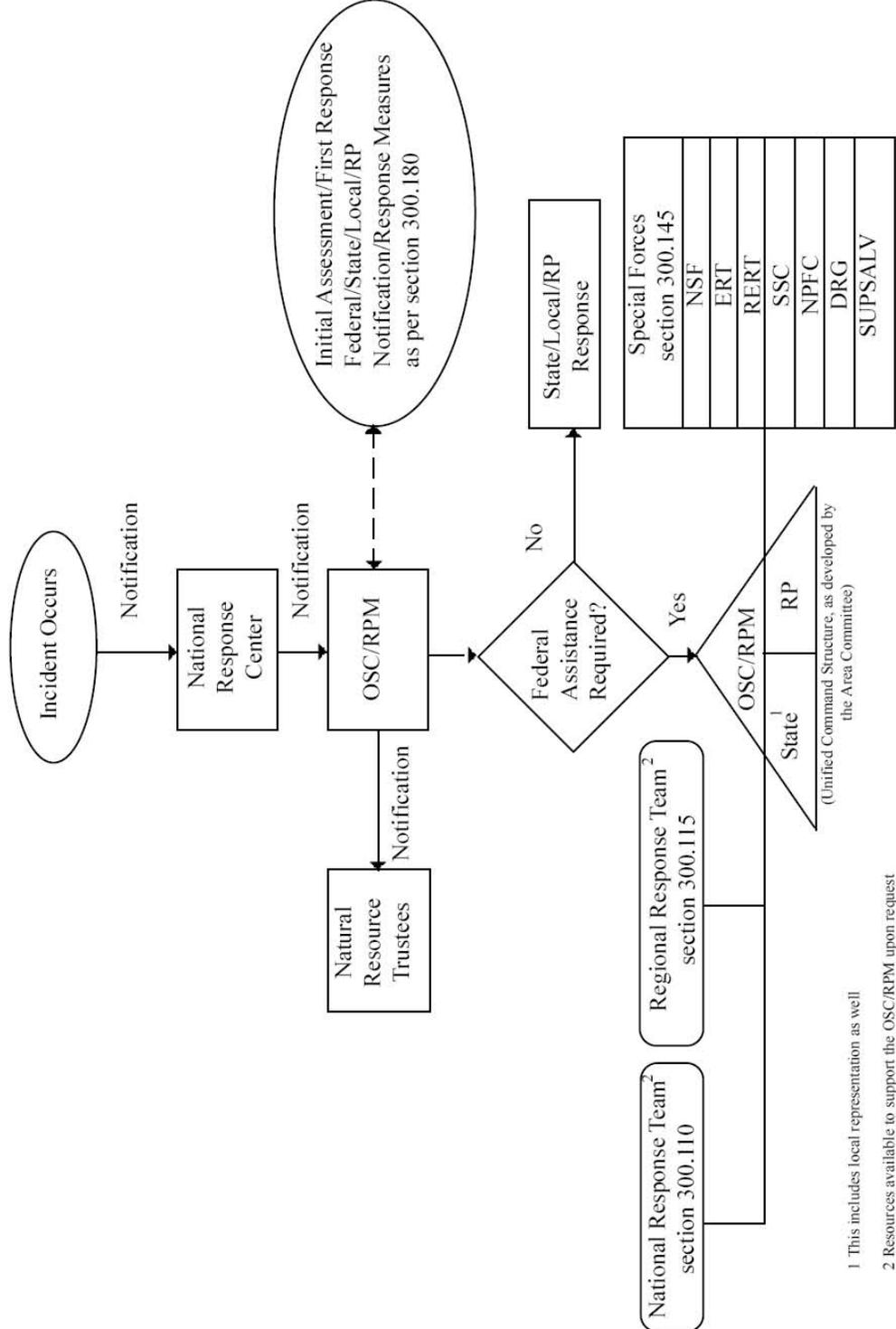
**Release** as defined by section 101(22) of CERCLA means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (see section 101(22) of CERCLA for exclusions). For the purposes of the NCP, it also means the threat of a release.

**Worst Case Discharge** as defined by section 311(a)(24) of the CWA means, in the case of a vessel, a discharge in adverse weather conditions of its entire cargo, and, in the case of an offshore facility, the largest foreseeable discharge in adverse weather conditions.

Please direct questions about the NCP Final Rule to:  
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 EH-413  
 1000 Independence Ave, SW  
 Washington, DC 20585  
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Figure 1a  
**National Response System Concepts: Response**

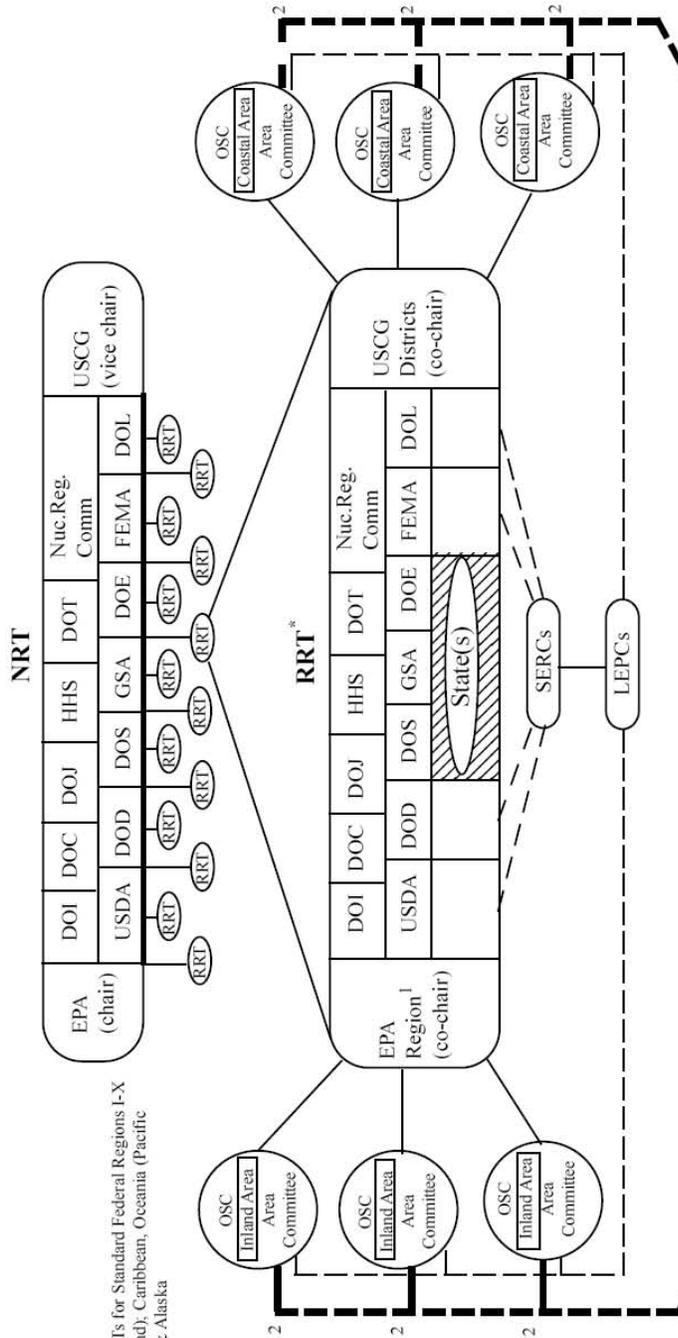


<sup>1</sup> This includes local representation as well

<sup>2</sup> Resources available to support the OSC/RPM upon request

Figure 1 b

### National Response System Concepts: Planning



\* 13 RRT's for Standard Federal Regions I-X (mainland); Caribbean, Oceania (Pacific Basin) & Alaska

RRT serves as the Area Committee for inland areas not covered by a separate Area Committee, unless a separate Area Committee is designated by the Regional Administrator (57 FR 15198)

<sup>2</sup> Federal Laws (e.g., CWA Sec. 311(j)(5), Clean Air Act Sec. 112(r), OSHA (Process safety regulations)) require facility owner/operators to prepare a response plan. Additional description is found in Section 300.211.

Sources of Input and Guidance to Area Committees	
<b>Government</b> (sec.300.145)	<b>Non-Government</b> (57 FR 15198)
Strike Teams NPFC ERT RERT DRG DRAT SSC PIAT SUPSALV	Facility and vessel owners/operators <sup>2</sup> Shipping company representatives Cleanup contractors Emergency planning and response officials Marine pilot associations Members of academia Environmental advocacy groups Response organizations/officers Citizens

APPENDIX 2: NATIONAL PLAN FOR  
INCIDENT MANAGEMENT

**APPENDIX 2-18: National Response Framework**

See next page.

## APPENDIX 2: NATIONAL PLAN FOR INCIDENT MANAGEMENT

This *National Response Framework (NRF)* is a guide to how the Nation conducts all-hazards response. It is built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the Nation, linking all levels of government, nongovernmental organizations, and the private sector. It is intended to capture specific authorities and best practices for managing incidents that range from the serious but purely local, to large-scale terrorist attacks or catastrophic natural disasters.

This core document, along with the Emergency Support Function Annexes and Support Annexes (available at the **NRF Resource Center**, <http://www.fema.gov/NRF>), supersedes the corresponding sections of the *National Response Plan* (2004, with 2006 revisions). The Incident Annexes remain in effect until superseded at a later date. The President has approved this *National Response Framework*.

Washington, DC  
January 2008

# APPENDIX 2: NATIONAL PLAN FOR INCIDENT MANAGEMENT

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# APPENDIX 2: NATIONAL PLAN FOR INCIDENT MANAGEMENT

## INTRODUCTION

### OVERVIEW

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**This *National Response Framework (NRF)* [or *Framework*] is a guide to how the Nation conducts all-hazards response.** It is built upon *scalable, flexible, and adaptable coordinating structures* to align key roles and responsibilities *across the Nation*. It describes specific authorities and best practices for managing incidents that range from the serious but purely local, to large-scale terrorist attacks or catastrophic natural disasters.

This document explains the common discipline and structures that have been exercised and matured at the local, tribal, State, and national levels over time. It describes key lessons learned from Hurricanes Katrina and Rita, focusing particularly on how the Federal Government is organized to support communities and States in catastrophic incidents. Most importantly, it builds upon the *National Incident Management System (NIMS)*, which provides a consistent template for managing incidents.

**The term “response” as used in this *Framework* includes immediate actions to save lives, protect property and the environment, and meet basic human needs.** Response also includes the execution of emergency plans and actions to support short-term recovery. The *Framework* is always in effect, and elements can be implemented as needed on a flexible, scalable basis to improve response.

### INTENDED AUDIENCE

**The *Framework* is written especially for government executives, private-sector and nongovernmental organization (NGO) leaders, and emergency management practitioners.** First, it is addressed to senior elected and appointed leaders, such as Federal department or agency heads, State Governors, mayors, tribal leaders, and city or county officials – those who have a responsibility to provide for effective response. For the Nation to be prepared for any and all hazards, its leaders must have a baseline familiarity with the concepts and mechanics of the *Framework*.

At the same time, the *Framework* informs emergency management practitioners, explaining the operating structures and tools used routinely by first responders and emergency managers at all levels of government. For these readers, the *Framework* is augmented with online access to supporting documents, further training, and an evolving resource for exchanging lessons learned.<sup>1</sup>

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<sup>1</sup> To support users of the *Framework*, the Department of Homeland Security has created an online **NRF Resource Center**, available at <http://www.fema.gov/NRF>. This online resource will routinely grow and evolve in support of the *Framework* and those who work with it. The initial postings contain multiple supporting documents, operational plans, standard forms, and other tools that are commonly used by the incident management community. The site will further explain technical aspects of the *Framework*, and will routinely post supporting documents as they are newly generated or improved.

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**One of the challenges to effective response is the relatively high turnover and short tenure among elected and appointed officials responsible for response at all levels.** Effective response hinges upon well-trained leaders and responders who have invested in response preparedness, developed engaged partnerships, and are able to achieve shared objectives. The players' bench is constantly changing, but a concise, common playbook is needed by all.

This *Framework* is intended to supply that essential playbook. It is rooted in extensive consultation among practitioners and policymakers at all levels. Operational planning for specific types of incidents has accelerated and improved nationwide since the terrorist attacks of September 11, 2001 (or 9/11). Such plans will continue to evolve in alignment with the *Framework*.

## EVOLUTION OF THE FRAMEWORK

**This document is an outgrowth of previous iterations of Federal planning documents.** A brief discussion of its history underscores important elements of the *Framework* and highlights improvements to the previous *National Response Plan (NRP)*. This *Framework* was preceded 15 years earlier by a *Federal Response Plan (1992)* that focused largely on Federal roles and responsibilities.

Following the 9/11 attacks, more urgent efforts were made to understand and implement common incident management and response principles and to develop common planning frameworks. The 2004 *NRP* was an early outgrowth of those discussions, replacing the *Federal Response Plan*. It was published one year after creation of the Department of Homeland Security (DHS). The *NRP* broke new ground in integrating all levels of government in a common incident management framework. It incorporated incident coordination roles for Federal agencies<sup>2</sup> as defined by several new laws and Presidential directives. Nine months after Katrina's landfall, a notice of change to the *NRP* was released, incorporating preliminary lessons learned from the 2005 hurricane season.

**Stakeholders suggested changes to the *NRP* – both structural and substantive.** Stakeholders have advised that both the initial *NRP* and its 2006 iteration were bureaucratic and internally repetitive.

Users also suggested the *NRP* was still insufficiently *national* in its focus, which is to say that it should speak more clearly to the roles and responsibilities of all parties involved in response. Moreover, it was evident that the *NRP* and its supporting documents did not constitute a true operational *plan* in the sense understood by emergency managers. Its content was inconsistent with the promise of its title.

In the last several years, operational planning on a national basis for specific types of incidents has matured. Both public and private sectors are making significant homeland security investments to strengthen the Nation's response capability.

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<sup>2</sup> Note that within this document, use of the term "agency" when referring to Federal entities is inclusive of executive agencies, departments, and Government corporations.

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**By adopting the term “framework” within the title, this document is now more accurately aligned with its intended purpose.** Effective response to an incident is a shared responsibility of governments at all levels, the private sector and NGOs, and individual citizens. This *Framework* commits the Federal Government, in partnership with local, tribal, and State governments and the private sector, to complete both strategic and operational plans for the incident scenarios specified in the *National Preparedness Guidelines*.<sup>3</sup> These plans will ultimately improve significantly the Incident Annexes to this *Framework*, which have been carried forward from the *NRP*.

## *FRAMEWORK UNPACKED*

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The *Framework* presents the key response principles, participants, roles, and structures that guide the Nation’s response operations. The remainder of the *Framework* is organized as follows:

- **Chapter I – Roles and Responsibilities.** This chapter sharpens the focus on *who* is involved with emergency management activities at the local, tribal, State, and Federal levels and with the private sector and NGOs.
- **Chapter II – Response Actions.** This chapter describes *what* we as a Nation collectively do to respond to incidents.
- **Chapter III – Response Organization.** This chapter explains *how* we as a Nation are organized to implement response actions.
- **Chapter IV – Planning: A Critical Element of Effective Response.** This chapter emphasizes the importance of planning and summarizes the elements of national planning structures.
- **Chapter V – Additional Resources.** This final chapter summarizes the content and plan for the online **NRF Resource Center**, a new, actively managed DHS/Federal Emergency Management Agency Web site that will deliver state-of-the-art support for the *Framework* with additional support tools shaped by and addressed to the response community.

## HOW THE FRAMEWORK IS ORGANIZED

**The *National Response Framework* is comprised of the core document, the Emergency Support Function (ESF), Support, and Incident Annexes, and the Partner Guides.** The core document describes the doctrine that guides our national response, roles and responsibilities, response actions, response organizations, and planning requirements to achieve an effective national response to any incident that occurs. The core document of the *National Response Framework* is effective 60 days after publication. The annexes and Partner Guides will be updated periodically and effective 60 days after publication.

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<sup>3</sup> The set of scenarios, while not exhaustive, is representative of a broad range of terrorist attacks and natural disasters that would stretch the Nation’s prevention and response capabilities. Collectively, they yield core prevention and response requirements that can help direct comprehensive planning efforts.

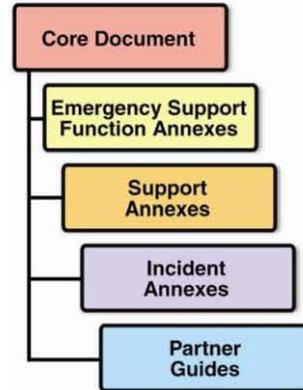
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The following documents provide more detailed information to assist practitioners in implementing the *Framework*:

- **Emergency Support Function Annexes** group Federal resources and capabilities into functional areas that are most frequently needed in a national response (e.g., Transportation, Firefighting, Mass Care).
- **Support Annexes** describe essential supporting aspects that are common to all incidents (e.g., Financial Management, Volunteer and Donations Management, Private-Sector Coordination).
- **Incident Annexes** address the unique aspects of how we respond to seven broad incident categories (e.g., Biological, Nuclear/Radiological, Cyber, Mass Evacuation).
- **Partner Guides** provide ready references describing key roles and actions for local, tribal, State, Federal, and private-sector response partners.

Figure 1. Organization of the *Framework*



The **National Incident Management System (NIMS)** is a companion document that provides standard command and management structures that apply to response activities. This system provides a consistent, nationwide template to enable Federal, State, tribal, and local governments, the private sector, and NGOs to work together to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents regardless of cause, size, location, or complexity. This consistency provides the foundation for utilization of the *NIMS* for all incidents, ranging from daily occurrences to incidents requiring a coordinated Federal response.

These documents are available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

## RESPONSE: THE WHO

**An effective, unified national response requires layered, mutually supporting capabilities.** The *Framework* systematically incorporates public-sector agencies, the private sector, and NGOs. It also emphasizes the importance of personal preparedness by individuals and households.

Communities, tribes, States, the Federal Government, NGOs, and the private sector should each understand their respective roles and responsibilities, and complement each other in achieving shared goals. Each governmental level plays a prominent role in developing capabilities needed to respond to incidents. This includes developing plans, conducting assessments and exercises, providing and directing resources and capabilities, and gathering lessons learned. These activities require that involved organizations understand their roles and responsibilities, and how they fit within and are supported by the *Framework*.

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**It is important that each level of government adapt and apply the general roles outlined in the *Framework*.** To do this, organizations should define key leadership and staff functions, adopt capabilities-based planning as the method to build response capabilities, and impose the discipline needed to plan and operate effectively. Partner Guides that summarize core *Framework* concepts and are tailored specifically to leaders at different levels and types of organizations are provided through the online **NRF Resource Center**.

Even when a community is overwhelmed by an incident, there is still a core, sovereign responsibility to be exercised at this local level, with unique response obligations to coordinate with State, Federal, and private-sector support teams. Each organization or level of government therefore has an imperative to fund and execute its own core emergency management responsibilities.

Below is a brief summary of emergency management roles at the local, tribal, State, and Federal levels, as well as the roles of private-sector organizations. Emergency management is the coordination and integration of all activities necessary to build, sustain, and improve the capability to prepare for, protect against, respond to, recover from, or mitigate against threatened or actual natural disasters, acts of terrorism, or other manmade disasters.

**Local Governments. Resilient communities begin with prepared individuals and depend on the leadership and engagement of local government, NGOs, and the private sector.** Individuals, families, and caregivers to those with special needs should enhance their awareness of risk and threats, develop household emergency plans that include care for pets and service animals, and prepare emergency supply kits.<sup>4</sup> Individuals can also volunteer in their communities.

Local police, fire, emergency medical services, public health and medical providers, emergency management, public works, environmental response professionals, and others in the community are often the first to detect a threat or hazard, or respond to an incident. They also are often the last to leave an incident site or otherwise to cope with the effects of an incident. The local senior elected or appointed official (the mayor, city manager, or county manager) is responsible for ensuring the public safety and welfare of residents. In today's world, senior officials and their emergency managers build the foundation for an effective response. They organize and integrate their capabilities and resources with neighboring jurisdictions, the State, NGOs, and the private sector. Increasingly, businesses are vital partners within communities wherever retail locations, service sites, manufacturing facilities, or management offices are located. NGOs and not-for-profit organizations also play a key role in strengthening communities' response efforts through their knowledge of hard-to-reach populations, outreach, and services.

**States, Territories, and Tribal Governments. States, territories, and tribal governments have responsibility for the public health and welfare of the people in their jurisdiction.** State and local governments are closest to those impacted by incidents, and have always had the lead in response and recovery. During response, States play a key role coordinating resources and capabilities throughout the State and obtaining resources and capabilities from other States. States are sovereign entities, and the Governor has responsibility for public safety and welfare. While U.S. territories,

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<sup>4</sup> More information on preparing a household emergency plan is available at <http://www.ready.gov>.

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possessions, freely associated states,<sup>5</sup> and tribal governments also have sovereign rights, there are unique factors involved in working with these entities. Stafford Act assistance is available to States and to Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, which are included in the definition of "State" in the Stafford Act.<sup>6</sup>

States have significant resources of their own, including State emergency management and homeland security agencies, State police, health agencies, transportation agencies, incident management teams, specialized teams, and the National Guard. The role of the State government in response is to supplement local efforts before, during, and after incidents. **If a State anticipates that its resources may be exceeded, the Governor can request assistance from the Federal Government and/or from other States through mutual aid and assistance agreements such as the Emergency Management Assistance Compact (EMAC).**<sup>7</sup>

**The Federal Government.** The Federal Government maintains a wide array of capabilities and resources that can be made available upon request of the Governor. When an incident occurs that exceeds or is anticipated to exceed State, tribal, or local resources, the Federal Government may provide resources and capabilities to support the State response. For incidents involving primary Federal jurisdiction or authorities (e.g., on a military base or a Federal facility or lands), Federal departments or agencies may be the first responders and first line of defense, coordinating activities with State, territorial, tribal, and local partners. The Federal Government also maintains working relationships with the private sector and NGOs.

Pursuant to the Homeland Security Act of 2002 and Homeland Security Presidential Directive (HSPD) 5, the Secretary of Homeland Security is the principal Federal official for domestic incident management. Incident management refers to how incidents are managed across all homeland security activities, including prevention, protection, and response and recovery. Other Federal departments and agencies have key responsibilities to support national response activities and carry out those responsibilities within the overarching coordinating mechanisms of this *Framework*. DHS coordinates with other agencies to surge Federal support at the headquarters, regional, and field levels.

