



# International Assistance System

## Concept of Operations (IAS/CONOPS)

2015



FEMA

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This document establishes policies and procedures for managing the flow of international resources into the U.S. under the National Response Framework for a Presidentially-declared major disaster under the Robert T. Stafford Act. It was prepared by an interagency working group under the direction of the Federal Emergency Management Agency.

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## *Executive Summary*

Following Hurricane Katrina in 2005, over 150 nations and international organizations responded in an unprecedented manner to the well-publicized plight of the survivors of that catastrophic disaster by offering substantial disaster relief assistance to the U.S. Since then, it has become the norm for the U.S. government to receive offers of aid following notable domestic disaster events. Global collaboration in emergency management, ease of communications between national leaders and emergency management peers, and the 24-hour news cycle which repeats in graphic detail every moment of disaster response and recovery, have all fostered the phenomena of country to country offers of assistance, often before a complete picture of the impacts of the disaster and the needs of the survivors are fully identified.

To manage these offers, the Federal Emergency Management Agency (FEMA), the Department of State (DOS), the U.S. Agency for International Development (USAID), the Department of Health and Human Services (HHS), and other U.S. government regulatory agencies have used the International Assistance System's Concept of Operations (IAS CONOPS) to review and accept or reject these offers.

The IAS CONOPS, which is only utilized following a Stafford Act declaration, establishes standard operating procedures for:

- Reviewing international offers and determining whether to accept or decline these offers,
- Managing the logistics of transporting, receiving, and distributing international donations, and
- Procuring resources internationally when deemed necessary by FEMA or a FEMA mission-assigned (MA) agency.

Since the U.S. government is usually in a position to be able to fulfill its disaster response requirements domestically, typically the U.S. government will not find it necessary to utilize the IAS, except under extraordinary circumstances when the U.S. government determines it is necessary to request or accept international offers of assistance for a catastrophic disaster response and if FEMA needs help managing the offers of assistance.

Financial contributions to voluntary relief organizations are the most useful form of assistance that can be provided following a disaster. In recognition of this, and to minimize offers of in-kind

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assistance from foreign governments, the U.S. government will recommend that donations be in the form of financial contributions to organizations working in the affected area. FEMA will provide to the Department of State information on relief organizations active on the scene of a disaster for dissemination to potential donor nations.

The IAS CONOPS delineates the roles and responsibilities of key agencies and groups:

- FEMA determines potential requirements, decides on acceptance or rejection of international donations using its gift acceptance authority, or initiates acquisition procedures for assistance not available through domestic channels, and, once notified that international response supplies or personnel are available at the port of entry, coordinates the logistical activities involved in receiving and distributing such donations by utilizing internal and inter-agency resources as necessary.
- To ensure coordination and management across the entire IAS spectrum, FEMA will also activate an International Resources Coordination Group (IRCG). The IRCG, normally co-located with the National Response Coordination Center for level I or II events, coordinates all acquisition, shipment, receipt at appropriate ports of entry, obtaining appropriate clearances, and notifying the Response Section Chief of the National Response Coordination Center (NRCC-RSS) of the availability of supplies, equipment or personnel once clearances are completed.
- DOS documents all offers of international assistance, utilizing the International Assistance Tracker, and serves as the official medium of communication between the U.S. government and countries or international organizations making offers of assistance, officially notifying donor nations or organizations of U.S. government decisions.
- If mission assigned under the Stafford Act, USAID assists FEMA with logistical support, when requested. This support may include: managing flights and ground transportation for inbound assistance; coordinating regulatory agency clearance of international resources, prior to arrival; and establishing and managing a Reception and Departure Center (RDC), should international responders be accepted by the U.S. government.
- U.S. government regulatory agencies provide guidance on offers of assistance and expedite customs clearance for accepted resources. They may deploy personnel to various ports of entry to facilitate clearance pursuant to notifying FEMA NRCC-RSS that items are cleared for pickup and transfer to International Response Staging Areas (IRSA) or other FEMA designated distribution points.

