



FEMA

Fact Sheet

THE DISASTER DECLARATION PROCESS

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the Stafford Act) §401 states in part that: "All requests for a declaration by the President that a major disaster exists shall be made by the governor of the affected state." A state also includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The Marshall Islands and the Federated States of Micronesia are also eligible to request a declaration and receive assistance.

Preliminary Disaster Assessment

The governor's request is made through the applicable FEMA Regional Office. State and federal officials conduct a joint federal, state, and local Preliminary Damage Assessment (PDA) to determine the extent of the disaster and its impact on individuals and public facilities. This information is included in the governor's request to show that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the local governments and that supplemental federal assistance is necessary. Normally, the PDA is completed prior to the submission of the governor's request. However, when an obviously severe or catastrophic event occurs, the governor's request may be submitted prior to the PDA.

State Resources Overwhelmed

As part of the request, the governor must take appropriate 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 that have been or will be committed to alleviating the results of the disaster, provide an estimate of the amount and severity of damage and the impact on the private and public sectors, and provide an estimate of the type and amount of assistance needed under the Stafford Act. In addition, the governor must 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.

Declaration Types

There are two types of disaster declarations provided for in the Stafford Act: Emergency Declarations and Major Disaster Declarations. Both declaration types authorize the President to provide supplemental federal disaster assistance. However, the event related to the disaster declaration and type and amount of assistance differ.

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- **Emergency Declarations:** An Emergency Declaration can be declared for any occasion or instance when the President determines federal assistance is needed. Emergency Declarations supplement State and local efforts in providing emergency services, such as the protection of lives, property, public health, and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. The total amount of assistance provided for a single emergency may not exceed \$5 million. If this amount is exceeded, the President shall report to Congress.
- **Major Declaration:** The President can declare a Major Disaster Declaration for any natural event, 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, fire, flood, or explosion, that the President believes has caused damage of such severity that it is beyond the combined capabilities of state and local governments to respond. A major disaster declaration provides a wide range of federal assistance programs for individuals and public infrastructure, including funds for both emergency and permanent work.

Assistance Available for Major Declarations

Not all programs are activated for every disaster. The determination of which programs are authorized is based the types of assistance specified in the governor's request and on the needs identified during joint PDA and any subsequent PDAs. FEMA disaster assistance programs are as follows:

- **Individual Assistance** - Assistance to individuals and households;
- **Public Assistance** - Assistance to state and local governments and certain private nonprofit organizations for emergency work and the repair or replacement of disaster-damaged facilities; and
- **Hazard Mitigation Assistance** – Assistance to state and local governments and certain private nonprofit organizations for actions taken to prevent or reduce long term risk to life and property from natural hazards.

FEMA leads and supports the nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation, 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.