**The Private Sector and NGOs.** The private sector and NGOs contribute to response efforts through engaged partnerships with each level of government. Private-sector organizations and NGOs are encouraged to develop contingency plans and to work with State and local planners to ensure that their plans are consistent with pertinent plans, the *NIMS*, and this *Framework*.

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<sup>5</sup> The *Framework* is applicable to U.S. possessions and insular areas, as well as the Federated States of Micronesia and the Republic of the Marshall Islands. The U.S. Government does not provide disaster assistance to the Republic of Palau, in accordance with the Compact of Free Association. Insular areas include Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the U.S. Virgin Islands.

<sup>6</sup> Often throughout this *Framework*, discussion of authorities and roles of States is also intended to incorporate those of U.S. territories and possessions and tribal nations.

<sup>7</sup> A reference paper on EMAC is available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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**Private-sector organizations play an essential role in protecting critical infrastructure systems and implementing plans for the rapid restoration of normal commercial activities and critical infrastructure operations in the event of disruption.**<sup>8</sup> The protection of critical infrastructure and the ability to rapidly restore normal commercial activities can mitigate the impact of an incident, improve the quality of life of individuals, and accelerate the pace of recovery for communities and the Nation. There are not-for-profit owners/operators of critical infrastructure and key resources (CIKR) facilities, notably in healthcare and power generation.

**NGOs also serve a vital role at the local, State, and national levels by performing essential service missions in times of need.** They provide sheltering, emergency food supplies, and other vital support services. NGOs bolster and support government efforts at all levels.<sup>9</sup>

## RESPONSE: THE WHAT AND THE HOW

**The National Response Framework is always in effect, and elements can be implemented at any level at any time.** The *Framework* is capabilities based, which is to say that local governments, tribes, States, and the Federal Government all develop functional capabilities and identify resources that may be required based on hazard identification and risk assessment, threats, and other potential incidents such as those represented by the National Planning Scenarios.

**The Framework describes what we do and how we respond.** In short, the *National Response Framework* explains how, at all levels, the Nation effectively manages all-hazards response consistent with the *National Strategy for Homeland Security*. The remainder of this Introduction explains the *Framework's* scope, the response doctrine that animates it, and the preparedness strategy of which it is a part. It correlates with an outline of the overall document.

## SCOPE

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**The Framework provides structures for implementing nationwide response policy and operational coordination for all types of domestic incidents.** It can be partially or fully implemented in the context of a threat, in anticipation of a significant event, or in response to an incident. Selective implementation allows for a scaled response, delivery of the resources needed, and an appropriate level of coordination.

In this document, incidents include actual or potential emergencies or all-hazards events that range from accidents and natural disasters to actual or potential terrorist attacks. They include events wholly contained within a single jurisdiction and others that are catastrophic in nature and national in their scope or consequences.

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<sup>8</sup> Additional information on protection of critical infrastructure and key resources (CIKR) can be found in the CIKR Support Annex available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

<sup>9</sup> The American Red Cross is a federally chartered instrumentality of the U.S. Government, but it is not a Federal agency under this *Framework*.

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**It is not always obvious at the outset whether a seemingly minor event might be the initial phase of a larger, rapidly growing threat.** The *Framework* incorporates standardized organizational structures that promote on-scene initiative, innovation, and sharing of essential resources drawn from all levels of government, NGOs, and the private sector. Response must be quickly scalable, flexible, and adaptable.

The *Framework* is also intended to accelerate the assessment and response to incidents that may require Federal assistance. In practice, many incidents require virtually reflexive activation of interagency coordination protocols to forestall the incident from becoming worse or to surge more aggressively to contain it. A Federal department or agency acting on independent authority may be the initial and the primary Federal responder, but incidents that require more systematic Federal response efforts are now actively coordinated through the appropriate *Framework* mechanisms described in this document and in its supporting annexes. This initial coordination of Federal incident assessment and response efforts is intended to occur seamlessly, without the need for any formal trigger mechanism.

**This *Framework*, therefore, eliminates the Incident of National Significance declaration.** No such declaration is required by the *Framework* and none will be made. The authorities of the Secretary of Homeland Security to coordinate large-scale national responses are unaltered by this change. Elimination of this declaration will, however, support a more nimble, scalable, and coordinated response by the entire national emergency management community.

## RESPONSE DOCTRINE

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**Response doctrine defines basic roles, responsibilities, and operational concepts for response across all levels of government and with NGOs and the private sector.** The overarching objective of response activities centers upon saving lives and protecting property and the environment. Five key principles of operations define response actions in support of the Nation's response mission. Taken together, these five principles of operation constitute **national response doctrine**.

### Response Doctrine: Five Key Principles

1. Engaged partnership
2. Tiered response
3. Scalable, flexible, and adaptable operational capabilities
4. Unity of effort through unified command
5. Readiness to act

**Response doctrine is rooted in America's Federal system and the Constitution's division of responsibilities between Federal and State governments.** Because this doctrine reflects the history of emergency management and the distilled wisdom of responders and leaders at all levels, it gives elemental form to the *Framework*.

This doctrine "evolves in response to changes in the political and strategic landscape, lessons learned from operations, and the introduction of new technologies. Doctrine influences the way in which policy and plans are developed, forces are organized and

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trained, and equipment is procured. It promotes unity of purpose, guides professional judgment, and enables responders to best fulfill their responsibilities.<sup>10</sup>

**Response doctrine evolves slowly.** Response strategy and the *Framework* merit periodic review and revision, while operational plans supporting the *Framework* must be tested and improved through a process of continuous innovation. The last is especially true regarding operational plans to counter the threat of a terrorist attack.

**Response doctrine is comprised of five key principles:** (1) engaged partnership, (2) tiered response, (3) scalable, flexible, and adaptable operational capabilities, (4) unity of effort through unified command, and (5) readiness to act. An introductory word about each follows.

## ENGAGED PARTNERSHIP

Leaders at all levels must communicate and actively support engaged partnerships by developing shared goals and aligning capabilities so that no one is overwhelmed in times of crisis. Layered, mutually supporting capabilities at Federal, State, tribal, and local levels allow for planning together in times of calm and responding together effectively in times of need. Engaged partnership includes ongoing communication of incident activity among all partners to the *Framework*, and shared situational awareness for a more rapid response. In particular, the potential for terrorist incidents requires a *heightened state of readiness* and nimble, practiced capabilities baked into the heart of our preparedness and response planning.

**Engaged partnerships are essential to preparedness.** Effective response activities begin with a host of preparedness activities conducted well in advance of an incident. Preparedness involves a combination of planning, resources, training, exercising, and organizing to build, sustain, and improve operational capabilities. Preparedness is the process of identifying the personnel, training, and equipment needed for a wide range of potential incidents, and developing jurisdiction-specific plans for delivering capabilities when needed for an incident.

Preparedness activities should be coordinated among all involved agencies within the jurisdiction, as well as across jurisdictions. Integrated planning, described later in this *Framework*, will assist in identifying gaps in capability and developing strategies to fill those gaps.

Nationwide preparedness is described in the *National Preparedness Guidelines* and the *National Exercise Program*.<sup>11</sup> These documents lay out 15 National Planning Scenarios that form the basis of the newly coordinated national exercise schedule and priorities, and identify 37 core capabilities that are needed to support response across the Nation. The *Guidelines* identify core local, tribal, community, and State capabilities that will be supported by the DHS homeland security grant programs.

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<sup>10</sup> *United States Coast Guard: America's Maritime Guardian*, Coast Guard Publication 1 (Washington, DC: January 2002, second printing), p. 3. The term "doctrine" has clear and rich meaning as a guide to action within the military services. See also U.S. Department of Defense's *Joint Operations Planning and Execution System*, an overview of which is available at [http://www.dtic.mil/doctrine/jel/other\\_pubs/jopes.pdf](http://www.dtic.mil/doctrine/jel/other_pubs/jopes.pdf).

<sup>11</sup> Information on the *National Preparedness Guidelines* can be found at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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### TIERED RESPONSE

**Incidents must be managed at the lowest possible jurisdictional level and supported by additional capabilities when needed.** It is not necessary that each level be overwhelmed prior to requesting resources from another level.

Incidents begin and end locally, and most are wholly managed at the local level. Many incidents require unified response from local agencies, NGOs, and the private sector, and some require additional support from neighboring jurisdictions or the State. A small number require Federal support. National response protocols recognize this and are structured to provide additional, tiered levels of support when there is a need for more resources or capabilities to support and sustain the response and initial recovery. All levels should be prepared to respond, anticipating resources that may be required.

A basic premise of the *Framework* is that incidents are generally handled at the lowest jurisdictional level possible.

### SCALABLE, FLEXIBLE, AND ADAPTABLE OPERATIONAL CAPABILITIES

**As incidents change in size, scope, and complexity, the response must adapt to meet requirements.** The number, type, and sources of resources must be able to expand rapidly to meet needs associated with a given incident. The *Framework's* disciplined and coordinated process can provide for a rapid surge of resources from all levels of government, appropriately scaled to need. Execution must be flexible and adapted to fit each individual incident. For the duration of a response, and as needs grow and change, responders must remain nimble and adaptable. Equally, the overall response should be flexible as it transitions from the response effort to recovery.

This *Framework* is grounded in doctrine that demands a tested inventory of common organizational structures and capabilities that are scalable, flexible, and adaptable for diverse operations. Adoption of the *Framework* across all levels of government and with businesses and NGOs will facilitate interoperability and improve operational coordination.

### UNITY OF EFFORT THROUGH UNIFIED COMMAND

**Effective *unified command* is indispensable to response activities and requires a clear understanding of the roles and responsibilities of each participating organization.** Success requires ***unity of effort***, which respects the chain of command of each participating organization while harnessing seamless coordination across jurisdictions in support of common objectives.

Use of the Incident Command System (ICS) is an important element across multijurisdictional or multiagency incident management activities. It provides a structure to enable agencies with different legal, jurisdictional, and functional responsibilities to coordinate, plan, and interact effectively on scene. As a team effort, unified command allows all agencies with jurisdictional authority and/or functional responsibility for the incident to provide joint support through mutually developed incident objectives and strategies established at the command level. Each participating agency maintains its own authority, responsibility, and accountability. This *Framework* employs the *NIMS*

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standardized structures and tools that enable a unified approach to be effective both on scene and at the emergency operations centers.

The Department of Defense (DOD) is a full partner in the Federal response to domestic incidents, and its response is fully coordinated through the mechanisms of this *Framework*.<sup>12</sup> Concepts of "command" and "unity of command" have distinct legal and cultural meanings for military forces and military operations. For Federal military forces, command runs from the President to the Secretary of Defense to the Commander of the combatant command to the DOD on-scene commander. Military forces will always remain under the operational and administrative control of the military chain of command, and these forces are subject to redirection or recall at any time. The ICS "unified command" concept is distinct from the military chain of command use of this term. And, as such, military forces do not operate under the command of the Incident Commander or under the unified command structure.

The *NIMS*<sup>13</sup> supports response through the following elements of unified command: (1) developing a single set of objectives; (2) using a collective, strategic approach; (3) improving information flow and coordination; (4) creating common understanding of joint priorities and restrictions; (5) ensuring that no agency's legal authorities are compromised or neglected; and (6) optimizing the combined efforts of all agencies under a single plan.

## READINESS TO ACT

**Effective response requires readiness to act balanced with an understanding of risk.** From individuals, households, and communities to local, tribal, State, and Federal governments, national response depends on the instinct and ability to act. A forward-leaning posture is imperative for incidents that have the potential to expand rapidly in size, scope, or complexity, and for no-notice incidents.

**Once response activities have begun, on-scene actions are based on *NIMS* principles.** To save lives and protect property and the environment, decisive action on scene is often required of responders. Although some risk may be unavoidable, first responders can effectively anticipate and manage risk through proper training and planning.

Command, single or unified, is responsible for establishing immediate priorities for the safety of not only the public, but the responders and other emergency workers involved in the response, and for ensuring that adequate health and safety measures are in place. The Incident Commander should ensure that each incident has a designated safety officer who has been trained and equipped to assess the operation, identify hazardous and unsafe situations, and implement effective safety plans.

**Acting swiftly and effectively requires clear, focused communication and the processes to support it.** Without effective communication, a bias toward action will be ineffectual at best, likely perilous. An effective national response relies on disciplined processes, procedures, and systems to communicate timely, accurate, and accessible information on the incident's cause, size, and current situation to the public, responders,

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<sup>12</sup> The Secretary of Defense retains command of DOD military forces providing Defense Support of Civil Authorities. National Guard forces under the command and control of a Governor are not DOD military forces. Nothing in this *Framework* impairs or otherwise affects the authority of the Secretary of Defense over the DOD.

<sup>13</sup> The *National Incident Management System* is available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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and others. Well-developed public information, education strategies, and communication plans help to ensure that lifesaving measures, evacuation routes, threat and alert systems, and other public safety information are coordinated and communicated to numerous diverse audiences in a consistent, accessible, and timely manner.

## PART OF A BROADER STRATEGY

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The *National Response Framework* is required by, and integrates under, a larger *National Strategy for Homeland Security (Strategy)* that serves to guide, organize, and unify our Nation's homeland security efforts. The *Strategy* reflects our increased understanding of the threats confronting the United States, incorporates lessons learned from exercises and real-world catastrophes, and articulates how we should ensure our long-term success by strengthening the homeland security foundation we have built. It provides a common framework by which our entire Nation should focus its homeland security efforts on achieving the following four goals:

1. Prevent and disrupt terrorist attacks.
2. Protect the American people and our critical infrastructure and key resources.
3. Respond to and recover from incidents that do occur.
4. Continue to strengthen the foundation to ensure our long-term success.

While the first three goals help to organize our national efforts, the last goal entails creating and transforming our homeland security principles, systems, structures, and institutions. This includes applying a comprehensive approach to risk management, building a culture of preparedness, developing a comprehensive Homeland Security Management System, improving incident management, better utilizing science and technology, and leveraging all instruments of national power and influence.

The *Framework* primarily focuses on the third goal: respond to and recover from incidents that do occur. The *Strategy* also provides the context that given the certainty of catastrophes on our soil – no matter how unprecedented or extraordinary – it is our collective duty to provide the best response possible. It states that, when needed, we will bring to bear the Nation's full capabilities and resources to save lives, mitigate suffering, and protect property. The *Strategy* also reminds us that as the Nation responds to an incident, we must also begin to lay the foundation not only for a strong recovery over the short term but also for the rebuilding and revitalization of affected communities and regions over the long term.

The *Strategy* calls for a *National Response Framework* that helps to strengthen the foundation for an effective national response, rapidly assess emerging incidents, take initial actions, expand operations as needed, and commence recovery actions to stabilize the area. It also calls for the *Framework* to be clearly written, easy to understand, and designed to be truly national in scope, meeting the needs of State, local, and tribal governments and the private sector and NGOs, as well as the Federal Government. In addition, the *Strategy* underscores the need to ensure that those communities devastated or severely affected by a catastrophic incident are set on a sustainable path for long-term rebuilding and revitalization. The *Framework* is designed to respond to and support the *Strategy* and is intended to be informed by and tie seamlessly to national, State, tribal, and local preparedness activities and investments.

## APPENDIX 2: NATIONAL PLAN FOR INCIDENT MANAGEMENT

### INTRODUCTION

The *Strategy* further describes how the other three national goals are supported through other strategies, plans, and ongoing efforts. For example, the national goal to prevent and disrupt terrorist attacks is further supported by the updated *National Strategy for Combating Terrorism*, released in September 2006, which articulates our Nation's strategy for winning the War on Terror. The sections in both on preventing and disrupting terrorist attacks are complementary and mutually reinforcing. In order to prevent and disrupt terrorist attacks in the United States, we are working to deny terrorists and terrorist-related weapons and materials entry into our country and across all international borders, disrupt their ability to operate within our borders, and prevent the emergence of violent Islamic radicalization in order to deny terrorists future recruits and defeat homegrown extremism. Our *National Strategy to Combat Terrorist Travel*, *National Strategy for Maritime Security*, and *National Strategy for Aviation Security* are helping to guide our efforts in this area.

The national goal to protect the American people and our critical infrastructure and key resources is also supported by existing plans. The *Strategy* sets forth that to protect the lives and livelihoods of the American people, we must undertake measures to deter the threat of terrorism, mitigate the Nation's vulnerability to acts of terror and the full range of manmade and natural catastrophes, and minimize the consequences of an attack or disaster should it occur. Safeguarding the American people also includes the preservation of the Nation's CIKR. Guiding our efforts to protect the Nation's CIKR is the 2006 *National Infrastructure Protection Plan (NIPP)* and its supporting Sector-Specific Plans, which were developed pursuant to HSPD-7, issued on December 17, 2003. The *NIPP* sets forth a comprehensive risk management framework and provides a coordinated approach to CIKR protection roles and responsibilities for Federal, State, local, and private-sector security partners. It sets national priorities, goals, and requirements for the effective distribution of funding and resources that will help ensure that our government, economy, and public services continue to function in the event of a manmade or natural disaster.

The last national goal is to continue to strengthen the foundation to ensure our long-term success. To fulfill these responsibilities over the long term, we will continue to strengthen the principles, systems, structures, and institutions that cut across the homeland security enterprise and support our activities to secure the homeland. Ultimately, this will help ensure the success of our *Strategy* to secure the Nation.

# APPENDIX 2: NATIONAL PLAN FOR INCIDENT MANAGEMENT

## INTRODUCTION

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# APPENDIX 2: NATIONAL PLAN FOR INCIDENT MANAGEMENT

## CHAPTER I ROLES AND RESPONSIBILITIES

**This chapter provides an overview of the roles and responsibilities of key partners at the local, tribal, State, and Federal levels who implement the *Framework*. This includes an important role for the private sector and nongovernmental organizations (NGOs). This chapter sharpens the focus on *who is involved* with the *Framework* and what must be done to build and maintain essential response capabilities.**

### LOCAL

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**The responsibility for responding to incidents, both natural and manmade, begins at the local level – with individuals and public officials in the county, city, or town affected by the incident.** Local leaders and emergency managers prepare their communities to manage incidents locally. The *Framework's* response doctrine plays a key role in helping community leaders to coordinate resources within jurisdictions, among adjacent jurisdictions, and with the private sector and NGOs such as the American Red Cross. This section describes the roles and responsibilities of key leadership elements within communities.

**Chief Elected or Appointed Official. A mayor, city manager, or county manager, as a jurisdiction's chief executive officer, is responsible for ensuring the public safety and welfare of the people of that jurisdiction.** Specifically, this official provides strategic guidance and resources during preparedness, response, and recovery efforts. Emergency management, including preparation and training for effective response, is a core obligation of local leaders.

Chief elected or appointed officials must have a clear understanding of their roles and responsibilities for successful emergency management and response. At times, these roles may require providing direction and guidance to constituents during an incident, but their day-to-day activities do not focus on emergency management and response. On an ongoing basis, elected and appointed officials may be called upon to help shape or modify laws, policies, and budgets to aid preparedness efforts and to improve emergency management and response capabilities.

Any incident can have a mix of public health, economic, social, environmental, criminal, and political implications with potentially serious long-term effects. **Significant incidents require a coordinated response across agencies and jurisdictions, political boundaries, sectors of society, organizations, etc. These incidents will require that publicly elected and appointed officials, as well as business owners and community leaders, make difficult decisions for the benefit of the community as a whole.**

# APPENDIX 2: NATIONAL PLAN FOR INCIDENT MANAGEMENT

## CHAPTER I: ROLES AND RESPONSIBILITIES

Elected and appointed officials help their communities prepare for, respond to, and recover from potential incidents. Key responsibilities include:

- Establishing strong working relationships with local jurisdictional leaders and core private-sector organizations, voluntary agencies, and community partners. The objective is to get to know, coordinate with, and train with local partners in advance of an incident and to develop mutual aid and/or assistance agreements for support in response to an incident.
- Leading and encouraging local leaders to focus on preparedness by participating in planning, training, and exercises.
- Supporting participation in local mitigation efforts within the jurisdiction and, as appropriate, with the private sector.
- Understanding and implementing laws and regulations that support emergency management and response.
- Ensuring that local emergency plans take into account the needs of:
  - The jurisdiction, including persons, property, and structures.
  - Individuals with special needs, including those with service animals.
  - Individuals with household pets.
- Encouraging residents to participate in volunteer organizations and training courses.

**Local leaders also work closely with their Members of Congress during incidents and on an ongoing basis regarding local preparedness capabilities and needs.**

**Members of Congress play an important, ongoing role in supporting their constituents for effective local response and emergency planning.** Members often help local leaders understand the Federal resources that are available to prepare for incidents. Especially during high-consequence events, many citizens traditionally contact Members for assistance or information on Federal response policies and assistance. The Department of Homeland Security (DHS) recognizes a special obligation to provide Members representing affected areas with timely information about incidents that involve Federal response.

**Emergency Manager. The local emergency manager has the day-to-day authority and responsibility for overseeing emergency management programs and activities.** He or she works with chief elected and appointed officials to ensure that there are unified objectives with regard to the jurisdiction's emergency plans and activities. This role entails coordinating all aspects of a jurisdiction's capabilities.

The emergency manager coordinates all components of the local emergency management program, to include assessing the availability and readiness of local resources most likely required during an incident and identifying and correcting any shortfalls.

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Other duties of the local emergency manager might include the following:

- Coordinating the planning process and working cooperatively with other local agencies and private-sector organizations.
- Developing mutual aid and assistance agreements.
- Coordinating damage assessments during an incident.
- Advising and informing local officials about emergency management activities during an incident.
- Developing and executing public awareness and education programs.
- Conducting exercises to test plans and systems and obtain lessons learned.
- Involving the private sector and NGOs in planning, training, and exercises.

**Department and Agency Heads.** The local emergency manager is assisted by, and coordinates the efforts of, employees in departments and agencies that perform emergency management functions. Department and agency heads collaborate with the emergency manager during development of local emergency plans and provide key response resources. Participation in the planning process ensures that specific capabilities (e.g., firefighting, law enforcement, emergency medical services, public works, environmental and natural resources agencies) are integrated into a workable plan to safeguard the community.

These department and agency heads and their staffs develop, plan, and train to internal policies and procedures to meet response and recovery needs safely. They should also participate in interagency training and exercises to develop and maintain the necessary capabilities.