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- The Department of Defense (DOD), when issued an MA by FEMA, may provide logistical assistance to support IAS operations, to include use of military bases to host and operate the International Response Staging Area.

To ensure the IAS is properly supported, FEMA may mission assign DOS, USAID, DOD, HHS, and other agencies as needed, using Stafford Act funds. Once an MA has been issued, FEMA's International Affairs Division (IAD) will collaborate with these agencies via the International Resources Coordination Group (IRCG) to successfully support the U.S. government's response to a major disaster.

### **A Dual-Natured Support System**

The IAS CONOPS addresses both the critical needs of the response operators to be able to function effectively with limited distraction and the diplomatic considerations that may be an element in a domestic crisis. Thus, if the U.S. government determines that the domestic situation and international response to that situation requires the utilization of the IAS, the U.S. government will accept international resources only in the following limited circumstances: when there is an operational need in responding to the disaster that cannot be fulfilled domestically ("Pull"), or when FEMA determines it can accommodate and accept certain goods from offering countries in the interest of foreign policy ("push")." In creating a "Push" and "Pull" system, the IAS attempts to balance operational needs and diplomatic interests.

#### PULL: Meeting Known Requirements

The "Pull" system is based on needs identified by local, state, tribal or federal officials in the disaster area. It originates with a request from an authorized Federal response agency for resources that are urgently needed but not available within the U.S. in either the time or quantity required. FEMA, DOS, and regulatory agencies will utilize the IAS to find international sources for the purchase of the needed capability, or in some cases, accept the donation of the item from a foreign nation or international organization.

#### PUSH: Accommodating U.S. government Diplomatic Interests

In some cases, FEMA and DOS may determine it can accommodate and accept select offers in the interest of diplomacy. In this situation, FEMA will use the IAS to officially accept and receive such resources. Under "Push," the U.S. government will only accept commodities that can enter the country without significant regulatory agency oversight or inspection and that can readily be used by the agencies and organizations involved in the disaster response.

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While there are many ways donated goods might enter the U.S. (e.g., from nongovernmental organizations or private citizens), the IAS CONOPS applies only to formal transactions between foreign governments or international organizations and the U.S. government. All FEMA-approved, donated resources (“Pull” or “Push”) will be accepted through FEMA’s gift acceptance authority under the Stafford Act and, as such, will become FEMA property. FEMA approves the consignment of all donated goods to response agencies and state, local or tribal governments. Resources accepted by an agency under its own authority will become the responsibility of the accepting agency, including responsibility for ultimate disposition of that resource and any associated costs.

### **A Tiered Approach to IAS/CONOPS Operations**

The National Response Framework (NRF) and its International Coordination Support Annex (ICSA) are “always in effect, and elements can be implemented at any time...Selective implementation of National Response Framework structures and procedures allows for a scaled response, delivery of the specific resources and capabilities, and a level of coordination appropriate to each incident.” (NRF, page i.). Similarly, the IAS is a survivor-centric system that is always available to support the needs of survivors, and is built to be scalable and flexible in integrating international assistance with domestic capabilities. The levels of operations for the IAS are:

#### **Level 3 - Watch/Steady State:**

Following news of a major disaster in the U.S., the U.S. government may receive spontaneous offers of assistance from foreign countries or international/multilateral organizations. Both FEMA’s National Watch Center (NWC) and the Department of State’s Crisis Management Support (CMS) office in the DOS Operations Center monitors possible international interest in a U.S. domestic disaster. All inquiries from abroad are routed to CMS for resolution.

#### **Level 2 - Operations Level 2:**

Following a Stafford Act Declaration, if FEMA agrees to accept an international offer of assistance in support of U.S. government diplomatic interests or when FEMA requests specific items of assistance unavailable through domestic resources, FEMA may elevate the IAS to Level 2 and convene the International Resources Coordination Group (IRCG) at a minimal level to ensure that the accepted resources are transported and cleared appropriately into the United States. If other federal agency support is required, FEMA may utilize the authority in the Stafford Act to issue MAs to those agencies.

