



FEMA

DISASTER ASSISTANCE POLICY

DAP-1001

INTERIM

I. TITLE: **Pre-Disaster Emergency Declaration Requests**

II. DATE: July 18, 2007

III. PURPOSE:

To establish the circumstances under which a State's request to declare an emergency, in advance of the impact of an incident that threatens such destruction as could result in a major disaster, will be considered for a Presidential emergency declaration, under the authorities of the Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 U.S.C. §§ 5191-5193 (the Stafford Act).

IV. SCOPE AND AUDIENCE:

This policy is applicable to all gubernatorial requests to the President for an Emergency declaration in advance or anticipation of the impact of an incident that threatens such destruction as could result in a major disaster, and is effective upon the date of issuance. All personnel are directed to follow this policy.

V. AUTHORITY:

Title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§5191-5193, as amended by, Section 681(b) of the Post Katrina Emergency Management Reform Act (PL 109-295), and implementing regulations at 44 CFR Part 206, Subparts B and C.

VI. POLICY:

A. States immediately threatened with impact from an existing *hurricane* or *typhoon* will be considered for an emergency declaration when, in addition to the State request complying with requirements set forth in 44 CFR 206.35, FEMA determines the following three requirements are also met:

1. The National Weather Service determines that the State, or a portion thereof, is threatened by landfall of a major hurricane or typhoon, AND:
2. The Governor has declared a State of Emergency, AND:



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INTERIM

3. Either:

a. The State, or any jurisdiction(s) thereof, has issued *mandatory* evacuation orders for three or more counties/parishes, or any geographical area with a combined population of more than 100,000 residents, OR:

b. The declaration is necessary to provide direct federal assistance (e.g., teams, equipment, supplies) to meet critical emergency protection requirements before landfall, other than pre-positioning, that would overwhelm the capability or capacity of State resources.

B. States immediately threatened by *any other natural or man-made incident* that threatens such destruction as could result in a major disaster (except fires, for which emergency assistance is provided under the provisions of the Fire Management Assistance Grant program in 44 CFR part 204) will be considered for an emergency declaration when, in addition to the State request complying with requirements set forth in 44 CFR 206.35, FEMA determines the following three requirements are also met:

1. A qualified Federal government agency - acknowledged as a national authority in a specific incident field (e.g., United States Geological Survey for seismic incidents, the National Weather Service for tsunamis, the Nuclear Regulatory Commission for nuclear power plants, or the Department of Homeland Security for acts of terrorism) - determines or affirms that a catastrophic incident is immediately imminent, AND:

2. The Governor has declared a State of Emergency, AND:

3. Either:

a. The State, or any jurisdiction(s) thereof, has issued *mandatory* evacuation orders for three or more counties/parishes, or any geographical area with a combined population of more than 100,000 residents, OR:

b. FEMA determines that the scope of the potential or projected incident is such that it would or could result in such damage as would constitute a catastrophe; AND the declaration is necessary to provide direct federal assistance (e.g., teams, equipment, supplies) to meet critical emergency protection requirements before impact, other than pre-positioning, that would overwhelm the capability or capacity of State resources.



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C. For the purpose of pre-incident *emergency* declarations, available assistance is limited to Category B for Emergency Protective Measures, including Direct Federal Assistance. FEMA will recommend denial of requests for pre-incident *major disaster* declarations.

D. Host-State Provision. FEMA may reimburse host-states for eligible costs incurred for evacuation and sheltering support provided to evacuees from an impacted and declared state in accordance with Disaster Assistance Policy 9523.19 – Interim, *Host-State Evacuation and Sheltering Reimbursement*.

E. Emergency and Major Disaster declaration determinations are made solely and exclusively by the President of the United States. This policy in no way obligates the President to either approve or disapprove any declaration request.

F. In keeping with 42 U.S.C. §5193 (Section 503(a) of the Stafford Act), the Federal share for assistance provided under Title V, shall be not less than 75 percent of the eligible costs. Funding will be recommended at a 75/25 Federal/State cost-share.

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

VIII. SUPERSESSION: This policy supersedes and replaces Recovery Policy (Interim) 1001, *Hurricane/Typhoon Pre-Landfall Declaration Requests*, dated June 9, 2006.

IX. REVIEW DATE: One year from the date of publication.

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