**Individuals and Households.** Although not formally a part of emergency management operations, individuals and households play an important role in the overall emergency management strategy. Community members can contribute by:

- **Reducing hazards in and around their homes.** By taking simple actions, such as raising utilities above flood level or taking in unanchored objects during high winds, people can reduce the amount of damage caused by an incident.
- **Preparing an emergency supply kit and household emergency plan.** By developing a household emergency plan and assembling disaster supplies in advance of an event, people can take care of themselves until assistance arrives. This includes supplies for household pets and service animals. See the recommended disaster supplies list at <http://www.ready.gov>.
- **Monitoring emergency communications carefully.** Throughout an emergency, critical information and direction will be released to the public via various media. By carefully following the directions provided, residents can reduce their risk of injury, keep emergency routes open to response personnel, and reduce demands on landline and cellular communication.

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- **Volunteering with an established organization.** Organizations and agencies with a role in response and recovery are always seeking hardworking, dedicated volunteers. By volunteering with an established voluntary agency, individuals and households become part of the emergency management system and ensure that their efforts are directed where they are needed most.
- **Enrolling in emergency response training courses.** Emergency response training, whether basic first aid through the American Red Cross or a more complex course through a local college, will enable residents to take initial response actions required to take care of themselves and their households, thus allowing first responders to focus on higher priority tasks that affect the entire community.

Citizen Corps brings together local leaders from government and civic leaders from NGOs and the private sector to prepare for and respond to incidents. Citizen Corps Councils are typically sponsored by elected or appointed officials and/or emergency managers. These Councils provide leadership and support for programs that educate, train, and engage community volunteers to support emergency management and responders.

## THE PRIVATE SECTOR AND NGOS

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Government agencies are responsible for protecting the lives and property of their citizens and promoting their well-being. However, the government does not, and cannot, work alone. **In many facets of an incident, the government works with private-sector groups as partners in emergency management.**

**Private Sector.** Private sector organizations play a key role before, during, and after an incident. First, they must provide for the welfare and protection of their employees in the workplace. In addition, emergency managers must work seamlessly with businesses that provide water, power, communication networks, transportation, medical care, security, and numerous other services upon which both response and recovery are particularly dependent.

Participation of the private sector varies based on the nature of the organization and the nature of the incident. The five distinct roles that private-sector organizations play are summarized in Table 1.

**Table 1. Private-Sector Response Role**

Category	Role in This Category
<b>Impacted Organization or Infrastructure</b>	Private-sector organizations may be impacted by direct or indirect consequences of the incident. These include privately owned critical infrastructure, key resources, and other private-sector entities that are significant to local, regional, and national economic recovery from the incident. Examples of privately owned infrastructure include transportation, telecommunications, private utilities, financial institutions, and hospitals. Critical infrastructure and key resources (CIKR) are grouped into 17 sectors that together provide essential functions and services supporting various aspects of the American government, economy, and society.

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Category	Role in This Category
<b>Regulated and/or Responsible Party</b>	Owners/operators of certain regulated facilities or hazardous operations may be legally responsible for preparing for and preventing incidents from occurring and responding to an incident once it occurs. For example, Federal regulations require owners/operators of nuclear power plants to maintain emergency plans and facilities and to perform assessments, prompt notifications, and training for a response to an incident.
<b>Response Resource</b>	Private-sector entities provide response resources (donated or compensated) during an incident – including specialized teams, essential service providers, equipment, and advanced technologies – through local public-private emergency plans or mutual aid and assistance agreements, or in response to requests from government and nongovernmental-volunteer initiatives.
<b>Partner With State/Local Emergency Organizations</b>	Private-sector entities may serve as partners in local and State emergency preparedness and response organizations and activities.
<b>Components of the Nation's Economy</b>	As the key element of the national economy, private-sector resilience and continuity of operations planning, as well as recovery and restoration from an actual incident, represent essential homeland security activities.

**Many private-sector organizations are responsible for operating and maintaining portions of the Nation's critical infrastructure.** Critical infrastructures include those assets, systems, networks, and functions – physical or virtual – so vital to the United States that their incapacitation or destruction would have a debilitating impact on security, national economic security, public health or safety, or any combination of those matters. Key resources are publicly or privately controlled resources essential to minimal operation of the economy and the government.<sup>14</sup> DHS has developed a comprehensive *National Infrastructure Protection Plan (NIPP)* that is synchronized with this *Framework*.<sup>15</sup> The CIKR Support Annex discusses necessary support by and for CIKR during an incident and mechanisms in place to implement that support.

**During an incident, key private-sector partners should be involved in the local crisis decisionmaking process or at least have a direct link to key local emergency managers.** Communities cannot effectively respond to, or recover from, incidents without strong cooperative relations with the private sector.

Essential private-sector responsibilities include:

- Planning for the protection of employees, infrastructure, and facilities.
- Planning for the protection of information and the continuity of business operations.
- Planning for responding to and recovering from incidents that impact their own infrastructure and facilities.

<sup>14</sup> *National Infrastructure Protection Plan*, 2006, Glossary of Key Terms, is the source for the definitions of critical infrastructure and key resources. These definitions are derived from the provisions of the Homeland Security Act of 2002 and Homeland Security Presidential Directive (HSPD) 7.

<sup>15</sup> The goal of the *NIPP* is to build a safer, more secure, and more resilient America by enhancing protection of the Nation's critical infrastructure and key resources (CIKR). See <http://www.dhs.gov/nipp> for additional information. The CIKR Support Annex and Private-Sector Coordination Support Annex provide detailed guidance regarding implementation of the *NIPP*, including roles and responsibilities, concept of operations, and incident-related actions.

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- Collaborating with emergency management personnel before an incident occurs to ascertain what assistance may be necessary and how they can help.
- Developing and exercising emergency plans before an incident occurs.
- Where appropriate, establishing mutual aid and assistance agreements to provide specific response capabilities.
- Providing assistance (including volunteers) to support local emergency management and public awareness during response and throughout the recovery process.

**Nongovernmental Organizations. NGOs play enormously important roles before, during, and after an incident.** For example, NGOs provide sheltering, emergency food supplies, counseling services, and other vital support services to support response and promote the recovery of disaster victims. These groups often provide specialized services that help individuals with special needs, including those with disabilities.

A key feature of NGOs is their inherent independence and commitment to specific sets of interests and values. These interests and values drive the groups' operational priorities and shape the resources they provide. Such NGOs bolster and support government efforts at all levels – for response operations and planning. However, NGOs may also need government assistance, and when planning the allocation of local community emergency management resources and structures, some government organizations provide direct assistance to NGOs. NGOs collaborate with responders, governments at all levels, and other agencies and organizations.

Examples of NGO and voluntary organization contributions include:

- Training and managing volunteer resources.
- Identifying shelter locations and needed supplies.
- Providing critical emergency services to those in need, such as cleaning supplies, clothing, food and shelter, or assistance with post-emergency cleanup.
- Identifying those whose needs have not been met and helping coordinate the provision of assistance.

**Some NGOs are officially designated as support elements to national response capabilities.**

- **The American Red Cross.** The American Red Cross is a supporting agency to the mass care functions of Emergency Support Function (ESF) #6. While it does not direct other NGOs, the American Red Cross takes the lead in integrating the efforts of the national NGOs that provide mass care services during response operations.
- **National Voluntary Organizations Active in Disaster (National VOAD).** National VOAD<sup>16</sup> is the forum where organizations share knowledge and resources throughout the disaster cycle – preparation, response, and recovery – to help disaster survivors and their communities. National VOAD is a consortium of

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<sup>16</sup> Additional information is available at <http://www.nvoad.org>.

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approximately 50 national organizations and 55 State and territory equivalents. During major incidents, National VOAD typically sends representatives to the DHS/Federal Emergency Management Agency (FEMA)'s National Response Coordination Center to represent the voluntary organizations and assist in response coordination.

**Volunteers and Donations.** Responding to incidents frequently exceeds the resources of government organizations. Volunteers and donors can support response efforts in many ways, and it is essential that governments at all levels plan ahead to effectively incorporate volunteers and donated goods into their response activities.

The Volunteer and Donations Management Support Annex provides detailed guidance from a national standpoint. State, tribal, and local planners should include similar volunteer and donations management provisions in their emergency plans.

For major incidents in which foreign governments, individuals, or organizations wish to make donations, the U.S. Department of State is responsible for managing such donations. Detailed guidance regarding the process for managing international donations is provided in the International Coordination Support Annex.<sup>17</sup>

## STATES, TERRITORIES, AND TRIBAL GOVERNMENTS

**A primary role of State government is to supplement and facilitate local efforts before, during, and after incidents.** The State provides direct and routine assistance to its local jurisdictions through emergency management program development and by routinely coordinating in these efforts with Federal officials. States must be prepared to maintain or accelerate the provision of commodities and services to local governments when local capabilities fall short of demands.

Under the *Framework*, the term "State" and discussion of the roles and responsibilities of States typically also include similar responsibilities that apply to U.S. territories and possessions and tribal governments. Under the Stafford Act, States are also responsible for requesting Federal emergency assistance for communities and tribal governments within their jurisdiction. In response to an incident, the State helps coordinate and integrate resources and applies them to local needs.

**Governor. Public safety and welfare of a State's citizens are fundamental responsibilities of every Governor.** For the purposes of the *Framework*, any reference to a State Governor also references the chief executive of a U.S. territory. The Governor:

- Is responsible for coordinating State resources and providing the strategic guidance needed to prevent, mitigate, prepare for, respond to, and recover from incidents of all types.
- In accordance with State law, may be able to make, amend, or suspend certain orders or regulations associated with response.

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<sup>17</sup> The *Framework's* Support Annexes are available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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- Communicates to the public and helps people, businesses, and organizations cope with the consequences of any type of incident.
- Commands the State military forces (National Guard personnel not in Federal service and State militias).
- Coordinates assistance from other States through interstate mutual aid and assistance compacts, such as the Emergency Management Assistance Compact.
- Requests Federal assistance including, if appropriate, a Stafford Act Presidential declaration of an emergency or major disaster, when it becomes clear that State capabilities will be insufficient or have been exceeded.
- Coordinates with impacted tribal governments within the State and initiates requests for a Stafford Act Presidential declaration of an emergency or major disaster on behalf of an impacted tribe when appropriate.

As noted in *A Governor's Guide to Homeland Security*,<sup>18</sup> before being sworn in, each new Governor should:

- *Avoid vacancies in key homeland security positions such as the State homeland security director or the State emergency manager. A newly elected Governor should work with his or her transition team to identify these key personnel early to minimize vacancies and encourage overlap with the outgoing administration. As soon as a new Governor selects people for these positions, the department or agency they are about to lead should be informed.*
- *Ensure that a staff able to manage a disaster response operation is in place on their inauguration day.*
- *Task their incoming gubernatorial staff, particularly the legal counsel, with reviewing the procedures necessary for them to declare a State emergency and use their emergency powers.*

**State Homeland Security Advisor.** The State Homeland Security Advisor serves as counsel to the Governor on homeland security issues and **may serve as a liaison between the Governor's office, the State homeland security structure, DHS, and other organizations both inside and outside of the State.** The advisor often chairs a committee comprised of representatives of relevant State agencies, including public safety, the National Guard, emergency management, public health, and others charged with developing prevention, protection, response, and recovery strategies. This also includes preparedness activities associated with these strategies.

**Director, State Emergency Management Agency.** All States have laws mandating establishment of a State emergency management agency and the emergency plans coordinated by that agency. **The Director of the State emergency management agency ensures that the State is prepared to deal with large-scale emergencies and is responsible for coordinating the State response in any incident.**

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<sup>18</sup> National Governors Association, *A Governor's Guide to Homeland Security*, 2007, p. 11. Available at <http://www.nga.org>.

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This includes supporting local governments as needed or requested and coordinating assistance with other States and/or the Federal Government.

If local resources are not adequate, authorities can seek additional assistance from the county emergency manager or the State Director of Emergency Management. The State emergency management agency may dispatch personnel to the scene to assist in the response and recovery effort. If a jurisdiction requires resources beyond those available within the State, local agencies may request certain types of Federal assistance directly in non-Stafford Act situations. For example, the Environmental Protection Agency or U.S. Coast Guard may assess or mitigate oil or chemical spills **without waiting for requests from State, tribal, or local officials**. However, only the Governor can request a Presidential declaration under the Stafford Act.

**Other State Departments and Agencies.** State department and agency heads and their staffs develop, plan, and train to internal policies and procedures to meet response and recovery needs safely. They should also participate in interagency training and exercises to develop and maintain the necessary capabilities. They are vital to the State's overall emergency management and homeland security programs, as they bring expertise spanning the ESFs and serve as core members of the State emergency operations center.

**Indian Tribes.** The United States has a trust relationship with Indian tribes and recognizes their right to self-government. As such, tribal governments are responsible for coordinating resources to address actual or potential incidents. When local resources are not adequate, tribal leaders seek assistance from States or the Federal Government.

For certain types of Federal assistance, tribal governments work with the State, but as sovereign entities they can elect to deal directly with the Federal Government for other types of assistance. In order to obtain Federal assistance via the Stafford Act, **a State Governor must request a Presidential declaration on behalf of a tribe**.

**Tribal Leader.** The tribal leader is responsible for the public safety and welfare of the people of that tribe. As authorized by tribal government, the tribal leader:

- Is responsible for coordinating tribal resources needed to prevent, protect against, respond to, and recover from incidents of all types. This also includes preparedness and mitigation activities.
- May have powers to amend or suspend certain tribal laws or ordinances associated with response.
- Communicates with the tribal community, and helps people, businesses, and organizations cope with the consequences of any type of incident.
- Negotiates mutual aid and assistance agreements with other tribes or jurisdictions.
- Can request Federal assistance under the Stafford Act through the Governor of the State when it becomes clear that the tribe's capabilities will be insufficient or have been exceeded.
- Can elect to deal directly with the Federal Government. Although a State Governor must request a Presidential declaration on behalf of a tribe under the Stafford Act, Federal departments or agencies can work directly with the tribe within existing authorities and resources.

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### FEDERAL

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When an incident occurs that exceeds or is anticipated to exceed local or State resources – or when an incident is managed by Federal departments or agencies acting under their own authorities – the Federal Government uses the *Framework* to involve all necessary department and agency capabilities, organize the Federal response, and ensure coordination with response partners.

The Federal Government’s response structures are **scalable and flexible** – adaptable specifically to the nature and scope of a given incident. The Federal Government has strengthened its capabilities to act in emergencies, and to do so more quickly and comprehensively, based on lessons learned.

The principles of **unified command** are applied at the headquarters, regional, and field levels to enable diverse departments and agencies to work together effectively. Using unified command principles, participants share common goals and synchronize their activities to achieve those goals. The Federal Government also works to establish **engaged partnerships** with States, as well as the private sector. Our national response is more effective when all levels and branches of government work together well before an incident to develop effective plans and achieve a heightened state of preparedness.

**Coordination of Federal Responsibilities. The President leads the Federal Government response effort** to ensure that the necessary coordinating structures, leadership, and resources are applied quickly and efficiently to large-scale and catastrophic incidents. The President’s **Homeland Security Council** and **National Security Council**, which bring together Cabinet officers and other department or agency heads as necessary, provide national strategic and policy advice to the President during large-scale incidents that affect the Nation.

Federal disaster assistance is often thought of as synonymous with Presidential declarations and the Stafford Act. The fact is that Federal assistance can be provided to State, tribal, and local jurisdictions, and to other Federal departments and agencies, in a number of different ways through various mechanisms and authorities. Often, Federal assistance does not require coordination by DHS and can be provided without a Presidential major disaster or emergency declaration. Examples of these types of Federal assistance include that described in the National Oil and Hazardous Substances Pollution Contingency Plan, the Mass Migration Emergency Plan, the National Search and Rescue Plan, and the National Maritime Security Plan. These and other supplemental agency or interagency plans, compacts, and agreements may be implemented concurrently with the *Framework*, but are subordinated to its overarching coordinating structures, processes, and protocols.

**When the overall coordination of Federal response activities is required, it is implemented through the Secretary of Homeland Security consistent with Homeland Security Presidential Directive (HSPD) 5.** Other Federal departments and agencies carry out their response authorities and responsibilities within this overarching construct. **Nothing in this *Framework* alters or impedes the ability of Federal, State, tribal, or local departments and agencies to carry out their specific authorities or perform their responsibilities under all applicable laws, Executive orders, and directives.** Additionally, nothing in this *Framework* is intended to impact or impede the ability of any Federal department or agency to take an issue of concern directly to the President or any member of the President’s staff.

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Presidential directives<sup>19</sup> outline the following six primary lanes of responsibility that guide Federal support at national, regional, and field levels.

**Incident Management.** The **Secretary of Homeland Security** is the principal Federal official for domestic incident management. By Presidential directive and statute, the Secretary is responsible for coordination of Federal resources utilized in the prevention of, preparation for, response to, or recovery from terrorist attacks, major disasters, or other emergencies. The role of the Secretary of Homeland Security is to provide the President with an overall architecture for domestic incident management and to coordinate the Federal response, when required, while relying upon the support of other Federal partners. Depending upon the incident, the Secretary also contributes elements of the response consistent with DHS's mission, capabilities, and authorities.

The **FEMA Administrator**, as the principal advisor to the President, the Secretary, and the Homeland Security Council on all matters regarding emergency management,<sup>20</sup> helps the Secretary in meeting these HSPD-5 responsibilities.

Federal assistance for incidents that do not require DHS coordination may be led by other Federal departments and agencies consistent with their authorities. The Secretary of Homeland Security may monitor such incidents and may activate specific *Framework* mechanisms to provide support to departments and agencies without assuming overall leadership for the Federal response to the incident.

The following four HSPD-5 criteria define situations for which DHS shall assume overall Federal incident management coordination responsibilities within the *Framework* and implement the *Framework's* coordinating mechanisms: (1) a Federal department or agency acting under its own authority has requested DHS assistance, (2) the resources of State and local authorities are overwhelmed and Federal assistance has been requested, (3) more than one Federal department or agency has become substantially involved in responding to the incident, or (4) the Secretary has been directed by the President to assume incident management responsibilities.

**Law Enforcement.** The **Attorney General** is the chief law enforcement officer of the United States. Generally acting through the Federal Bureau of Investigation, the Attorney General has the lead responsibility for criminal investigations of terrorist acts or terrorist threats by individuals or groups inside the United States or directed at U.S. citizens or institutions abroad, as well as for coordinating activities of the other members of the law enforcement community to detect, prevent, and disrupt terrorist attacks against the United States. This includes actions that are based on specific intelligence or law enforcement information. In addition, the Attorney General approves requests submitted by State Governors pursuant to the Emergency Federal Law Enforcement Assistance Act for personnel and other Federal law enforcement support during incidents. The Attorney General also enforces Federal civil rights laws and will provide expertise to ensure that these laws are appropriately addressed.

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<sup>19</sup> The core Presidential directive in this regard is HSPD-5, "Management of Domestic Incidents," which is available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

<sup>20</sup> See the Post-Katrina Emergency Reform Act, enacted as part of the FY 2007 DHS Appropriations Act, P.L. 109-295.

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**National Defense and Defense Support of Civil Authorities.** The primary mission of the Department of Defense (DOD) and its components is national defense. Because of this critical role, resources are committed after approval by the **Secretary of Defense** or at the direction of the **President**. Many DOD components and agencies are authorized to respond to save lives, protect property and the environment, and mitigate human suffering under imminently serious conditions, as well as to provide support under their separate established authorities, as appropriate. The provision of defense support is evaluated by its legality, lethality, risk, cost, appropriateness, and impact on readiness. When Federal military and civilian personnel and resources are authorized to support civil authorities, command of those forces will remain with the Secretary of Defense. DOD elements in the incident area of operations and National Guard forces under the command of a Governor will coordinate closely with response organizations at all levels.<sup>21</sup>

**International Coordination.** The **Secretary of State** is responsible for managing international preparedness, response, and recovery activities relating to domestic incidents and the protection of U.S. citizens and U.S. interests overseas.

**Intelligence.** The **Director of National Intelligence** leads the Intelligence Community, serves as the President's principal intelligence advisor, and oversees and directs the implementation of the National Intelligence Program.

**Other Federal Departments and Agencies.** Under the *Framework*, **various Federal departments or agencies may play primary, coordinating, and/or support roles based on their authorities and resources and the nature of the threat or incident.**<sup>22</sup>

In situations where a Federal department or agency has responsibility for directing or managing a major aspect of a response being coordinated by DHS, that organization is part of the national leadership for the incident and is represented in the field at the Joint Field Office in the Unified Coordination Group, and at headquarters through the National Operations Center and the National Response Coordination Center, which is part of the National Operations Center.<sup>23</sup>

In addition, several Federal departments and agencies have their own authorities to declare disasters or emergencies. For example, the Secretary of Health and Human Services can declare a public health emergency. These declarations may be made independently or as part of a coordinated Federal response. Where those declarations are part of an incident requiring a coordinated Federal response, those Federal departments or agencies act within the overall coordination structure of the *Framework*.

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<sup>21</sup> Additional information on DOD support is available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

<sup>22</sup> Additional information about the roles of Federal departments and agencies can be found in the annexes available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

<sup>23</sup> Additional information on these entities can be found in Chapter III, Response Organization.

# APPENDIX 2: NATIONAL PLAN FOR INCIDENT MANAGEMENT

## CHAPTER II RESPONSE ACTIONS

This chapter describes *what we as a Nation collectively do to respond to incidents.*

### INTRODUCTION

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The *Framework* is intended to strengthen, organize, and coordinate **response actions** across all levels. The doctrine of **tiered response** emphasizes that response to incidents should be handled at the lowest jurisdictional level capable of handling the work. The vast majority of incidents are, in fact, managed locally.

The *Framework* is focused on incidents of all types, including acts of terrorism, major disasters, and other emergencies. For the purpose of this document, the term "incident" refers to an actual or potential occurrence or event.

Responders and emergency managers are both doers and planners, which is to say that to lead **response** and **recovery** efforts effectively, they must also **prepare** effectively (i.e., plan, organize, equip, train, exercise, and continuously evaluate actual performance).

This chapter describes and outlines key tasks related to the **three phases of effective response: *prepare, respond, and recover.***

Each member of our society – including our leaders, professional emergency managers, private-sector representatives, and nongovernmental organizations (NGOs) – has a role to play in strengthening the Nation's response capabilities. The discussion below provides an overview of the key tasks associated with preparedness, response, and recovery. In each case, the general discussion is augmented by examples of how the key tasks are tailored to align with the needs of responders and emergency managers at all levels.

**Mastery of these key tasks supports unity of effort, and thus improves our ability to save lives, protect property and the environment, and meet basic human needs.**

### PREPARE

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**Preparedness is essential for effective response.** This section discusses the six essential activities for responding to an incident: plan, organize, train, equip, exercise, and evaluate and improve.

Figure 2 illustrates the preparedness cycle.

Figure 2. The Preparedness Cycle



*The Preparedness Cycle Builds Capabilities*

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### 1. PLAN

**Planning makes it possible to manage the entire life cycle of a potential crisis, determine capability requirements, and help stakeholders learn their roles.** It includes the collection and analysis of intelligence and information, as well as the development of policies, plans, procedures, mutual aid and assistance agreements, strategies, and other arrangements to perform missions and tasks. Planning also improves effectiveness by clearly defining required capabilities, shortening the time required to gain control of an incident, and facilitating the rapid exchange of information about a situation.

**Governments at all levels have a responsibility to develop detailed, robust, all-hazards response plans.** These plans should have clearly defined leadership roles and responsibilities, and they should clearly articulate the decisions that need to be made, who will make them, and when. These plans should include both hazard-specific as well as comprehensive all-hazards plans that are tailored to each respective jurisdiction. They should be integrated, operational, and incorporate key private-sector and NGO elements and persons with disabilities.

Among the many contingencies that response plans must address, planning for evacuations presents particular challenges. In this area, plans must include:

- The lead time required for various scenarios, including no-notice and forewarned events.
- Weather contingencies.
- Transportation.
- Interdependencies between shelter locations and transportation.
- Provisions for special needs populations and those with household pets.

Specific procedures and protocols should augment these plans to guide rapid implementation.

Virtually every Federal department and agency possesses personnel and resources that may be needed in response to an incident. Some Federal departments and agencies have primary responsibility for certain aspects of response, such as hazardous materials removal. Others may have supporting roles in providing different types of resources, such as communications personnel and equipment. Regardless of their roles, all Federal departments and agencies must develop policies, plans, and procedures governing how they will effectively locate resources and provide them as part of a coordinated response.

The Integrated Planning System is the national planning system used to develop interagency and intergovernmental plans based upon the National Planning Scenarios. Local, tribal, State, regional, and Federal plans are mutually supportive. See Chapter IV for significant additional detail regarding planning.

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### 2. ORGANIZE

**Organizing to execute response activities includes developing an overall organizational structure, strengthening leadership at each level, and assembling well-qualified teams of paid and volunteer staff for essential response and recovery tasks.** The *National Incident Management System (NIMS)* provides standard command and management structures that apply to response. This common system enables responders from different jurisdictions and disciplines to work together to respond to incidents.

**Governments at all levels should organize to support effective response.** The leader of each government organization should vest the official responsible for response activities with sufficient authority to meet the organization's responsibilities under the *Framework*.

Government agencies at all levels are encouraged to conduct a thorough, systematic inventory of their response resources and to conform to *NIMS* organizational and management principles as noted above. Government agencies should also ensure they have a cadre of personnel (which can include full-time employees, temporary or surge personnel, and contractors) who are trained in incident management and response principles and organized into teams. Personnel and equipment can be organized to provide a particular function or mission capability.

**Governments at all levels should use the *NIMS* resource management principles described below to enhance response capabilities.**

- **Individual Resources.** Resources are organized by category, kind, size, capacity, skill, and other characteristics. This organization makes resource management more efficient and ensures that similar resources from different agencies are organized according to standard principles.
- **Emergency Support Functions.** The Federal Government and many State governments organize much of their resources and capabilities – as well as those of certain private-sector and nongovernmental organizations – under 15 Emergency Support Functions (ESFs). ESFs align categories of resources and provide strategic objectives for their use. ESFs utilize standardized resource management concepts such as typing, inventorying, and tracking to facilitate the dispatch, deployment, and recovery of resources before, during, and after an incident. ESF coordinators and primary agencies are identified on the basis of authorities and resources. Support agencies are assigned based on the availability of resources in a given functional area. ESFs provide the greatest possible access to Federal department and agency resources regardless of which organization has those resources. See Chapter III for significant additional detail regarding ESFs.<sup>24</sup>
- **Pre-Scripted Mission Assignments.** The Federal Government and many State governments use pre-scripted mission assignments to assist in planning and to reduce the time it takes to deploy response resources. Pre-scripted mission assignments identify resources or capabilities of government organizations that are commonly called upon during response to an incident. Pre-scripted mission assignments allow primary and supporting ESF agencies to organize resources that can be tailored to develop, train, and exercise rosters of deployable response

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<sup>24</sup> ESF Annexes are available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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personnel. All local, tribal, and State governments are encouraged to use pre-scripted mission assignments to expedite the delivery of services and commodities in response to an incident.

- **Advanced Readiness Contracting.** While the Federal Government and many State governments have tremendous resources on hand to support local governments, certain resources are more efficiently deployed when procured from the private sector. Advanced readiness contracting ensures that contracts are in place before an incident for commonly needed commodities and services such as ice, water, plastic sheeting, temporary power, and debris removal. This type of contracting improves the ability to secure supplies and services by streamlining the process of ordering, acquiring, and distributing resources when needed.
- **Pre-Positioned Resources.** Since virtually all incidents are local in nature, resources should be positioned close to those localities most at risk for particular types of events. For example, the Federal Government pre-positions resource stockpiles to leverage the geographic distribution of Federal regional, district, and field offices across the country. Additionally, federally administered response networks such as the National Urban Search and Rescue Response System and the National Disaster Medical System utilize locally sponsored resources to enhance Federal response efforts, reduce response times, and strengthen preparedness in their communities.

### 3. EQUIP

**Local, tribal, State, and Federal jurisdictions need to establish a common understanding of the capabilities of distinct types of response equipment.** This facilitates planning before an incident, as well as rapid scaling and flexibility in meeting the needs of an incident. A critical component of preparedness is the acquisition of equipment that will perform to established standards, including the capability to be interoperable with equipment used by other jurisdictions and/or participating organizations.

Effective preparedness requires jurisdictions to identify and have strategies to obtain and deploy major equipment, supplies, facilities, and systems in sufficient quantities to perform assigned missions and tasks. The mobilization, tracking, use, sustaining, and demobilization of physical and human resources require an effective logistics system. That system must support both the residents in need and the teams that are responding to the incident. Resource typing provides a uniform method of sharing commonly understood resources when needed in a major incident.

Governments at all levels should ensure that their personnel have the necessary resources to perform assigned response missions and tasks. This includes obtaining equipment needed to conduct specific response missions and maintaining core capabilities to communicate effectively among Federal, State, tribal, and local responders using the incident management and response structures described in the *Framework*.

Government organizations responsible for providing equipment for response activities should bundle that equipment into standardized equipment caches and be prepared to provide for its safe transportation. They must also routinely service and maintain such equipment and support the resources needed to maintain, repair, and operate it in the field.

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### 4. TRAIN

**Building essential response capabilities nationwide requires a systematic program to train individual teams and organizations – to include governmental, nongovernmental, private-sector, and voluntary organizations – to meet a common baseline of performance and certification standards.** Professionalism and experience are the foundation upon which successful response is built. Rigorous, ongoing training is thus imperative.<sup>25</sup>

Individuals and teams, whether paid or volunteer, should meet relevant local, tribal, State, Federal, or professional qualifications, certifications, or performance standards. Content and methods of training must comply with applicable standards and produce required skills and measurable proficiency. FEMA and other organizations offer response and incident management training in online and classroom formats.

### 5. EXERCISE

**Exercises provide opportunities to test plans and improve proficiency in a risk-free environment.** Exercises assess and validate proficiency levels. They also clarify and familiarize personnel with roles and responsibilities. Well-designed exercises improve interagency coordination and communications, highlight capability gaps, and identify opportunities for improvement. Exercises should:

- Include multidisciplinary, multijurisdictional incidents.
- Include participation of private-sector and nongovernmental organizations.
- Cover aspects of preparedness plans, particularly the processes and procedures for activating local, intrastate, or interstate mutual aid and assistance agreements.
- Contain a mechanism for incorporating corrective actions.

**Local, tribal, State, and Federal jurisdictions should exercise their own response capabilities and evaluate their abilities to perform expected responsibilities and tasks.** This is a basic responsibility of all entities and is distinct from participation in other interagency exercise programs.

In addition, the Department of Homeland Security (DHS) coordinates the National Exercise Program,<sup>26</sup> which requires Federal departments and agencies to participate in an exercise program based upon the National Planning Scenarios contained in the *National Preparedness Guidelines*. This program coordinates and, where appropriate, integrates a 5-year homeland security exercise schedule across Federal agencies and incorporates exercises at the State and local levels.

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<sup>25</sup> Links to training resources are available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

<sup>26</sup> The Homeland Security Exercise and Evaluation Program (HSEEP) provides a standardized policy, methodology, and language for designing, developing, conducting, and evaluating all exercises. Information on HSEEP and the National Exercise Program is available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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### 6. EVALUATE AND IMPROVE

Evaluation and continual process improvement are cornerstones of effective preparedness. Upon concluding an exercise, jurisdictions should evaluate performance against relevant capability objectives, identify deficits, and institute corrective action plans. Improvement planning should develop specific recommendations for changes in practice, timelines for implementation, and assignments for completion.

**All local, tribal, State, and Federal entities should institute a corrective action program to evaluate exercise participation and response, capture lessons learned, and make improvements in their response capabilities.** An active corrective action program will provide a method and define roles and responsibilities for identification, prioritization, assignment, monitoring, and reporting of corrective actions arising from exercises and real-world events. The Homeland Security Exercise and Evaluation Program (HSEEP) Toolkit is a Web-based system that enables implementation of the corrective action program process. In this way, the continuous cycle of preparedness yields enhancements to national preparedness.

## RESPOND

Once an incident occurs, priorities shift – from building capabilities to employing resources to save lives, protect property and the environment, and preserve the social, economic, and political structure of the jurisdiction. Depending on the size, scope, and magnitude of an incident, communities, States, and, in some cases, the Federal Government will be called to action.

Four key actions typically occur in support of a response: (1) gain and maintain situational awareness; (2) activate and deploy key resources and capabilities; (3) effectively coordinate response actions; then, as the situation permits, (4) demobilize. These response actions are illustrated in Figure 3, and their core elements are described below.

Figure 3. The Response Process



### 1. GAIN AND MAINTAIN SITUATIONAL AWARENESS

**Baseline Priorities.** Situational awareness requires continuous monitoring of relevant sources of information regarding actual and developing incidents. The scope and type of monitoring vary based on the type of incidents being evaluated and needed reporting thresholds. Critical information is passed through established reporting channels according to established security protocols. Priorities include:

- **Providing the right information at the right time.** For an effective national response, jurisdictions must continuously refine their ability to assess the situation as an incident unfolds and rapidly provide accurate and accessible information to decisionmakers in a user-friendly manner. It is essential that all levels of government, the private sector (in particular, owners/operators of critical

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infrastructure and key resources (CIKR)), and NGOs share information to develop a common operating picture and synchronize their response operations and resources.

- **Improving and integrating national reporting.** Situational awareness must start at the incident scene and be effectively communicated to local, tribal, State, and Federal governments and the private sector, to include CIKR. Jurisdictions must integrate existing reporting systems to develop an information and knowledge management system that fulfills national information requirements.
- **Linking operations centers and tapping subject-matter experts.** Local governments, tribes, States, and the Federal Government have a wide range of operations centers that monitor events and provide situational awareness. Based on their roles and responsibilities, operations centers should identify information requirements, establish reporting thresholds, and be familiar with the expectations of decisionmakers and partners. Situational awareness is greatly improved when experienced technical specialists identify critical elements of information and use them to form a common operating picture.

Reporting and documentation procedures should be standardized to enhance situational awareness and provide emergency management and response personnel with ready access to critical information. Situation reports should contain verified information and explicit details (who, what, where, when, and how) related to the incident. Status reports, which may be contained in situation reports, relay specific information about resources. Based on an analysis of the threats, jurisdictions issue accessible warnings to the public and provide emergency public information.

**Local, Tribal, and State Actions.** Local, tribal, and State governments can address the inherent challenges in establishing successful information-sharing networks by:

- Creating fusion centers that bring together into one central location law enforcement, intelligence, emergency management, public health, and other agencies, as well as private-sector and nongovernmental organizations when appropriate, and that have the capabilities to evaluate and act appropriately on all available information.
- Implementing the National Information Sharing Guidelines to share intelligence and information and improve the ability of systems to exchange data.
- Establishing information requirements and reporting protocols to enable effective and timely decisionmaking during response to incidents. Terrorist threats and actual incidents with a potential or actual terrorist link should be reported immediately to a local or regional Joint Terrorism Task Force.

**Federal Actions.** The National Operations Center (NOC) serves as the national fusion center, collecting and synthesizing all-source information, including information from State fusion centers, across all-threats and all-hazards information covering the spectrum of homeland security partners. Federal departments and agencies should report information regarding actual or potential incidents requiring a coordinated Federal response to the NOC.

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Such information may include:

- Implementation of a Federal department or agency emergency plan.
- Actions to prevent or respond to an incident requiring a coordinated Federal response for which a Federal department or agency has responsibility under law or directive.
- Submission of requests for coordinated Federal assistance to, or receipt of a request from, another Federal department or agency.
- Requests for coordinated Federal assistance from State, tribal, or local governments, the private sector, and NGOs.
- Suspicious activities or threats, which are closely coordinated among the Department of Justice/Federal Bureau of Investigation (FBI) Strategic Information and Operations Center (SIOC), the NOC, and the National Counterterrorism Center (NCTC).

The primary reporting method for information flow is the Homeland Security Information Network (HSIN). Additionally, there are threat reporting mechanisms in place through the FBI where information is assessed for credibility and possible criminal investigation. Each Federal department and agency must work with DHS to ensure that its response personnel have access to and are trained to use the HSIN common operating picture for incident reporting.<sup>27</sup>

**Alerts.** When notified of a threat or an incident that potentially requires a coordinated Federal response, the **NOC evaluates the information and notifies appropriate senior Federal officials and Federal operations centers:** the National Response Coordination Center (NRCC), the FBI SIOC, the NCTC, and the National Military Command Center. The NOC serves as the primary coordinating center for these and other operations centers.

The NOC alerts department and agency leadership to critical information to inform decisionmaking. Based on that information, the Secretary of Homeland Security coordinates with other appropriate departments and agencies to activate plans and applicable coordination structures of the *Framework* as required. Officials should be prepared to participate, either in person or by secure video teleconference, with departments or agencies involved in responding to the incident. The NOC maintains the common operating picture that provides overall situational awareness for incident information. Each Federal department and agency must ensure that its response personnel are trained to utilize these tools.

**Operations Centers.** Federal operations centers maintain active situational awareness and communications within and among Federal department and agency regional, district, and sector offices across the country. These operations centers are often connected with their State, tribal, and local counterparts, and can exchange information and draw and direct resources in the event of an incident.

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<sup>27</sup> Additional information concerning HSIN and Federal reporting requirements is found in the *HSIN Concept of Operations*, available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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### 2. ACTIVATE AND DEPLOY RESOURCES AND CAPABILITIES

**Baseline Priorities.** When an incident or potential incident occurs, responders assess the situation, identify and prioritize requirements, and activate available resources and capabilities to save lives, protect property and the environment, and meet basic human needs. In most cases, this includes development of incident objectives based on incident priorities, development of an **Incident Action Plan** by the Incident Command in the field, and development of support plans by the appropriate local, tribal, State, and/or Federal Government entities. Key activities include:

- **Activating people, resources, and capabilities.** Across all levels, initial actions may include activation of people and teams and establishment of incident management and response structures to organize and coordinate an effective response. The resources and capabilities deployed and the activation of supporting incident management structures should be directly related to the size, scope, nature, and complexity of the incident. All responders should maintain and regularly exercise notification systems and protocols.
- **Requesting additional resources and capabilities.** Responders and capabilities may be requested through mutual aid and assistance agreements, the State, or the Federal Government. For all incidents, especially large-scale incidents, it is essential to prioritize and clearly communicate incident requirements so that resources can be efficiently matched, typed, and mobilized to support operations.
- **Identifying needs and pre-positioning resources.** When planning for heightened threats or in anticipation of large-scale incidents, local or tribal jurisdictions, States, or the Federal Government should anticipate resources and capabilities that may be needed. Based on asset availability, resources should be pre-positioned and response teams and other support resources may be placed on alert or deployed to a staging area. As noted above, mobilization and deployment will be most effective when supported by planning that includes pre-scripted mission assignments, advance readiness contracting, and staged resources.

**Local, Tribal, and State Actions.** In the event of, or in anticipation of, an incident requiring a coordinated response, local, tribal, and State jurisdictions should:

- Identify staff for deployment to the **emergency operations center (EOC)**, which should have standard procedures and call-down lists to notify department and agency points of contact.
- Work with emergency management officials to take the necessary steps to provide for continuity of operations.
- Activate **Incident Management Teams (IMTs)** as required. IMTs are incident command organizations made up of the command and general staff members and appropriate functional units of an Incident Command System organization. The level of training and experience of the IMT members, coupled with the identified formal response requirements and responsibilities of the IMT, are factors in determining the "type," or level, of the IMT.
- Activate **specialized response teams** as required. Jurisdictions may have specialized teams including search and rescue teams, crime scene investigators,

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public works teams, hazardous materials response teams, public health specialists, or veterinarians/animal response teams.

- Activate **mutual aid and assistance agreements** as required.

**Federal Actions.** In the event of, or in anticipation of, an incident requiring a coordinated Federal response, the National Operations Center, in many cases acting through the National Response Coordination Center, notifies other Federal departments and agencies of the situation and specifies the level of activation required. After being notified, departments and agencies should:

- Identify and mobilize staff to fulfill their department's or agency's responsibilities, including identifying appropriate subject-matter experts and other staff to support department operations centers.
- Identify staff for deployment to the NOC, the NRCC, FEMA Regional Response Coordination Centers (RRCCs), or other operations centers as needed, such as the FBI's Joint Operations Center. These organizations have standard procedures and call-down lists, and will notify department or agency points of contact if deployment is necessary.
- Identify staff that can be dispatched to the Joint Field Office (JFO), including Federal officials representing those departments and agencies with specific authorities, lead personnel for the JFO Sections (Operations, Planning, Logistics, and Administration and Finance) and the ESFs.
- Begin activating and staging Federal teams and other resources in support of the Federal response as requested by DHS or in accordance with department or agency authorities.
- Execute pre-scripted mission assignments and readiness contracts, as directed by DHS.

Some Federal departments or agencies may deploy to an incident under their own authorities. In these instances, Federal departments or agencies will notify the appropriate entities such as the NOC, JFO, State EOCs, and the local Incident Command.

### 3. COORDINATE RESPONSE ACTIONS

**Baseline Priorities.** Coordination of response activities occurs through response structures based on assigned roles, responsibilities, and reporting protocols. Critical information is provided through established reporting mechanisms. The efficiency and effectiveness of response operations are enhanced by full application of the *NIMS* with its common principles, structures, and coordinating processes. Specific priorities include:

- **Managing emergency functions.** *Local, tribal, and State governments are responsible for the management of their emergency functions.* Such management includes mobilizing the National Guard, pre-positioning assets, and supporting communities. Local, tribal, and State governments, in conjunction with their voluntary organization partners, are also responsible for implementing plans to

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ensure the effective management of the flow of volunteers and goods in the affected area.

- **Coordinating initial actions.** Initial actions are coordinated through the on-scene Incident Command and may include: immediate law enforcement, rescue, firefighting, and emergency medical services; emergency flood fighting; evacuations; transportation detours; and emergency information for the public. As the incident unfolds, the on-scene Incident Command develops and updates an Incident Action Plan, revising courses of action based on changing circumstances.
- **Coordinating requests for additional support.** If additional resources are required, the on-scene Incident Command requests the needed support. Additional incident management and response structures and personnel are activated to support the response. It is critical that personnel understand roles, structures, protocols, and concepts to ensure clear, coordinated actions. Resources are activated through established procedures and integrated into a standardized organizational structure at the appropriate levels.
- **Identifying and integrating resources and capabilities.** Resources and capabilities must be deployed, received, staged, and efficiently integrated into ongoing operations. For large, complex incidents, this may include working with a diverse array of organizations, including multiple private-sector entities and NGOs through prearranged agreements and contracts. Large-scale events may also require sophisticated coordination and time-phased deployment of resources through an integrated logistics system. Systems and venues must be established to receive, stage, track, and integrate resources into ongoing operations. Incident Command should continually assess operations and scale and adapt existing plans to meet evolving circumstances.
- **Coordinating information.** Effective public information strategies are essential following an incident. Incident Command may elect to establish a Joint Information Center (JIC), a physical location where the coordination and dissemination of information for the public and media concerning the incident are managed. JICs may be established locally, regionally, or nationally depending on the size and magnitude of an incident. In the event of incidents requiring a coordinated Federal response, JICs are established to coordinate Federal, State, tribal, local, and private-sector incident communications with the public. By developing media lists, contact information for relevant stakeholders, and coordinated news releases, the JIC staff facilitates dissemination of accurate, consistent, accessible, and timely public information to numerous audiences.

**Specific response actions will vary depending upon the scope and nature of the incident.** Response actions are based on the objectives established by the Incident Command and Unified Coordination Group. Response actions include, but are not limited to:

- Warning the public and providing accessible emergency public information.
- Implementing evacuation and sheltering plans that include provisions for special needs populations and household pets.

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- Sheltering evacuees in preidentified, physically accessible shelters and providing food, water, and other necessities to meet the needs of all people, including persons with disabilities and other special needs.
- Performing search and rescue.
- Treating the injured.
- Providing law enforcement and investigation.
- Controlling hazards (extinguishing fires, containing hazardous materials spills, etc.).
- Ensuring responder safety and health.

**Local, Tribal, and State Actions.** Within communities, *NIMS* principles are applied to integrate response plans and resources across jurisdictions and departments and with the private sector and NGOs. **Neighboring communities play a key role in providing support through a framework of mutual aid and assistance agreements.** These agreements are formal documents that identify the resources that communities are willing to share during an incident. Such agreements should include:

- Definitions of key terms used in the agreement.
- Roles and responsibilities of individual parties.
- Procedures for requesting and providing assistance.
- Procedures, authorities, and rules for allocation and reimbursement of costs.
- Notification procedures.
- Protocols for interoperable communications.
- Relationships with other agreements among jurisdictions.
- Treatment of workers' compensation, liability, and immunity.
- Recognition of qualifications and certifications.

While States typically act as the conduit between the Federal and local governments when Federal assistance is supporting a local jurisdiction, there are certain instances in which Federal partners may play an active role in a unified command. For example, wildfires on Federal land or oil spills are activities for which certain Federal departments or agencies may have authority to respond under their own statutes and jurisdictions.

**States provide the majority of the external assistance to communities.** The State is the gateway to several government programs that help communities prepare. When an incident grows beyond the capability of a local jurisdiction, and responders cannot meet the needs with mutual aid and assistance resources, the local emergency manager contacts the State. Upon receiving a request for assistance from a local government, immediate State response activities may include:

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- Coordinating warnings and public information through the activation of the State's public communications strategy and the establishment of a JIC.
- Distributing supplies stockpiled to meet the emergency.
- Providing needed technical assistance and support to meet the response and recovery needs of individuals and households.
- The Governor suspending existing statutes, rules, ordinances, and orders for the duration of the emergency, to the extent permitted by law, to ensure timely performance of response functions.
- Implementing State donations management plans and coordinating with NGOs and the private sector.
- Ordering the evacuation of persons from any portions of the State threatened by the incident, giving consideration to the requirements of special needs populations and those with household pets or service animals.
- Mobilizing resources to meet the requirements of people with special needs, in accordance with the State's preexisting plan and in compliance with Federal civil rights laws.

In addition to these actions, the Governor may activate elements of the National Guard. The National Guard is a crucial State resource, with expertise in communications, logistics, search and rescue, and decontamination. **National Guard forces employed under State Active Duty or Title 32 status are under the command and control of the Governor of their State and are not part of Federal military response efforts.**

Title 32 Full-Time National Guard Duty refers to Federal training or other duty, other than inactive duty, performed by a member of the National Guard. Title 32 is not subject to *posse comitatus* restrictions<sup>28</sup> and allows the Governor, with the approval of the President or the Secretary of Defense, to order a Guard member to duty to:

- Perform training and other operational activities.
- Conduct homeland defense activities for the military protection of the territory or domestic population of the United States, or of the infrastructure or other assets of the United States determined by the Secretary of Defense to be critical to national security, from a threat or aggression against the United States.

In rare circumstances, the President can federalize National Guard forces for domestic duties under Title 10 (e.g., in cases of invasion by a foreign nation, rebellion against the authority of the United States, or where the President is unable to execute the laws of the United States with regular forces (10 U.S.C. 12406)). When mobilized under Title 10 of the U.S. Code, the forces are no longer under the command of the Governor. Instead, the Department of Defense assumes full responsibility for all aspects of the deployment, including command and control over National Guard forces.

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<sup>28</sup> For more information on *posse comitatus*, see the Authorities and References section of the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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**State-to-State Assistance.** If additional resources are required, the State should request assistance from other States by using interstate mutual aid and assistance agreements such as the **Emergency Management Assistance Compact (EMAC)**. Administered by the National Emergency Management Association, EMAC is a congressionally ratified organization that provides form and structure to the interstate mutual aid and assistance process. Through EMAC or other mutual aid or assistance agreements, a State can request and receive assistance from other member States.<sup>29</sup> Such State-to-State assistance may include:

- Invoking and administering a Statewide Mutual Aid Agreement, as well as coordinating the allocation of resources under that agreement.
- Invoking and administering EMAC and/or other compacts and agreements, and coordinating the allocation of resources that are made available to and from other States.

**Requesting Federal Assistance.** When an incident overwhelms or is anticipated to overwhelm State resources, the Governor may request Federal assistance.<sup>30</sup> In such cases, the affected local jurisdiction, tribe, State, and the Federal Government will collaborate to provide the necessary assistance. The Federal Government may provide assistance in the form of funding, resources, and critical services. **Federal departments and agencies respect the sovereignty and responsibilities of local, tribal, and State governments while rendering assistance.** The intention of the Federal Government in these situations is not to command the response, but rather to support the affected local, tribal, and/or State governments.

**Robert T. Stafford Disaster Relief and Emergency Assistance Act.** When it is clear that State capabilities will be exceeded, the Governor can request Federal assistance, including assistance under the **Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)**.<sup>31</sup> The Stafford Act authorizes the President to provide financial and other assistance to State and local governments, certain private nonprofit organizations, and individuals to support response, recovery, and mitigation efforts following Presidential emergency or major disaster declarations.

The Stafford Act is triggered by a Presidential declaration of a major disaster or emergency, when an event causes damage of sufficient severity and magnitude to warrant Federal disaster assistance to supplement the efforts and available resources of States, local governments, and the disaster relief organizations in alleviating the damage, loss, hardship, or suffering.

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<sup>29</sup> For more detail about EMAC, see <http://www.emacweb.org/>.

<sup>30</sup> Additional guidance on requesting Federal support can be found in the Overview document at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

<sup>31</sup> Details regarding Federal involvement under the Stafford Act are available at the **NRF Resource Center**, <http://www.fema.gov/NRF>. Additional information about the Stafford Act's disaster process and disaster aid programs is available at <http://www.fema.gov/hazard/dproc.shtm>.

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The forms of public assistance typically flow either from a major disaster declaration or an emergency declaration.<sup>32</sup> A **major disaster** could result from any natural or manmade event that the President determines warrants supplemental Federal aid. The event must be clearly more than State or local governments can handle alone.

If declared, funding comes from the President's Disaster Relief Fund, which is managed by FEMA, and the disaster aid programs of other participating Federal departments and agencies. A **Presidential major disaster declaration** triggers long-term Federal recovery programs, some of which are matched by State programs, and designed to help disaster victims, businesses, and public entities. An **emergency declaration** is more limited in scope and without the long-term Federal recovery programs of a major disaster declaration. Generally, Federal assistance and funding are provided to meet a specific emergency need or to help prevent a major disaster from occurring.

**Requesting a Presidential Declaration.** Most incidents are not of sufficient magnitude to warrant a Presidential declaration. However, if State and local resources are insufficient, **a Governor may ask the President to make such a declaration.** Before making a declaration request, the Governor must activate the State's emergency plan and ensure that all appropriate State and local actions have been taken or initiated, including:

- Surveying the affected areas to determine the extent of private and public damage.
- Conducting joint preliminary damage assessments with FEMA officials to estimate the types and extent of Federal disaster assistance required.
- Consulting with the FEMA Regional Administrator on Federal disaster assistance eligibility, and advising the FEMA regional office if a Presidential declaration will be requested.

Ordinarily, only a Governor can initiate a request for a Presidential emergency or major disaster declaration. In extraordinary circumstances, the President may unilaterally declare a major disaster or emergency.<sup>33</sup> This **request is made through the FEMA Regional Administrator** and based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments, and that Federal assistance is necessary. The request must include:

- Information on the extent and nature of State resources that have been or will be used to address the consequences of the disaster.
- A certification by the Governor that State and local governments will assume all applicable non-Federal costs required by the Stafford Act.
- An estimate of the types and amounts of supplementary Federal assistance required.

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<sup>32</sup> The Stafford Act defines an **emergency** as "any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States." A **major disaster** is defined as "any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby."

<sup>33</sup> Per section 501(b) of the Stafford Act.

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## CHAPTER II: RESPONSE ACTIONS

- Designation of a State Coordinating Officer.

The completed request, addressed to the President, is submitted through the FEMA Regional Administrator, who evaluates the damage and requirements for Federal assistance and makes a recommendation to the FEMA Administrator. The FEMA Administrator, acting through the Secretary of Homeland Security, may then recommend a course of action to the President. The Governor, appropriate Members of Congress, and Federal departments and agencies are immediately notified of a Presidential declaration.

### **Proactive Response to Catastrophic Incidents.**

Prior to and during catastrophic incidents, especially those that occur with little or no notice, the State and Federal governments may take proactive measures to mobilize and deploy assets in anticipation of a formal request from the State for Federal assistance.<sup>34</sup> Such deployments of significant Federal assets would likely occur for catastrophic events involving chemical, biological, radiological, nuclear, or high-yield explosive weapons of mass destruction, large-magnitude earthquakes, or other catastrophic incidents affecting heavily populated areas. The proactive responses are utilized to ensure that resources reach the scene in a timely manner to assist in restoring any disruption of normal function of State or local governments. Proactive notification and deployment of Federal resources in anticipation of or in response to catastrophic events will be done in coordination and collaboration with State, tribal, and local governments and private-sector entities when possible.

A catastrophic incident is defined as any natural or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions.

**Federal Assistance Available Without a Presidential Declaration.** In many cases, assistance may be obtained from the Federal Government without a Presidential declaration. For example, FEMA places liaisons in State EOCs and moves commodities near incident sites that may require Federal assistance prior to a Presidential declaration. Additionally, some types of assistance, such as Fire Management Assistance Grants – which provide support to States experiencing severe wildfires – are performed by Federal departments or agencies under their own authorities and do not require Presidential approval. Finally, Federal departments and agencies may provide immediate lifesaving assistance to States under their own statutory authorities without a formal Presidential declaration.

**Other Federal or Federally Facilitated Assistance.** The *Framework* covers the full range of complex and constantly changing requirements in anticipation of, or in response to, threats or actual incidents, including terrorism and major disasters. In addition to Stafford Act support, the *Framework* may be applied to provide other forms of support to Federal partners. Federal departments and agencies must remain flexible and adaptable in order to provide the support that is required for a particular incident.

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<sup>34</sup> Additional information on proactive response can be found in the Catastrophic Incident Annex, available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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**Federal-to-Federal Support.** Federal departments and agencies execute interagency or intra-agency reimbursable agreements, in accordance with the Economy Act or other applicable authorities. The *Framework's* Financial Management Support Annex<sup>35</sup> contains additional information on this process. Additionally, a Federal department or agency responding to an incident under its own jurisdictional authorities may request DHS coordination to obtain additional Federal assistance.

In such cases, DHS may activate one or more Emergency Support Functions to coordinate required support. Federal departments and agencies must plan for Federal-to-Federal support missions, identify additional issues that may arise when providing assistance to other Federal departments and agencies, and address those issues in the planning process. When providing Federal-to-Federal support, DHS may designate a Federal Resource Coordinator to perform the resource coordination function.

**International Assistance.** A domestic incident may have international and diplomatic implications that call for coordination and consultations with foreign governments and international organizations. An incident may also require direct bilateral and multilateral actions on foreign affairs issues related to the incident. The Department of State has responsibility for coordinating bilateral and multilateral actions, and for coordinating international assistance. International coordination within the context of a domestic incident requires close cooperative efforts with foreign counterparts, multilateral/international organizations, and the private sector. Federal departments and agencies should consider in advance what resources or other assistance they may require or be asked to accept from foreign sources and address issues that may arise in receiving such resources. Detailed information on coordination with international partners is further defined in the International Coordination Support Annex.<sup>36</sup>

**Response Activities.** Specific response actions will vary depending upon the scope and nature of an incident. Response actions are based on the objectives established by the Incident Command and Joint Field Office (JFO)'s Unified Coordination Group. Detailed information about the full range of potential response capabilities is contained in the Emergency Support Function Annexes, Incident Annexes, and Support Annexes. See Chapter V for additional detail about these items.

**Department and Agency Activities.** Federal departments and agencies, upon receiving notification or activation requests, implement their specific emergency plans to activate resources and organize their response actions. Department and agency plans should incorporate procedures for:

- Designation of department or agency representatives for interagency coordination, and identification of State, tribal, and local points of contact.
- Activation of coordination groups managed by the department or agency in accordance with roles and responsibilities.
- Activation, mobilization, deployment, and ongoing status reporting for resource-typed teams with responsibilities for providing capabilities under the *Framework*.

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<sup>35</sup> Available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

<sup>36</sup> Available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

# APPENDIX 2: NATIONAL PLAN FOR INCIDENT MANAGEMENT

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- Readiness to execute mission assignments in response to requests for assistance (including pre-scripted mission assignments), and to support all levels of department or agency participation in the response, at both the field and national levels.
- Ensuring that department or agency resources (e.g., personnel, teams, or equipment) fit into the interagency structures and processes set out in the *Framework*.

**Regional Response Activities.** The FEMA Regional Administrator deploys a liaison to the State EOC to provide technical assistance and also activates the Regional Response Coordination Center (RRCC). Federal department and agency personnel, including ESF primary and support agency personnel, staff the RRCC as required. The RRCCs:

- Coordinate initial regional and field activities.
- In coordination with State, tribal, and local officials, deploy regional teams to assess the impact of the event, gauge immediate State needs, and make preliminary arrangements to set up operational field facilities.
- Coordinate Federal support until a JFO is established.
- Establish a JIC to provide a central point for coordinating emergency public information activities.

**Incident Management Assistance Team (IMAT).** In coordination with the RRCC and the State, FEMA may deploy an IMAT. IMATs are interagency teams composed of subject-matter experts and incident management professionals. IMAT personnel may be drawn from national or regional Federal department and agency staff according to established protocols. IMAT teams make preliminary arrangements to set up Federal field facilities and initiate establishment of the JFO.

**Emergency Support Functions (ESFs).** The NRCC or RRCC may also activate specific ESFs by directing appropriate departments and agencies to initiate the initial actions delineated in the ESF Annexes.<sup>37</sup>

## 4. DEMOBILIZE

Demobilization is the orderly, safe, and efficient return of a resource to its original location and status. Demobilization should begin as soon as possible to facilitate accountability of the resources and be fully coordinated with other incident management and response structures.

**Local, Tribal, and State Actions.** At the local, tribal, and State levels, demobilization planning and activities should include:

- Provisions to address and validate the safe return of resources to their original locations.
- Processes for tracking resources and ensuring applicable reimbursement.

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<sup>37</sup> Available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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- Accountability for compliance with mutual aid and assistance provisions.

**Federal Actions.** The Unified Coordination Group oversees the development of an exit strategy and demobilization plan. As the need for full-time interagency response coordination at the JFO wanes, the Unified Coordination Group plans for selective release of Federal resources, demobilization, transfer of responsibilities, and closeout. The JFO, however, continues to operate as needed into the recovery phase to coordinate those resources that are still active. ESF representatives assist in demobilizing resources and organizing their orderly return to regular operations, warehouses, or other locations.

## RECOVER

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**Once immediate lifesaving activities are complete, the focus shifts to assisting individuals, households, critical infrastructure, and businesses in meeting basic needs and returning to self-sufficiency.** Even as the immediate imperatives for response to an incident are being addressed, the need to begin recovery operations emerges. The emphasis upon response will gradually give way to recovery operations. Within recovery, actions are taken to help individuals, communities, and the Nation return to normal. Depending on the complexity of this phase, recovery and cleanup efforts involve significant contributions from all sectors of our society.

- **Short-term recovery** is immediate and overlaps with response. It includes actions such as providing essential public health and safety services, restoring interrupted utility and other essential services, reestablishing transportation routes, and providing food and shelter for those displaced by the incident. Although called "short term," some of these activities may last for weeks.
- **Long-term recovery**, which is outside the scope of the *Framework*, may involve some of the same actions but may continue for a number of months or years, depending on the severity and extent of the damage sustained. For example, long-term recovery may include the complete redevelopment of damaged areas.<sup>38</sup>

**Recovery from an incident is unique to each community and depends on the amount and kind of damage caused by the incident and the resources that the jurisdiction has ready or can quickly obtain.** In the short term, recovery is an extension of the response phase in which basic services and functions are restored. In the long term, recovery is a restoration of both the personal lives of individuals and the livelihood of the community. Recovery can include the development, coordination, and execution of service- and site-restoration plans; reconstitution of government operations and services; programs to provide housing and promote restoration; long-term care and treatment of affected persons; and additional measures for social, political, environmental, and economic restoration. Recovery programs:

- Identify needs and resources.
- Provide accessible housing and promote restoration.

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<sup>38</sup> Additional information on long-term recovery can be found in the ESF #14 Annex at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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- Address care and treatment of affected persons.
- Inform residents and prevent unrealistic expectations.
- Implement additional measures for community restoration.
- Incorporate mitigation measures and techniques, as feasible.

**Recovery Coordination.** The JFO remains the central coordination point among local, tribal, State, and Federal governments, as well as private-sector and nongovernmental entities that are providing recovery assistance. Examples of Federal and State recovery actions include:

- **Coordinating assistance programs to help individuals, households, and businesses meet basic needs and return to self-sufficiency.** Such programs include housing assistance, other needs assistance, crisis counseling services, disaster legal services, and unemployment or reemployment programs. Other activities include coordinating with local and tribal governments the need for and locations of Disaster Recovery Centers.
- **Establishing Disaster Recovery Centers.** Federal, State, tribal, local, voluntary, and nongovernmental organizations determine the need for and location of Disaster Recovery Centers. Staff provide recovery and mitigation program information, advice, counseling, and related technical assistance.
- **Coordinating with private-sector and nongovernmental organizations involved in donations management and other recovery activities.**
- **Coordinating public assistance grant programs authorized by the Stafford Act.** These programs aid local, tribal, and State governments and eligible private nonprofit organizations with the cost of emergency protective services, debris removal, and the repair or replacement of disaster-damaged public facilities and associated environmental restoration.
- **Coordinating with the private sector on restoration and recovery of CIKR.** Activities include working with owners/operators to ensure the restoration of critical services, including water, power, natural gas and petroleum, emergency communications, and healthcare.
- **Coordinating mitigation grant programs to help communities reduce the potential impacts of future disasters.** Activities include developing strategies to rebuild resilient communities.

After the JFO closes, ongoing activities transition to individual agencies with primary recovery responsibilities. Federal partners then work directly with their regional or headquarters offices to administer and monitor recovery programs, support, and technical services.

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## CHAPTER III RESPONSE ORGANIZATION

**This chapter explains how we as a Nation are organized to implement response actions. It describes the organizational structures that have been developed, tested, and refined over time and how these structures are applied at all levels to support an effective response.** The key staff positions needed to operate this system are explained and their relationships and dependencies outlined. The *Framework's* response structures are based on the *National Incident Management System (NIMS)*, particularly on its Incident Command System (ICS).

### INTRODUCTION

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Homeland Security Presidential Directive (HSPD) 5 called for a single, comprehensive system to enhance the ability of the United States to manage domestic incidents. *NIMS* provides a consistent nationwide template to enable all levels of government, the private sector, and nongovernmental organizations (NGOs) to work together during an incident.<sup>39</sup>

Integrating these *NIMS* principles into all phases of an incident and throughout all levels of government ensures that all stakeholders have a common set of principles from which to operate during an incident.

**Scope of the *Framework*.** The *Framework* provides structures for implementing national-level policy and operational coordination for domestic response. It can be partially or fully implemented in the context of a threat, in anticipation of a significant event, or in response to an incident. Selective implementation allows for a scaled response, delivery of the exact resources needed, and a level of coordination appropriate to each event.

The *Framework* incorporates organizational structures that promote on-scene initiative, innovation, and sharing of essential resources drawn from all levels of government and the private sector. It is not always obvious whether a seemingly minor incident might be the initial phase of a larger, rapidly growing threat. Response must be quickly scalable, flexible, and adaptable.

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<sup>39</sup> The *NIMS* is available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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### KEY CONCEPTS

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*NIMS* provides a core set of common concepts, principles, terminology, and technologies in the following areas:

- **Incident Command System (ICS).** Much of *NIMS* is built upon ICS, which was developed by the Federal, State, and local wildland fire agencies during the 1970s. ICS is normally structured to facilitate activities in five major functional areas: command, operations, planning, logistics, and finance/administration. In some circumstances, intelligence and investigations may be added as a sixth functional area.
- **Multiagency Coordination System (MACS).** The primary function of MACS is to coordinate activities above the field level and to prioritize the incident demands for critical or competing resources, thereby assisting the coordination of the operations in the field. MACS consists of a combination of elements: personnel, procedures, protocols, business practices, and communications integrated into a common system. For the purpose of coordinating resources and support between multiple jurisdictions, MACS can be implemented from a fixed facility or by other arrangements outlined within the system. Examples of multiagency coordination include a State or county emergency operations center, a State intelligence fusion center, the National Operations Center, the Department of Homeland Security/Federal Emergency Management Agency (FEMA) National Response Coordination Center, the Department of Justice/Federal Bureau of Investigation (FBI) Strategic Information and Operations Center, the FBI Joint Operations Center, and the National Counterterrorism Center.
- **Unified Command.** Unified command is an important element in multijurisdictional or multiagency incident management. It provides guidelines to enable agencies with different legal, geographic, and functional responsibilities to coordinate, plan, and interact effectively. As a team effort, unified command allows all agencies with jurisdictional authority or functional responsibility for the incident to jointly provide management direction to an incident through a common set of incident objectives and strategies and a single Incident Action Plan. Each participating agency maintains its authority, responsibility, and accountability.
- **Training.** Leaders and staff require initial training on response principles, as well as ongoing training to provide updates on current concepts and procedures.
- **Identification and Management of Resources.** Classifying types of resources is essential to ensure that multiple agencies can effectively communicate and provide resources during a crisis, including implementing a plan to inventory, mobilize, and track resources prior to, during, and after an incident.
- **Mutual Aid and Assistance.** Executing mutual aid and other agreements established prior to an incident with appropriate entities at the local, tribal, State, and Federal levels is an important element of preparedness, along with the readiness to develop/implement new agreements during the life cycle of an incident.
- **Situational Awareness.** Situational awareness is the ability to identify, process, and comprehend the critical information about an incident. More simply, it is knowing what is going on around you. Situational awareness requires continuous

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monitoring of relevant sources of information regarding actual incidents and developing hazards.

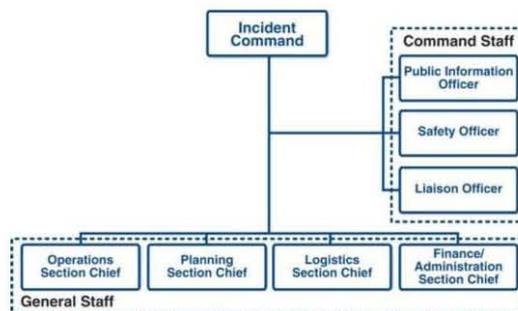
- **Qualifications and Certification.** Competent staff is a requirement for any leader managing an incident. During a crisis there will not be time to determine staff qualifications, if such information has not yet been compiled and available for review by leaders. To identify the appropriate staff to support a leader during a crisis, qualifications based on training and expertise of staff should be identified and evidenced by certification, if appropriate.
- **Collection, Tracking, and Reporting of Incident Information.** Information today is transmitted instantly via the Internet and the 24/7 news channels. While timely information is valuable, it also can be overwhelming. For an effective response, expertise and experience must be leveraged to support decisionmaking and to summarize and prioritize information rapidly. Information must be gathered accurately at the scene and effectively communicated to those who need it. To be successful, clear lines of information flow and a common operating picture are essential.
- **Crisis Action Planning.** Deliberative planning during nonincident periods should quickly transition to crisis action planning when an incident occurs. Crisis action planning is the process for rapidly adapting existing deliberative plans and procedures during an incident based on the actual circumstances of an event. Crisis action planning should also include the provision of decision tools for senior leaders to guide their decisionmaking.
- **Exercises.** Consistent with the National Exercise Program, all stakeholders should regularly exercise their incident management and response capabilities and procedures to ensure that they are fully capable of executing their response responsibilities.

## LOCAL RESPONSE: STRUCTURES AND STAFFING

**Field Level: Incident Command.** Local responders use ICS to manage response operations. ICS is a management system designed to enable effective incident management by integrating a combination of facilities, equipment, personnel, procedures and communications operating within a common organizational structure.

A basic strength of ICS is that it is already widely adopted. It is used to organize both near-term and long-term field-level operations for a broad spectrum of incidents.

Figure 4. Incident Command Structure



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ICS is used by all levels of government – Federal, State, tribal, and local – as well as by many private-sector and nongovernmental organizations. Typically, the incident command is structured to facilitate activities in five major functional areas: command, operations, planning, logistics, and finance/administration.

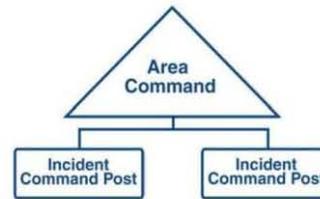
ICS defines certain key roles for managing an ICS incident, as follows:

- The **Incident Commander** is the individual responsible for all response activities, including the development of strategies and tactics and the ordering and release of resources. The Incident Commander has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site. When multiple command authorities are involved, the incident may be led by a **unified command comprised of officials who have jurisdictional authority or functional responsibility for the incident under an appropriate law, ordinance, or agreement**. The unified command provides direct, on-scene control of tactical operations.
- The **Command Staff** consists of a Public Information Officer, Safety Officer, Liaison Officer, and other positions. The Command Staff reports directly to the Incident Commander. The **General Staff** normally consists of an Operations Section Chief, Planning Section Chief, Logistics Section Chief, and Finance/Administration Section Chief. An Intelligence/Investigations Section may be established, if required, to meet response needs.

At the tactical level, on-scene incident command and management organization are located at an **Incident Command Post**, which is typically comprised of local and mutual aid responders.

**Field Level: Area Command.** If necessary, an **Area Command** may be established to assist the agency administrator/executive in providing oversight for the management of multiple incidents being handled by separate Incident Command Posts or to oversee management of a complex incident dispersed over a larger area and broker critical resources. The Area Command does not have operational responsibilities and is activated only if necessary, depending on the complexity of the incident and incident management span-of-control considerations. The Area Command or Incident Command Post provides information to, and may request assistance from, the local emergency operations center.

Figure 5. Area Command Structure



**Local Emergency Operations Center (EOC).** If the Incident Commander determines that additional resources or capabilities are needed, he or she will contact the **local EOC** and relay requirements to the local emergency manager.

Local EOCs are the physical locations where multiagency coordination occurs. EOCs help form a **common operating picture** of the incident, relieve on-scene command of the burden of external coordination, and secure additional resources. The core functions of an EOC include coordination, communications, resource allocation and tracking, and information collection, analysis, and dissemination.

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EOCs may be permanent organizations and facilities that are staffed 24 hours a day, 7 days a week, or they may be established to meet short-term needs. Standing EOCs (or those activated to support larger, more complex incidents) are typically established in a central or permanently established facility. Such permanent facilities in larger communities are typically directed by a full-time **emergency manager**. EOCs may be organized by major discipline (fire, law enforcement, medical services, etc.), by jurisdiction (city, county, region, etc.), by Emergency Support Function (communications, public works, engineering, transportation, resource support, etc.) or, more likely, by some combination thereof.

During an incident, the local emergency manager ensures the EOC is staffed to support the incident command and arranges needed resources. The **chief elected or appointed official** provides policy direction and supports the Incident Commander and emergency manager, as needed.

EOCs at all levels of government often encourage and accommodate private-sector participation. The private sector, in turn, can maintain parallel structures to respond to the needs of the EOC. This representation should complement, not replace, presence in the EOC granted currently to public utilities.

## STATE RESPONSE: STRUCTURES AND STAFFING

**State Emergency Operations Center (EOC).** State EOCs are the physical location where multiagency coordination occurs. Every State maintains an EOC configured to expand as necessary to manage events requiring State-level assistance.

The local incident command structure directs on-scene emergency management activities and maintains command and control of on-scene incident operations. State EOCs are activated as necessary to support local EOCs. Therefore, the State EOC is the central location from which off-scene activities supported by the State are coordinated. Chief elected and appointed officials are located at the State EOC, as well as personnel supporting core functions. The key function of State EOC personnel is to ensure that those who are located at the scene have the resources (e.g., personnel, tools, and equipment) they need for the response.

State and tribal officials typically take the lead to communicate public information regarding incidents occurring in their jurisdictions. It is essential that immediately following the onset of an incident, the State or tribal government, in collaboration with local officials, ensures that:

- Communication lines with the press are open, questions receive prompt responses, and false rumors are refuted before they spread.
- Information about where to receive help is communicated directly to victims and victims' families.

**Figure 6. State and Emergency Operations Center**



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## CHAPTER III: RESPONSE ORGANIZATION

In order to coordinate the release of emergency information and other public affairs functions, a **Joint Information Center (JIC)** may be established. The JIC serves as a focal point for coordinated and timely release of incident-related information to the public and the media. Information about where to receive assistance is communicated directly to victims and their families in an accessible format and in appropriate languages for those with limited English proficiency.

**Requesting and Managing Federal Assistance.** The Governor is responsible for requesting Federal assistance for incidents within his or her State. Overall, Federal incident support to the State is generally coordinated through a **Joint Field Office (JFO)**. The JFO provides the means to integrate diverse Federal resources and engage directly with the State. Using unified command principles, a **Unified Coordination Group** comprised of senior officials from the State and key Federal departments and agencies is established at the JFO. This group of senior officials provides the breadth of national support to achieve shared objectives.

Details of the structures and staffing models associated with a JFO, the FEMA Regional Response Coordination Centers (RRCCs), and other organizations that support State response are described below, in the section regarding Federal response structures. By way of introduction, the *Framework* recognizes two senior leaders appointed by the Governor to work in coordination with the Federal JFO team.

**State Coordinating Officer (SCO).** The SCO plays a critical role in managing the State response and recovery operations following Stafford Act declarations. The Governor of the affected State appoints the SCO, and lines of authority flow from the Governor to the SCO, following the State's policies and laws. For certain anticipated events in which a Stafford Act declaration is expected, such as an approaching hurricane, the Secretary of Homeland Security or the FEMA Administrator may pre-designate one or more Federal officials to coordinate with the SCO to determine resources and actions that will likely be required, and begin deployment of assets. The specific roles and responsibilities of the SCO include:

- Serving as the primary representative of the Governor for the affected State or locality with the RRCC or within the JFO once it is established.
- Working with the Federal Coordinating Officer to formulate State requirements, including those that are beyond State capability, and set priorities for employment of Federal resources provided to the State.
- Ensuring coordination of resources provided to the State via mutual aid and assistance compacts.
- Providing a linkage to local government.
- Serving in the Unified Coordination Group in the JFO.

**Governor's Authorized Representative.** As the complexity of the response dictates, the *Framework* recognizes that the Governor may empower a Governor's Authorized Representative to:

- Execute all necessary documents for disaster assistance on behalf of the State, including certification of applications for public assistance.

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- Represent the Governor of the impacted State in the Unified Coordination Group, when required.
- Coordinate and supervise the State disaster assistance program to include serving as its grant administrator.
- Identify, in coordination with the SCO, the State's critical information needs for incorporation into a list of Essential Elements of Information (critical items of specific information required to plan and execute an operation and to support timely, logical decisions).

**U.S. Territories.** Within the *Framework*, U.S. territories use the same incident management and response structures and mechanisms as State governments for requesting and receiving Federal assistance. Territories pose special response challenges. Working in partnership with territorial governments, the *Framework* is adapted to meet these geographic challenges through preparedness plans and pre-staging of assets.

Territorial governments may receive federally coordinated response within the U.S. possessions, including the insular areas, and within the Federated States of Micronesia and the Republic of the Marshall Islands.<sup>40</sup> Stafford Act assistance is available to Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, which are included in the definition of "State" in the Stafford Act. Stafford Act assistance also is available to the Federated States of Micronesia and the Republic of the Marshall Islands under the Compact of Free Association.

## FEDERAL RESPONSE: STRUCTURES AND STAFFING

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### POLICY DEVELOPMENT AND OPERATIONS COORDINATION

**Policy Development.** The President leads the Nation in responding effectively and ensuring the necessary coordinating structure, leadership, and resources are applied quickly and efficiently to large-scale incidents. The Homeland Security Council (HSC) and National Security Council (NSC) advise the President on national strategic and policy during large-scale incidents. The HSC and NSC ensure coordination for all homeland and national security-related activities among executive departments and agencies and promote effective development and implementation of related policy. The HSC and NSC ensure unified leadership across the Federal Government.

The Assistant to the President for Homeland Security and Counterterrorism and the Assistant to the President for National Security Affairs coordinate interagency policy for domestic and international incident management, respectively, and convene interagency meetings to coordinate policy issues. Both Councils use well-established policy development structures to identify issues that require interagency coordination.

To support domestic interagency policy coordination on a routine basis, HSC and NSC deputies and principals convene to resolve significant policy issues. They are supported by the following two Policy Coordination Committees at the assistant secretary level:

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<sup>40</sup> Refer to footnote 5 for more information on U.S. possessions and freely associated states.

# APPENDIX 2: NATIONAL PLAN FOR INCIDENT MANAGEMENT

## CHAPTER III: RESPONSE ORGANIZATION

- **Domestic Readiness Group (DRG).** The DRG is an interagency body convened on a regular basis to develop and coordinate preparedness, response, and incident management policy. This group evaluates various policy issues of interagency importance regarding domestic preparedness and incident management and makes recommendations to senior levels of the policymaking structure for decision. During an incident, the DRG may be convened by DHS to evaluate relevant interagency policy issues regarding response and develop recommendations as may be required.
- **Counterterrorism Security Group (CSG).** The CSG is an interagency body convened on a regular basis to develop terrorism prevention policy and to coordinate threat response and law enforcement investigations associated with terrorism. This group evaluates various policy issues of interagency importance regarding counterterrorism and makes recommendations to senior levels of the policymaking structure for decision.

**Within the structure described above, Federal departments and agencies support policy development based on responsibilities assigned by statute, by HSPD-5, and in specific detail in Chapter I of this document.**

**Operations Coordination.** The **Secretary of Homeland Security** is the principal Federal official responsible for domestic incident management. This includes coordinating **Federal operations** and resource deployments within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, or other emergencies.<sup>41</sup>

All Federal departments and agencies may play significant roles in incident management and response activities, depending on the nature and size of an event. The policies, operational structures, and capabilities to support an integrated Federal response have grown swiftly since the 9/11 attacks, and continue to evolve. Many of these arrangements are defined in the Emergency Support Functions, coordinated through pre-scripted mission assignments, and formalized in interagency agreements.

**Communications among Federal departments and agencies, particularly in an era when the Nation is at war with terrorists, requires a highly integrated capacity to share information efficiently and effectively.** By doing so, responders can effectively manage incidents that start small but may have large consequences, such as a deliberate attack on the food supply that might initially appear localized or even commonplace. At the same time, these *Framework* mechanisms do not interfere with the established operations of local, tribal, State, and Federal agencies.

**The Department of Homeland Security (DHS) was created in 2003 in part to serve as the planning integrator for the President of a more robust Federal incident management capability and to coordinate Federal incident management activities in support of our State and local partners.** DHS is responsible for the overall architecture of how these capabilities are executed and sustained. The Department has considerable responsibilities and resources for emergency response, and also relies on the statutory authorities, subject-matter expertise, and range of assets and operational capabilities of other Federal departments and agencies.

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<sup>41</sup> Per HSPD-5, paragraph 8, the Secretary of Homeland Security's operational coordination role excludes law enforcement coordination activities assigned to the Attorney General and generally delegated to the Director of the FBI.

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The **FEMA Administrator** is the principal advisor to the President, the Secretary of Homeland Security, and the Homeland Security Council regarding emergency management. The FEMA Administrator's duties include operation of the National Response Coordination Center, the effective support of all Emergency Support Functions, and, more generally, preparation for, protection against, response to, and recovery from all-hazards incidents. Reporting to the Secretary of Homeland Security, the Administrator also is responsible for management of the core DHS grant programs supporting homeland security.<sup>42</sup>

**Other DHS agency heads** have a lead response role or an otherwise significant role, depending upon the type and severity of the event. For example, the U.S. Coast Guard Commandant has statutory lead authority for certain mass migration management scenarios and significant oil/hazardous substance spill incidents in the maritime environment.

The **DHS Director of Operations Coordination** is the Secretary's principal advisor for the overall departmental level of integration of incident management operations and oversees the National Operations Center. Run by the Director, the National Operations Center is intended to provide a one-stop information source for incident information sharing with the White House and other Federal departments and agencies at the headquarters level.

**The role of DHS in coordinating Federal response operations must be highly collaborative.** There must be excellent, mutual transparency among DHS and its Federal partners into each other's response capabilities. The same is true with regard to States. This requires extraordinarily close, daily **operational connectivity** among States, DHS, and other departments and agencies at senior levels and at operational levels.

## HEADQUARTERS-LEVEL SUPPORT STRUCTURES

**National Operations Center (NOC).** The NOC is the primary national hub for situational awareness and operations coordination across the Federal Government for incident management. It provides the Secretary of Homeland Security and other principals with information necessary to make critical national-level incident management decisions.

The NOC is a continuously operating multiagency operations center. The NOC's staff monitors many sources of threat and hazard information from across the United States and abroad. It is supported by a 24/7 watch officer contingent, including: (1) NOC managers; (2) selected Federal interagency, State, and local law enforcement representatives; (3) intelligence community liaison officers provided by the DHS Chief Intelligence Officer; (4) analysts from the Operations Division's interagency planning element; and (5) watch standers representing dozens of organizations and disciplines from the Federal Government and others from the private sector.

The NOC facilitates homeland security information sharing and operations coordination with other Federal, State, tribal, local, and nongovernmental partners. During a response to a significant incident, the NOC meets its information-fusion and information-sharing responsibilities by providing spot reports, situation reports, and other information-sharing tools, all supported by and distributed through its common operating picture. The continued development and rapid integration at the Federal, State, tribal, and local levels of

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<sup>42</sup> See the Post-Katrina Emergency Reform Act, enacted as part of the FY 2007 DHS Appropriations Act, P.L. 109-295.

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electronic reporting and information-sharing tools supporting the NOC's common operating picture is a very high priority of the *Framework*.

**NOC Operational Components.** The following components of the NOC provide integrated mission support:

- **National Response Coordination Center (NRCC).** The NRCC is FEMA's primary operations management center, as well as the focal point for national resource coordination. As a 24/7 operations center, the NRCC monitors potential or developing incidents and supports the efforts of regional and field components.

The NRCC also has the capacity to increase staffing immediately in anticipation of or in response to an incident by activating the full range of ESFs and other personnel as needed to provide resources and policy guidance to a JFO or other local incident management structures. The NRCC provides overall emergency management coordination, conducts operational planning, deploys national-level entities, and collects and disseminates incident information as it builds and maintains a common operating picture. Representatives of nonprofit organizations within the private sector may participate in the NRCC to enhance information exchange and cooperation between these entities and the Federal Government.

- **National Infrastructure Coordinating Center (NICC).** The NICC monitors the Nation's critical infrastructure and key resources on an ongoing basis. During an incident, the NICC provides a coordinating forum to share information across infrastructure and key resources sectors through appropriate information-sharing entities such as the Information Sharing and Analysis Centers and the Sector Coordinating Councils.<sup>43</sup>

**Supporting Federal Operations Centers.** The Federal Government has a wide range of headquarters-level operations centers that maintain situational awareness within their functional areas and provide relevant information to the NOC. Most Cabinet departments and agencies have at least one such facility. Below are examples of other Federal operations centers that have key roles in providing situational awareness and interagency coordination during incidents.

- **National Military Command Center (NMCC).** The NMCC is the Nation's focal point for continuous monitoring and coordination of worldwide military operations. It directly supports combatant commanders, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the President in the command of U.S. Armed Forces in peacetime contingencies and war. Structured to support the President and Secretary of Defense effectively and efficiently, the Center participates in a wide variety of activities, ranging from missile warning and attack assessment to management of peacetime contingencies such as Defense Support of Civil Authorities (DSCA) activities. In conjunction with monitoring the current worldwide situation, the Center alerts the Joint Staff and other national agencies to developing crises and will initially coordinate any military response required.

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<sup>43</sup> See <http://www.fema.gov/NRF> for additional information.

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- **National Counterterrorism Center (NCTC).** The NCTC serves as the primary Federal organization for integrating and analyzing all intelligence pertaining to terrorism and counterterrorism and for conducting strategic operational planning by integrating all instruments of national power.
- **Strategic Information and Operations Center (SIOC).** The FBI SIOC is the focal point and operational control center for all Federal intelligence, law enforcement, and investigative law enforcement activities related to domestic terrorist incidents or credible threats, including leading attribution investigations. The SIOC serves as an information clearinghouse to help collect, process, vet, and disseminate information relevant to law enforcement and criminal investigation efforts in a timely manner. The SIOC maintains direct connectivity with the NOC. The SIOC, located at FBI Headquarters, supports the FBI's mission in leading efforts of the law enforcement community to detect, prevent, preempt, and disrupt terrorist attacks against the United States.

The SIOC maintains liaison with the National Joint Terrorism Task Force (NJTTF). The mission of the NJTTF is to enhance communications, coordination, and cooperation among Federal, State, tribal, and local agencies representing the intelligence, law enforcement, defense, diplomatic, public safety, and homeland security communities by providing a point of fusion for terrorism intelligence and by supporting Joint Terrorism Task Forces throughout the United States.

- **Other DHS Operations Centers.** Depending upon the type of incident (e.g., National Special Security Events), the operations centers of other DHS operating Components may serve as the primary operations management center in support of the Secretary. These are the U.S. Coast Guard, Transportation Security Administration, U.S. Secret Service, and U.S. Customs and Border Protection operations centers.

**Emergency Support Functions (ESFs).** FEMA coordinates response support from across the Federal Government and certain NGOs by calling up, as needed, one or more of the 15 ESFs. The ESFs are coordinated by FEMA through its NRCC. During a response, ESFs are a critical mechanism to coordinate functional capabilities and resources provided by Federal departments and agencies, along with certain private-sector and nongovernmental organizations. They represent an effective way to bundle and funnel resources and capabilities to local, tribal, State, and other responders. These functions are coordinated by a single agency but may rely on several agencies that provide resources for each functional area. The mission of the ESFs is to provide the greatest possible access to capabilities of the Federal Government regardless of which agency has those capabilities.

The ESFs serve as the primary operational-level mechanism to provide assistance in functional areas such as transportation, communications, public works and engineering, firefighting, mass care, housing, human services, public health and medical services, search and rescue, agriculture and natural resources, and energy. A list of the 15 ESFs and a description of the scope of each is found in Table 2.

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**Table 2. Emergency Support Functions and ESF Coordinators**

<p><b>ESF #1 – Transportation</b>  <b>ESF Coordinator: Department of Transportation</b></p> <ul style="list-style-type: none"> <li>• Aviation/airspace management and control</li> <li>• Transportation safety</li> <li>• Restoration and recovery of transportation infrastructure</li> <li>• Movement restrictions</li> <li>• Damage and impact assessment</li> </ul>
<p><b>ESF #2 – Communications</b>  <b>ESF Coordinator: DHS (National Communications System)</b></p> <ul style="list-style-type: none"> <li>• Coordination with telecommunications and information technology industries</li> <li>• Restoration and repair of telecommunications infrastructure</li> <li>• Protection, restoration, and sustainment of national cyber and information technology resources</li> <li>• Oversight of communications within the Federal incident management and response structures</li> </ul>
<p><b>ESF #3 – Public Works and Engineering</b>  <b>ESF Coordinator: Department of Defense (U.S. Army Corps of Engineers)</b></p> <ul style="list-style-type: none"> <li>• Infrastructure protection and emergency repair</li> <li>• Infrastructure restoration</li> <li>• Engineering services and construction management</li> <li>• Emergency contracting support for life-saving and life-sustaining services</li> </ul>
<p><b>ESF #4 – Firefighting</b>  <b>ESF Coordinator: Department of Agriculture (U.S. Forest Service)</b></p> <ul style="list-style-type: none"> <li>• Coordination of Federal firefighting activities</li> <li>• Support to wildland, rural, and urban firefighting operations</li> </ul>
<p><b>ESF #5 – Emergency Management</b>  <b>ESF Coordinator: DHS (FEMA)</b></p> <ul style="list-style-type: none"> <li>• Coordination of incident management and response efforts</li> <li>• Issuance of mission assignments</li> <li>• Resource and human capital</li> <li>• Incident action planning</li> <li>• Financial management</li> </ul>
<p><b>ESF #6 – Mass Care, Emergency Assistance, Housing, and Human Services</b>  <b>ESF Coordinator: DHS (FEMA)</b></p> <ul style="list-style-type: none"> <li>• Mass care</li> <li>• Emergency assistance</li> <li>• Disaster housing</li> <li>• Human services</li> </ul>
<p><b>ESF #7 – Logistics Management and Resource Support</b>  <b>ESF Coordinator: General Services Administration and DHS (FEMA)</b></p> <ul style="list-style-type: none"> <li>• Comprehensive, national incident logistics planning, management, and sustainment capability</li> <li>• Resource support (facility space, office equipment and supplies, contracting services, etc.)</li> </ul>

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<p><b>ESF #8 – Public Health and Medical Services</b>  <b>ESF Coordinator: Department of Health and Human Services</b></p> <ul style="list-style-type: none"> <li>• Public health</li> <li>• Medical</li> <li>• Mental health services</li> <li>• Mass fatality management</li> </ul>
<p><b>ESF #9 – Search and Rescue</b>  <b>ESF Coordinator: DHS (FEMA)</b></p> <ul style="list-style-type: none"> <li>• Life-saving assistance</li> <li>• Search and rescue operations</li> </ul>
<p><b>ESF #10 – Oil and Hazardous Materials Response</b>  <b>ESF Coordinator: Environmental Protection Agency</b></p> <ul style="list-style-type: none"> <li>• Oil and hazardous materials (chemical, biological, radiological, etc.) response</li> <li>• Environmental short- and long-term cleanup</li> </ul>
<p><b>ESF #11 – Agriculture and Natural Resources</b>  <b>ESF Coordinator: Department of Agriculture</b></p> <ul style="list-style-type: none"> <li>• Nutrition assistance</li> <li>• Animal and plant disease and pest response</li> <li>• Food safety and security</li> <li>• Natural and cultural resources and historic properties protection</li> <li>• Safety and well-being of household pets</li> </ul>
<p><b>ESF #12 – Energy</b>  <b>ESF Coordinator: Department of Energy</b></p> <ul style="list-style-type: none"> <li>• Energy infrastructure assessment, repair, and restoration</li> <li>• Energy industry utilities coordination</li> <li>• Energy forecast</li> </ul>
<p><b>ESF #13 – Public Safety and Security</b>  <b>ESF Coordinator: Department of Justice</b></p> <ul style="list-style-type: none"> <li>• Facility and resource security</li> <li>• Security planning and technical resource assistance</li> <li>• Public safety and security support</li> <li>• Support to access, traffic, and crowd control</li> </ul>
<p><b>ESF #14 – Long-Term Community Recovery</b>  <b>ESF Coordinator: DHS (FEMA)</b></p> <ul style="list-style-type: none"> <li>• Social and economic community impact assessment</li> <li>• Long-term community recovery assistance to States, tribes, local governments, and the private sector</li> <li>• Analysis and review of mitigation program implementation</li> </ul>
<p><b>ESF #15 – External Affairs</b>  <b>ESF Coordinator: DHS</b></p> <ul style="list-style-type: none"> <li>• Emergency public information and protective action guidance</li> <li>• Media and community relations</li> <li>• Congressional and international affairs</li> <li>• Tribal and insular affairs</li> </ul>

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Each ESF is comprised of a coordinator and primary and support agencies. The *Framework* identifies primary agencies on the basis of authorities, resources, and capabilities. Support agencies are assigned based on resources and capabilities in a given functional area. The resources provided by the ESFs are consistent with resource-typing categories identified in the *NIMS*.

ESFs may be selectively activated for both Stafford Act and non-Stafford Act incidents under circumstances as defined in HSPD-5. Not all incidents requiring Federal support result in the activation of ESFs. FEMA can deploy assets and capabilities through ESFs into an area in anticipation of an approaching storm or event that is expected to cause a significant impact and result. This coordination through ESFs allows FEMA to position Federal support for a quick response, though actual assistance cannot normally be provided until the Governor requests and receives a Presidential major disaster or emergency declaration. Many States have also organized an ESF structure along this approach.

**When ESFs are activated, they may have a headquarters, regional, and field presence.** At FEMA headquarters, the ESFs support decisionmaking and coordination of field operations within the NRCC. The ESFs deliver a broad range of technical support and other services at the regional level in the Regional Response Coordination Centers, and in the Joint Field Office and Incident Command Posts, as required by the incident. At all levels, FEMA issues mission assignments to obtain resources and capabilities from across the ESFs in support of the State.<sup>44</sup>

The ESFs plan and support response activities. At the headquarters, regional, and field levels, ESFs provide staff to support the incident command sections for operations, planning, logistics, and finance/administration, as requested. The incident command structure enables the ESFs to work collaboratively. For example, if a State requests assistance with a mass evacuation, the JFO would request personnel from ESF #1 (*Transportation*), ESF #6 (*Mass Care, Emergency Assistance, Housing, and Human Services*), and ESF #8 (*Public Health and Medical Services*). These would then be integrated into a single branch or group within the Operations Section to ensure effective coordination of evacuation services. The same structures are used to organize ESF response at the field, regional, and headquarters levels.

To support an effective response, all ESFs are required to have both strategic and more-detailed operational plans that include all participating organizations and engage the private sector and NGOs as appropriate. The ongoing support, coordination, and integration of ESFs and their work are core responsibilities of FEMA in its response leadership role for DHS.

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<sup>44</sup> Additional information on the mission assignment process is contained in the Financial Management Support Annex, which is available via the **NRF Resource Center** at <http://www.fema.gov/NRF>.

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**Support and Incident Annexes.** Other mechanisms by which support is harnessed among Federal, private-sector, and NGO partners are the **Support and Incident Annexes**. By serving as coordinating or cooperating agencies for various Support or Incident Annexes, Federal departments and agencies conduct a variety of activities to include managing specific functions and missions or providing overarching Federal support within their functional areas. Specifics on these positions are provided in the Introductions to the Support and Incident Annexes at the **NRF Resource Center**.

### REGIONAL SUPPORT STRUCTURE

**FEMA Regional Offices.** FEMA has 10 regional offices, each headed by a Regional Administrator. The regional field structures are FEMA's permanent presence for communities and States across the Nation. The staff at these offices support development of all-hazards operational plans and generally help States and communities become better prepared. These regional offices mobilize Federal assets and evaluation teams to work with State and local agencies. Many of FEMA's most experienced response personnel are employed at regional offices.

Each of FEMA's regional offices maintains a **Regional Response Coordination Center (RRCC)**. The RRCCs are 24/7 coordination centers that expand to become an interagency facility staffed by ESFs in anticipation of a serious incident in the region or immediately following an incident. Operating under the direction of the FEMA Regional Administrator, the RRCCs coordinate Federal regional response efforts, and maintain connectivity with State EOCs, State fusion centers, Federal Executive Boards, and other Federal and State operations and coordination centers that have potential to contribute to development of situational awareness. Ongoing RRCC operations transition to a JFO once it is established, so that the RRCC can remain ready to deal with new incidents.

Other Federal departments and agencies have regional or field offices that may participate with State, tribal, and local governments in planning for incidents under their jurisdiction and provide initial response assets to the incident.

Figure 7. FEMA Regions



### FIELD SUPPORT STRUCTURE

**Initial Response.** Depending upon the type and scope of incident, in coordination with State and local agencies, Federal assets may be dispatched during the first hours following an incident. Of course, in some cases, the proximity of Federal response employees already working in a community may be able to deliver Federal support that ranges from experienced and professional emergency management teams to other temporary and *ad hoc* assistance.

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Following a Presidential disaster declaration, a wide array of Federal assets can be deployed as needed. For example, FEMA may deploy **Incident Management Assistance Teams (IMATs)**, which are interagency, regionally based response teams that provide a forward Federal presence to improve response to serious incidents.

The IMATs support efforts to meet the emergent needs of State and local jurisdictions, possess the capability to provide initial situational awareness for Federal decisionmakers, and support the establishment of Federal coordination efforts with the State.

Other initial response and coordination tools deployed by FEMA in conjunction with declared emergencies and disasters include:

- **Hurricane Liaison Team (HLT).** The HLT is a small team designed to enhance hurricane disaster response by facilitating information exchange between the National Hurricane Center in Miami and other National Oceanic and Atmospheric Administration components, as well as Federal, State, tribal, and local government officials.
- **Urban Search and Rescue (US&R) Task Forces.** The National US&R Response System is a framework for structuring local emergency services personnel into integrated response task forces. The 28 National US&R Task Forces, complete with the necessary tools, equipment, skills, and techniques, can be deployed by FEMA to assist State, tribal, and local governments in rescuing victims of structural collapse incidents or to assist in other search and rescue missions. Each task force must have all its personnel and equipment at the embarkation point within 6 hours of activation. The task force can be dispatched and en route to its destination within a matter of hours.
- **Mobile Emergency Response Support (MERS).** The primary function of MERS is to provide mobile telecommunications capabilities and life, logistics, operational, and power-generation support required for the on-site management of response activities. MERS support falls into three broad categories: (1) operational support elements, (2) communications equipment and operators, and (3) logistics support.

MERS supports Federal, State, tribal, and local responders in their efforts to save lives, protect property, and coordinate response operations. Staged in six strategic locations, one with offshore capabilities, the MERS detachments can concurrently support multiple field operating sites within an incident area.

**Joint Field Office (JFO).** The JFO is the primary Federal incident management field structure. The JFO is a temporary Federal facility that provides a central location for the coordination of Federal, State, tribal, and local governments and private-sector and nongovernmental organizations with primary responsibility for response and recovery. The JFO structure is organized, staffed, and managed in a manner consistent with *NIMS* principles and is led by the Unified Coordination Group. Although the JFO uses an ICS structure, the JFO does not manage on-scene operations. Instead, the JFO focuses on providing support to on-scene efforts and conducting broader support operations that may extend beyond the incident site.

**Personnel from Federal and State departments and agencies, other jurisdictional entities, the private sector, and NGOs may be requested to staff various levels of the JFO, depending on the requirements of the incident.** When incidents impact the entire Nation or multiple States or localities, multiple JFOs may be established. In these

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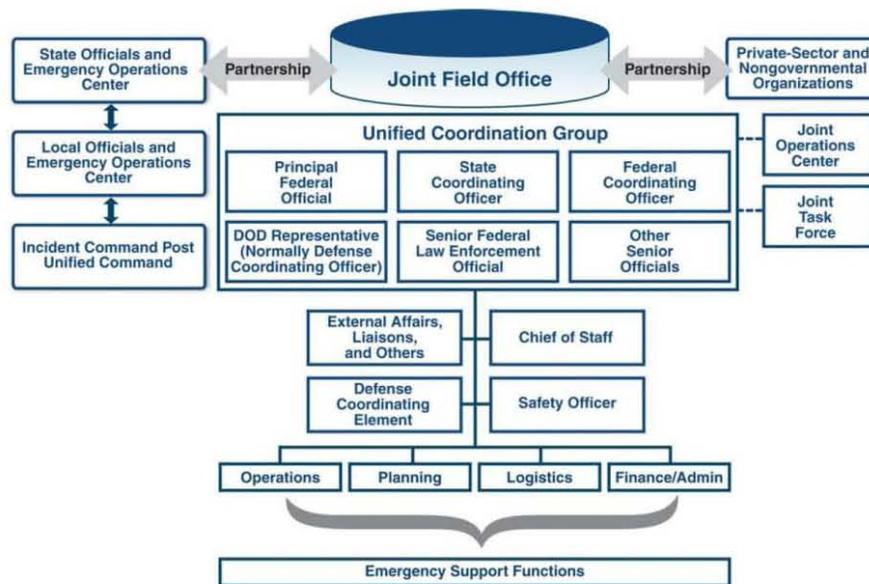
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situations, coordination will occur following the principles of Unified Area Command. The physical location of such a coordination entity depends on the situation.

As the primary field structure, the JFO provides the organizing structure to integrate diverse Federal authorities and capabilities and coordinate Federal response and recovery operations. For additional information on staffing and procedures, see the JFO Standard Operating Procedure.<sup>45</sup> The JFO is internally organized and operated using the concepts and principles of the *NIMS*.

The figure below represents an overview of the JFO and its key components.

**Figure 8. Joint Field Office**



<sup>45</sup> This and other Standard Operating Procedures are available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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**Unified Coordination Group.** The JFO is led by the Unified Coordination Group, which is comprised of specified senior leaders representing State and Federal interests, and in certain circumstances tribal governments, local jurisdictions, the private sector, or NGOs. The Unified Coordination Group typically consists of the Principal Federal Official (if designated), Federal Coordinating Officer (FCO), State Coordinating Officer, and senior officials from other entities with primary statutory or jurisdictional responsibility and significant operational responsibility for an aspect of an incident (e.g., the Senior Health Official, Department of Defense representative, or Senior Federal Law Enforcement Official if assigned). Within the Unified Coordination Group, the FCO is the primary Federal official responsible for coordinating, integrating, and synchronizing Federal response activities.

**The composition of the Unified Coordination Group will vary, depending upon the scope and nature of the incident and the assets deployed in support of the affected jurisdiction.**

The JFO structure normally includes a Unified Coordination Staff. The Unified Coordination Group determines the extent of staffing based on the type and magnitude of the incident. See the JFO Standard Operating Procedure for further details on these and other Federal staff positions supporting the field operation.

**Infrastructure Liaison.** The Infrastructure Liaison is assigned by the DHS Office of Infrastructure Protection and advises the Unified Coordination Group on regionally or nationally significant CIKR issues.<sup>46</sup>

**Safety Officer.** The JFO Safety Officer is the senior advisor on all occupational safety and health concerns affecting and arising from the incident.

The JFO is organized into four sections based on the ICS standard organization as follows:

- **Operations Section.** The Operations Section coordinates operational support with on-scene incident management efforts. Branches, divisions, and groups may be added or deleted as required, depending on the nature of the incident. The Operations Section is also responsible for coordinating with other Federal facilities that may be established to support incident management activities.
- **Planning Section.** The Planning Section's functions include the collection, evaluation, dissemination, and use of information regarding the threat or incident and the status of Federal resources. The Planning Section prepares and documents Federal support actions and develops unified action, contingency, long-term, and other plans.
- **Logistics Section.** The Logistics Section coordinates logistics support that includes: control of and accountability for Federal supplies and equipment; resource ordering; delivery of equipment, supplies, and services to the JFO and other field locations; facility location, setup, space management, building services, and general facility operations; transportation coordination and fleet management services; information and technology systems services; administrative services such as mail management and reproduction; and customer assistance.

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<sup>46</sup> For more information see the CIKR Support Annex, available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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- **Finance and Administration Section.** The Finance and Administration Section is responsible for the financial management, monitoring, and tracking of all Federal costs relating to the incident and the functioning of the JFO while adhering to all Federal laws and regulations.

All or portions of this organizational structure may be activated based on the nature and magnitude of the threat or incident.

Depending on the scope and nature of the incident, the Unified Coordination Group identifies what Federal capabilities are needed and requests Federal staff from these areas to support the JFO structure.

**The JFO is the primary, but not the only, Federal field structure.** Presidential directives<sup>47</sup> and other authorities outline the primary areas of responsibility that guide Federal support at national, regional, and field levels. The field structures are designed to implement these lanes of responsibility and provide coordination to ensure an effective response. In addition to the JFO, these include:

- **Joint Operations Center (JOC).** The JOC is an interagency command post established by the FBI to manage terrorist threats or incidents and investigative and intelligence activities. The JOC coordinates the necessary local, State, and Federal assets required to support the investigation, and to prepare for, respond to, and resolve the threat or incident.<sup>48</sup>
- **Joint Information Center (JIC).** The JIC is responsible for the coordination and dissemination of information for the public and media concerning an incident. JICs may be established locally, regionally, or nationally depending on the size and magnitude of the incident.

The JIC is established at or virtually connected to the JFO, through the ESF #15 – External Affairs staff. JICs may be established at multiple locations if the nature and magnitude of the incident require. Co-location of the Federal, State, tribal, and local JICs is encouraged.

There may be additional field structures. These facilities should be co-located to the extent possible, or otherwise established in close proximity. While these structures may not be physically co-located, they will, when and if established, maintain connectivity to share information and remain aligned in purpose and intent. Each coordination center will normally assign liaisons to each of the other coordination centers to ensure alignment.

## FIELD SUPPORT ROLES

The Federal team that assembles to provide unified coordination is composed of multiple senior leaders performing supporting roles tailored to the specific event. Not all of these will be deployed at every incident that involves a Federal response.

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<sup>47</sup> HSPD-5, "Management of Domestic Incidents"

<sup>48</sup> For detail on the relationship between the JOC and the JFO, see the Terrorism Incident Law Enforcement Annex, available at the **NRF Resource Center**, <http://www.fema.gov/NRF>.

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Obviously, not all Federal response efforts come with Stafford Act funding and the full array of Stafford Act staffing. However, a Stafford Act incident, such as a large hurricane or earthquake, will generate a very disciplined and scripted deployment. An equally disciplined yet different array of Federal personnel and alternative leadership positions may be deployed for other non-Stafford Act incidents. All necessary staffing options are provided for by the *Framework* and anticipated with its various incident scenario plans.

For example, a mass migration event in the Gulf of Mexico would entail a U.S. Coast Guard response lead. An oil spill for which the Coast Guard has cleanup responsibility under the Oil Pollution Act of 1990 does not result in establishment of a JFO, but it employs similar organizational structures under the leadership of the Coast Guard's On-Scene Coordinator.<sup>49</sup> Alternatively, the criminal investigation following a car bomb attack on an airport will be directed by the Attorney General, and would closely involve the Transportation Security Administration from the moment of an explosion to institute appropriate airport security measures, yet may not generate a Stafford Act declaration.

Key senior Federal officials that typically may be deployed with a Federal incident management team include those discussed below.

**Principal Federal Official (PFO).** By law and by Presidential directive, the Secretary of Homeland Security is the principal Federal official responsible for coordination of all domestic incidents requiring multiagency Federal response. **The Secretary may elect to designate a single individual to serve as his or her primary representative** to ensure consistency of Federal support as well as the overall effectiveness of the Federal incident management. When appointed, such an individual serves in the field as the PFO for the incident.

Congress has provided that, notwithstanding the general prohibition on appointing a PFO for Stafford Act incidents, "there may be instances in which FEMA should not be the lead agency in charge of the response, such as a pandemic outbreak or an Olympic event." In such cases, the Secretary may assign a PFO. Congress also recognized that there may be "major non-Stafford Act responses that may include a Stafford Act component." In such cases, also, the Secretary may assign a PFO.

The Secretary will only appoint a PFO for catastrophic or unusually complex incidents that require extraordinary coordination. When appointed, the PFO interfaces with Federal, State, tribal, and local jurisdictional officials regarding the overall Federal incident management strategy and acts as the primary Federal spokesperson for coordinated media and public communications. The PFO serves as a member of the Unified Coordination Group and provides a primary point of contact and situational awareness locally for the Secretary of Homeland Security.

**A PFO is a senior Federal official with proven management experience and strong leadership capabilities. The PFO deploys with a small, highly trained mobile support staff.** Both the PFO and support staff undergo specific training prior to appointment to their respective positions. Once formally designated for an ongoing incident, a PFO relinquishes the conduct of all previous duties to focus exclusively on his or her incident management responsibilities.

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<sup>49</sup> See U.S. Coast Guard *Marine Safety Manual*, available at <http://www.uscg.mil/hq/g-m/nmc/pubs/msm>.

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**The same individual will *not* serve as the Principal Federal Official and the Federal Coordinating Officer (*see below*) at the same time for the same incident.** When both positions are assigned, the FCO will have responsibility for administering Stafford Act authorities, as described below. The Secretary is not restricted to DHS officials when selecting a PFO.

**The PFO does not direct or replace the incident command structure established at the incident.** Nor does the PFO have directive authority over a Federal Coordinating Officer, a Senior Federal Law Enforcement Official, a DOD Joint Task Force Commander, or any other Federal or State official. Other Federal incident management officials retain their authorities as defined in existing statutes and directives. Rather, the PFO promotes collaboration and, as possible, resolves any Federal interagency conflict that may arise. The PFO identifies and presents to the Secretary of Homeland Security any policy issues that require resolution.

**Federal Coordinating Officer (FCO).** For Stafford Act incidents (i.e., emergencies or major disasters), upon the recommendation of the FEMA Administrator and the Secretary of Homeland Security, the President appoints an FCO. **The FCO is a senior FEMA official trained, certified, and well experienced in emergency management, and specifically appointed to coordinate Federal support in the response to and recovery from emergencies and major disasters.** The FCO executes Stafford Act authorities, including commitment of FEMA resources and the mission assignment of other Federal departments or agencies. If a major disaster or emergency declaration covers a geographic area that spans all or parts of more than one State, the President may decide to appoint a single FCO for the entire incident, with other individuals as needed serving as Deputy FCOs.

**In all cases, the FCO represents the FEMA Administrator in the field to discharge all FEMA responsibilities for the response and recovery efforts underway.** For Stafford Act events, the FCO is the primary Federal representative with whom the SCO and other State, tribal, and local response officials interface to determine the most urgent needs and set objectives for an effective response in collaboration with the Unified Coordination Group.

In Stafford Act incidents, the FCO is the focal point of coordination within the Unified Coordination Group, ensuring overall integration of Federal emergency management, resource allocation, and seamless integration of Federal activities in support of, and in coordination with, State, tribal, and local requirements.

Some FCOs are given additional, specialized training regarding unusually complex incidents. For example, one may be further trained for catastrophic earthquake response, whereas another might cultivate unique skills for response related to weapons of mass destruction or pandemic influenza.

**Pre-Designated PFOs and FCOs.** In certain scenarios, the Secretary of Homeland Security may pre-designate a PFO and/or FCO. Such pre-designation can focus on specified geographic areas or be based on specific potential threats – or a combination of both. For example, beginning in 2007, the Secretary pre-designated a national PFO and five regional PFOs together with a national FCO and regional FCOs, who will serve in the event of a nationwide outbreak of pandemic influenza or other similar nationwide biological event.

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Pre-designation of these leadership teams is allowing for sustained advance planning conducted with State, tribal, and local leaders.

**Federal Resource Coordinator (FRC).** In non-Stafford Act situations, when a Federal department or agency acting under its own authority has requested the assistance of the Secretary of Homeland Security to obtain support from other Federal departments and agencies, DHS may designate an FRC. In these situations, the FRC coordinates support through interagency agreements and memorandums of understanding. Relying on the same skill set, DHS may select the FRC from the FCO cadre or other personnel with equivalent knowledge, skills, and abilities. The FRC is responsible for coordinating timely delivery of resources to the requesting agency.

**Defense Coordinating Officer (DCO).** DOD has appointed 10 DCOs and assigned one to each FEMA region. If requested and approved, the DCO serves as DOD's single point of contact at the JFO for requesting assistance from DOD. With few exceptions, requests for Defense Support of Civil Authorities (DSCA) originating at the JFO are coordinated with and processed through the DCO. The DCO may have a Defense Coordinating Element consisting of a staff and military liaison officers to facilitate coordination and support to activated ESFs.

Specific responsibilities of the DCO (subject to modification based on the situation) include processing requirements for military support, forwarding mission assignments to the appropriate military organizations through DOD-designated channels, and assigning military liaisons, as appropriate, to activated ESFs.

**Senior Federal Law Enforcement Official (SFLEO).** The SFLEO is an official appointed by the Attorney General during an incident requiring a coordinated Federal response to coordinate all law enforcement, public safety, and security operations with intelligence or investigative law enforcement operations directly related to the incident. The SFLEO is a member of the Unified Coordination Group and, as such, is responsible to ensure that allocation of law enforcement requirements and resource allocations are coordinated as appropriate with all other members of the Group. In the event of a terrorist incident, the SFLEO will normally be a senior FBI official who has coordinating authority over all law enforcement activities related to the incident, both those falling within the Attorney General's explicit authority as recognized in HSPD-5 and those otherwise directly related to the incident itself.

**Joint Task Force (JTF) Commander.** Based on the complexity and type of incident, and the anticipated level of DOD resource involvement, DOD may elect to designate a JTF to command Federal (Title 10) military activities in support of the incident objectives. If a JTF is established, consistent with operational requirements, its command and control element will be co-located with the senior on-scene leadership at the JFO to ensure coordination and unity of effort. The co-location of the JTF command and control element does not replace the requirement for a DCO/Defense Coordinating Element as part of the JFO Unified Coordination Staff. The DCO remains the DOD single point of contact in the JFO for requesting assistance from DOD.

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The JTF Commander exercises operational control of Federal military personnel and most defense resources in a Federal response. Some DOD entities, such as the U.S. Army Corps of Engineers, may respond under separate established authorities and do not provide support under the operational control of a JTF Commander. Unless federalized, National Guard forces remain under the control of a State Governor. Close coordination between Federal military, other DOD entities, and National Guard forces in a response is critical.

**Other Senior Officials.** Based on the scope and nature of an incident, senior officials from other Federal departments and agencies, State, tribal, or local governments, and the private sector or NGOs may participate in a Unified Coordination Group. Usually, the larger and more complex the incident, the greater the number of entities represented.

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## CHAPTER IV PLANNING: A CRITICAL ELEMENT OF EFFECTIVE RESPONSE

**This chapter emphasizes the importance of planning as the cornerstone of national preparedness and briefly summarizes planning structures that are relevant to the *Framework*.**

Federal, State, tribal, and local government planning is mutually supportive. Planning for low-probability, high-consequence scenarios is a Federal focus and complements a State, tribal, and local focus on more likely and frequently experienced smaller-scale events.

### THE FRAMEWORK AND PLANNING

Planning across the full range of homeland security operations is an inherent responsibility of every level of government. This *Framework* fosters unity of effort for emergency operations planning by providing common doctrine and purpose.

A plan is a continuous, evolving instrument of anticipated actions that maximize opportunities and guide response operations. Since planning is an ongoing process, a plan is an interim product based on information and understanding at the moment, and is subject to revision. That is why plans are best described as “living” documents.

### THE VALUE OF PLANNING

Planning provides three principal benefits: (1) it allows jurisdictions to influence the course of events in an emergency by determining in advance the actions, policies, and processes that will be followed; (2) it guides other preparedness activities; and (3) it contributes to unity of effort by providing a common blueprint for activity in the event of an emergency. Planning is a foundational element of both preparedness and response and thus is an essential homeland security activity. Emergency planning is a national priority, as reflected in the *National Preparedness Guidelines*.<sup>50</sup>

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<sup>50</sup> HSPD-8, “National Preparedness,” required the development of the National Preparedness Goal, since renamed the *National Preparedness Guidelines*.

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### NATIONAL PREPAREDNESS ARCHITECTURE

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A great deal has been accomplished in developing a rigorous national preparedness architecture that enables all levels of government to successfully plan for response operations. These efforts have yielded the *National Preparedness Guidelines*; the *National Infrastructure Protection Plan (NIPP)* and 17 sector-specific plans to protect critical infrastructure; the *National Incident Management System (NIMS)*; National Continuity policies and directives; a coordinated National Exercise Schedule; and support through an extensive portfolio of grant programs.

**A national focus on preparedness is imperative to develop the capabilities that empower the *Framework* and response planning.** The *National Preparedness Guidelines* and the *NIPP* focus on **preparedness activities** conducted in the absence of a specific threat or hazard. The *Framework* uses these programs and investments to build the capacity to respond to all manner and magnitude of threats and hazards.

The *National Preparedness Guidelines* are comprised of four critical elements:

- The **National Preparedness Vision** provides a concise statement of the core preparedness goal for the Nation.
- The **National Planning Scenarios** are planning tools that represent a minimum number of credible scenarios depicting the range of potential terrorist attacks and natural disasters and related impacts facing our Nation. They form a basis for coordinated Federal planning, training, and exercises.
- The **Universal Task List** is a menu of unique tasks that link strategies to prevention, protection, response, and recovery tasks for the major events represented by the National Planning Scenarios. It provides a common vocabulary of critical tasks that support development of essential capabilities among organizations at all levels. The List was used to assist in creating the Target Capabilities List.
- The **Target Capabilities List** defines specific capabilities that all levels of government should possess in order to respond effectively to incidents.

**The *NIPP* and its 17 sector-specific plans create a system for protection of critical infrastructure and key resources that includes both the public and private sectors.** It establishes protection standards and objectives developed in partnership with each of the 17 sectors, and creates consultative mechanisms, including those for sharing key threat information, with the private sector which owns or operates most of the Nation's critical infrastructure.

Publication of these strategic documents – supported by others developed at the Federal, State, tribal, and local levels – defines the essential architecture of our national preparedness system and marks a significant milestone in post-9/11 preparedness.

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### THE FEDERAL PLANNING STRUCTURE

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The Federal planning structure supports the *Framework* and the State, tribal, and local planning structure through the *National Preparedness Guidelines*, including the National Planning Scenarios and core capabilities; the *NIMS*; the *NIPP* and sector-specific plans; Federal strategic and concept plans for each set of National Planning Scenarios, supported by department and agency operations plans; National Continuity policies and directives; and a National Exercise Schedule that incorporates Federal, State, tribal, and local exercises.

**The National Planning Scenarios are the focus of Federal planning efforts.** They represent examples of the gravest dangers facing the United States **and have been accorded the highest priority for Federal planning.** Using a shared set of scenarios provides a common yardstick for determining how to achieve expected planning results. Homeland Security Presidential Directive 8, "National Preparedness," Annex I (National Planning), describes use of the National Planning Scenarios. The 15 scenarios have been grouped into 8 key scenario sets that reflect common characteristics in order to integrate planning for like events, and to conduct cross-cutting capability development. The scenarios will be updated and amended on a biennial basis using risk-based analysis to ascertain the most likely or most dangerous threats to the homeland.

Building on the principles described within the *Framework*, the Federal planning structure calls for three levels of Federal plans for each National Planning Scenario:

- A **Strategic Guidance Statement** and **Strategic Plan** that together define the broad national strategic objectives; delineate authorities, roles, and responsibilities; determine required capabilities; and develop performance and effectiveness measures essential to prevent, protect against, respond to, and recover from domestic incidents.
- A **National-Level Interagency Concept Plan (CONPLAN)** that describes the concept of operations for integrating and synchronizing Federal capabilities to accomplish critical tasks, and describes how Federal capabilities will be integrated into and support regional, State, and local plans to meet the objectives described in the Strategic Plan.
- **Federal Department and Agency Operations Plans (OPLANs)** developed by and for each Federal department or agency describing detailed resource, personnel, and asset allocations necessary to support the concept of operations detailed in the CONPLAN.

The *Framework* and planning structure leverage existing plans and planning activities. For example, pandemic influenza is one of the scenarios in the *Guidelines*. A *National Strategy for Pandemic Influenza* was published in November 2005 for this scenario.<sup>51</sup> It included extensive public comment and collaboration with public health and emergency management professionals at all levels. That document is available at the **NRF Resource Center** in support of the *Framework*. A detailed concept of operations consistent with the *Framework* has been drafted, and each department and agency has drafted individual operational plans that describe how they will employ specific resources, personnel, and assets.

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<sup>51</sup> See <http://www.whitehouse.gov/homeland/pandemic-influenza.html>.

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### THE STATE, TRIBAL, AND LOCAL PLANNING STRUCTURE

State, tribal, and local governments have responsibility to develop detailed, robust all-hazards plans and hazard- or incident-specific annexes with supporting procedures and protocols to address their locally identified hazards and risks. They use hazard identification and risk assessment (HIRA) to identify hazards and associated risk to persons, property, and structures and to improve protection from natural- and human-caused hazards. HIRA serves as a foundation for planning, resource management, capability development, public education, and training and exercises.

The State, tribal, and local planning structure is supported by Federal preparedness assistance. This structure in turn supports the *Framework* and the Federal planning structure by building capabilities that contribute to national response capacity. The key scenario sets represent hazards of nationwide concern. They should be included in State, tribal, and local governments' HIRA processes in order to ensure plans are tested against all manner and magnitude of threats and hazards, and that national planning is fully integrated and mutually supportive.

In most instances, Federal plans are implemented when a State's resources are not sufficient to cope with an incident and the Governor has requested Federal assistance. The intersection of the Federal and State, tribal, and local plans and planning is described in the new Comprehensive Preparedness Guide (CPG) 101, "Producing Emergency Plans: A Guide for All-Hazard Emergency Operations Planning for State, Territorial, Local and Tribal Governments," which replaces State and Local Guide (SLG) 101, "Guide for All-Hazards Emergency Operations Planning."

### CRITERIA FOR SUCCESSFUL PLANNING

The *Framework* employs common criteria to measure key aspects of response planning:

- **Acceptability.** A plan is acceptable if it can meet the requirements of anticipated scenarios, can be implemented within the costs and timeframes that senior officials and the public can support, and is consistent with applicable laws.
- **Adequacy.** A plan is adequate if it complies with applicable planning guidance, planning assumptions are valid and relevant, and the concept of operations identifies and addresses critical tasks specific to the plan's objectives.
- **Completeness.** A plan is complete if it incorporates major actions, objectives, and tasks to be accomplished. The complete plan addresses the personnel and resources required and sound concepts for how those will be deployed, employed, sustained, and demobilized. It also addresses timelines and criteria for measuring success in achieving objectives, and the desired end state. Completeness of a plan can be greatly enhanced by including in the planning process all those who could be affected.
- **Consistency and Standardization of Products.** Standardized planning processes and products foster consistency, interoperability, and collaboration.

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- **Feasibility.** A plan is considered feasible if the critical tasks can be accomplished with the resources available internally or through mutual aid, immediate need for additional resources from other sources (in the case of a local plan, from State or Federal partners) are identified in detail and coordinated in advance, and procedures are in place to integrate and employ resources effectively from all potential providers.
- **Flexibility.** Flexibility and adaptability are promoted by decentralized decisionmaking and by accommodating all hazards ranging from smaller-scale incidents to wider national contingencies.
- **Interoperability and Collaboration.** A plan is interoperable and collaborative if it identifies other plan holders with similar and complementary plans and objectives, and supports regular collaboration focused on integrating with those plans to optimize achievement of individual and collective goals and objectives in an incident.

Table 3 shows the relationship of the scenario sets to the National Planning Scenarios.

**Table 3. Relationship of Scenario Sets to Planning Scenarios**

Key Scenario Sets	National Planning Scenarios
<b>1. Explosives Attack</b> – Bombing Using Improvised Explosive Device	• <b>Scenario 12:</b> Explosives Attack – Bombing Using Improvised Explosive Device
<b>2. Nuclear Attack</b>	• <b>Scenario 1:</b> Nuclear Detonation – Improvised Nuclear Device
<b>3. Radiological Attack</b> – Radiological Dispersal Device	• <b>Scenario 11:</b> Radiological Attack – Radiological Dispersal Device
<b>4. Biological Attack</b> – <i>With annexes for different pathogens</i>	<ul style="list-style-type: none"> <li>• <b>Scenario 2:</b> Biological Attack – Aerosol Anthrax</li> <li>• <b>Scenario 4:</b> Biological Attack – Plague</li> <li>• <b>Scenario 13:</b> Biological Attack – Food Contamination</li> <li>• <b>Scenario 14:</b> Biological Attack – Foreign Animal Disease</li> </ul>
<b>5. Chemical Attack</b> – <i>With annexes for different agents</i>	<ul style="list-style-type: none"> <li>• <b>Scenario 5:</b> Chemical Attack – Blister Agent</li> <li>• <b>Scenario 6:</b> Chemical Attack – Toxic Industrial Chemicals</li> <li>• <b>Scenario 7:</b> Chemical Attack – Nerve Agent</li> <li>• <b>Scenario 8:</b> Chemical Attack – Chlorine Tank Explosion</li> </ul>
<b>6. Natural Disaster</b> – <i>With annexes for different disasters</i>	<ul style="list-style-type: none"> <li>• <b>Scenario 9:</b> Natural Disaster – Major Earthquake</li> <li>• <b>Scenario 10:</b> Natural Disaster – Major Hurricane</li> </ul>
<b>7. Cyber Attack</b>	• <b>Scenario 15:</b> Cyber Attack
<b>8. Pandemic Influenza</b>	• <b>Scenario 3:</b> Biological Disease Outbreak – Pandemic Influenza

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## CHAPTER V ADDITIONAL RESOURCES

**As indicated earlier, the *National Response Framework* is comprised of the core document, the Emergency Support Function (ESF), Support, and Incident Annexes, and the Partner Guides. The *Framework* is supported by an online tool designed especially for emergency management practitioners, the NRF Resource Center (<http://www.fema.gov/NRF>). This online resource will grow and routinely evolve in support of the *Framework* and those who work with it. The core *Framework* should require significant change only infrequently. However, the operational planning and detailed work of developing stronger emergency management plans and capabilities will require a continued rapid pace of change in the months and years ahead.**

The **NRF Resource Center** is intended to supply a nimble, state-of-the-art forum for sharing and encouraging such improvement. **This chapter describes how additional resources and operational information will be made available, especially to emergency management practitioners, in support of the *Framework*.**

### SUPPORTING DOCUMENTS AND THE NRF RESOURCE CENTER

**To assist readers in implementing the *Framework*, the Resource Center is an online repository of supporting documents, resources, and educational materials.** It is intended especially to assist emergency management practitioners. This repository provides a single, Web-based portal for documents, information, training materials, and other tools needed for response partners to understand and execute their roles under the *Framework*.

Formally cleared annexes, resources, and other reference material associated with the *Framework* are posted on this portal. In addition, the Resource Center portal will be dynamic, providing links to additional preparedness resources and updating the *Framework's* formal supporting documents as necessary.

The online Resource Center's home page may be found at <http://www.fema.gov/NRF>. As all Resource Center postings will be routinely evaluated, updated, and augmented, the remainder of this chapter contains a roadmap of what initially conveys from the *National Response Plan (NRP)* and an outline of work to come.

The Resource Center contains multiple supporting documents, including ESF, Support, and Incident Annexes and several informational documents, such as an overview of the main Stafford Act provisions, a guide to authorities and references, and an acronym list. As noted in Chapter IV, ongoing planning activities will result in the development of additional strategic guidance and plans, which will be added to the Resource Center upon approval and as necessary.

As mentioned earlier, the Emergency Support Function Annexes group Federal resources and capabilities into functional areas that are most frequently needed in a national response. The revised ESF Annexes reflect real-world experience. For example, at a Joint

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Field Office, instead of working in separate ESF structures, the Operations Section Chief might establish a mass evacuation branch or group to examine cross-cutting issues and request representatives from *Transportation* (ESF #1), *Public Health and Medical Services* (ESF #8) and *Mass Care, Emergency Assistance, Housing, and Human Services* (ESF #6). This approach retains the functional expertise of ESFs but leverages cross-cutting teams to ensure an effective and integrated response.

The Support Annexes describe how Federal departments and agencies, the private sector, volunteer organizations, and NGOs coordinate and execute the common support processes and administrative tasks required during an incident. The actions described in the Support Annexes are not limited to particular types of events, but are overarching in nature and applicable to nearly every type of incident. In addition, they may support several ESFs.

The Support Annexes provide a starting point to understand support needed under the *Framework*. Further assessment is required to evaluate essential local, tribal, State, Federal, and private-sector resources needed to execute the capabilities specified by the *National Preparedness Guidelines*. We will then build repeatedly on these annexes to develop support tools tailored to meet the Nation's response requirements.

The Incident Annexes describe the concept of operations to address specific contingency or hazard situations or an element of an incident requiring specialized application of the *Framework*. The overarching nature of functions described in these annexes frequently involves either support to or cooperation of all Federal departments and agencies involved in incident management efforts to ensure seamless integration of and transitions between preparedness, prevention, response, recovery, and mitigation activities.

**Initial NRF Resource Center Documentation.** Initial postings to the Web page supporting the *Framework* include the following:

### 1. Emergency Support Function Annexes

- ESF #1 - Transportation
- ESF #2 - Communications
- ESF #3 - Public Works and Engineering
- ESF #4 - Firefighting
- ESF #5 - Emergency Management
- ESF #6 - Mass Care, Emergency Assistance, Housing, and Human Services
- ESF #7 - Logistics Management and Resource Support
- ESF #8 - Public Health and Medical Services
- ESF #9 - Search and Rescue
- ESF #10 - Oil and Hazardous Materials Response
- ESF #11 - Agriculture and Natural Resources
- ESF #12 - Energy
- ESF #13 - Public Safety and Security
- ESF #14 - Long-Term Community Recovery
- ESF #15 - External Affairs

### 2. Support Annexes

- Critical Infrastructure and Key Resources
- Financial Management
- International Coordination
- Private-Sector Coordination

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- Public Affairs
- Tribal Relations
- Volunteer and Donations Management
- Worker Safety and Health

### 3. Incident Annexes

- Biological Incident
- Catastrophic Incident
- Cyber Incident
- Food and Agriculture Incident
- Mass Evacuation Incident
- Nuclear/Radiological Incident
- Terrorism Incident Law Enforcement and Investigation

### 4. Partner Guides

- Local Government Response Partner Guide
- State Response Partner Guide
- Private-Sector and Nongovernmental Response Partner Guide
- Federal Response Partner Guide

### 5. References

- Glossary of Key Terms
- List of Acronyms
- Authorities and References
- Overview of Stafford Act
- Key resource references: *The National Incident Management System; National Infrastructure Protection Plan; sector-specific plans, etc.*

### 6. Learning Center

The *Framework* will incorporate a learning center that includes job aids, educational tools, links to the broader range of preparedness reports and documentation, and access to Web-based training courses. It will contain material that is routinely evaluated and updated for accuracy and currency.

## EFFECTIVE DATE AND *FRAMEWORK* IMPLEMENTATION

The *National Response Framework* builds upon and supersedes the *National Response Plan* (December 2004, as amended May 2006). The changes reflected in this document are not substantively dramatic, and in no regard does this *Framework* alter the basic *NIMS*-based structures adopted for field-based incident management structures and activities.

Because the *Framework* builds on capabilities developed under the *NRP*, its implementation will be streamlined and requirements for new training will be minimal.

The effective date for implementation will be 60 days after final publication.

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## ACRONYMS

<b>CIKR:</b> Critical Infrastructure and Key Resources	<b>JTF:</b> Joint Task Force
<b>CONPLAN:</b> [National-Level Interagency] Concept Plan	<b>MACS:</b> Multiagency Coordination System
<b>CPG:</b> Comprehensive Preparedness Guide	<b>MERS:</b> Mobile Emergency Response Support
<b>CSG:</b> Counterterrorism Security Group	<b>NCTC:</b> National Counterterrorism Center
<b>DCO:</b> Defense Coordinating Officer	<b>NGO:</b> Nongovernmental Organization
<b>DHS:</b> Department of Homeland Security	<b>NICC:</b> National Infrastructure Coordinating Center
<b>DOD:</b> Department of Defense	<b>NIMS:</b> <i>National Incident Management System</i>
<b>DRG:</b> Domestic Readiness Group	<b>NIPP:</b> <i>National Infrastructure Protection Plan</i>
<b>DSCA:</b> Defense Support of Civil Authorities	<b>NJTTF:</b> National Joint Terrorism Task Force
<b>EMAC:</b> Emergency Management Assistance Compact	<b>NMCC:</b> National Military Command Center
<b>EOC:</b> Emergency Operations Center	<b>NOC:</b> National Operations Center
<b>ESF:</b> Emergency Support Function	<b>NRCC:</b> National Response Coordination Center
<b>FBI:</b> Federal Bureau of Investigation	<b>NRF:</b> <i>National Response Framework</i>
<b>FCO:</b> Federal Coordinating Officer	<b>NRP:</b> <i>National Response Plan</i>
<b>FEMA:</b> Federal Emergency Management Agency	<b>NSC:</b> National Security Council
<b>FRC:</b> Federal Resource Coordinator	<b>OPLAN:</b> Operations Plan
<b>HIRA:</b> Hazard Identification and Risk Assessment	<b>P.L.:</b> Public Law
<b>HLT:</b> Hurricane Liaison Team	<b>PFO:</b> Principal Federal Official
<b>HSC:</b> Homeland Security Council	<b>RRCC:</b> Regional Response Coordination Center
<b>HSEEP:</b> Homeland Security Exercise and Evaluation Program	<b>SCO:</b> State Coordinating Officer
<b>HSIN:</b> Homeland Security Information Network	<b>SIOC:</b> Strategic Information and Operations Center
<b>HSPD:</b> Homeland Security Presidential Directive	<b>SLG:</b> State and Local Guide
<b>ICS:</b> Incident Command System	<b>SFLEO:</b> Senior Federal Law Enforcement Official
<b>IMAT:</b> Incident Management Assistance Team	<b>U.S.C.:</b> U.S. Code
<b>IMT:</b> Incident Management Team	<b>US&amp;R:</b> Urban Search and Rescue
<b>JFO:</b> Joint Field Office	<b>[National] VOAD:</b> Voluntary Organizations Active in Disaster
<b>JIC:</b> Joint Information Center	
<b>JOC:</b> Joint Operations Center	