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### **Level 1 - Operations Level 1:**

Following a Stafford Act Declaration, if multiple offers of assistance are accepted, or requests for disaster relief assistance available only from a non-U.S. source are anticipated, FEMA will elevate the IAS to Level 1. Level 1 will require robust IRCG activity and coordination, and will likely require additional support from other federal agencies. The IRCG will operate from FEMA HQ in close coordination with the National Response Coordination Center (NRCC). FEMA's International Affairs Division will serve as lead for the IRCG.

### **A Functional Paradigm**

It is important to emphasize that FEMA's gift acceptance authority underlies the functionality of the IAS CONOPS. However, it is equally important to note that several Federal agencies have independent authorities to declare disasters or emergencies and would be in charge of a non-Stafford Act incident response. Thus, the IAS CONOPS can serve as a paradigm that other agencies may use when addressing international disaster assistance or resource requirements. They may do so through the development of memoranda of understanding and/or interagency agreements with other agencies, that specify those agencies' roles and responsibilities for that incident.

For further information, please refer to the following IAS CONOPS document, or forward any questions or comments to FEMA's International Affairs Division at [fema-international@dhs.gov](mailto:fema-international@dhs.gov).



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## **System Overview**

### ***Introduction***

Following Hurricane Katrina, the U.S. government recognized the need to develop policies and procedures for managing the flow of assistance offered by foreign governments and international organizations into the U.S. (hereafter referred to as international assistance) in response to a major domestic disaster. The Department of State (DOS) and Department of Homeland Security (DHS) were asked to jointly lead an interagency effort to develop these mechanisms. Several interagency working groups were established comprised of Federal agencies that either had a role in domestic response operations under the National Response Framework (NRF) or were involved in the movement of commodities and personnel across U.S. borders (see [Appendix A](#)).

The resulting product was the International Assistance System (IAS), a set of policies and procedures designed to systematize the review and receipt of offers of international assistance, as well as requests for international resources, during catastrophic domestic disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), 42 U.S.C. §§ 5121-5206. The IAS elaborates on the relevant sections of the NRF's International Coordination Support Annex.<sup>2</sup>

Finalized in 2009, the IAS CONOPS has been used in a variety of ways to manage international support of domestic U.S. disasters. At the time of its finalization, a commitment was made to review the CONOPS after five years to ensure that, based on real world experience and changing policies and guidance, the system remained up to date and provided an effective tool for the U.S. government as it responded to major disasters.

### ***Purpose of the IAS***

The IAS CONOPS outlines the IAS concept of operations, including roles and responsibilities, guidance for managing offers of international assistance and requests for international resources, and the logistical process for receiving and distributing international assistance and requested resources. Appendices offer templates and reference material to help expedite response operations. The IAS CONOPS is supported by supplemental Procedures Manuals for the International Resources Coordination Group (IRCG) and various regulatory agency procedural manuals that detail their responsibilities in handling international assistance.

## ***Objectives of the IAS***

The IAS has three primary objectives:

1. To quickly and efficiently request or obtain resources from the international community that are necessary for incident response operations under the Stafford Act.
2. To satisfy the potential need to accept assistance in order to address U.S. government foreign policy interests.
3. To provide an expedient response (acceptance or declination) to foreign governments and international organizations that have offered assistance.

## ***Core Tenets of the IAS***

The IAS has five core tenets:

1. Due to the wide range of resources available within the U.S., the U.S. government is not likely to require routine assistance from the international community during domestic disasters. Exceptions may include catastrophic incidents or particularly large or simultaneous disasters, for which very specific commodities or technical assistance might be requested, and for which a foreign partner can provide needed commodities or services in a timely manner.
2. During disaster response operations, any inflow of commodities or services (domestic or international) into the affected area that has not been specifically requested and/or coordinated by a responding agency could potentially obstruct relief operations, or present transportation, logistical, and/or homeland security/defense challenges.
3. Financial contributions to voluntary relief organizations are the most useful form of assistance that can be provided following a disaster. They give organizations the power to rapidly procure exactly what is needed for disaster survivors. Moreover, unlike in-kind donations, cash donations entail no transportation cost. They also allow relief supplies to be purchased at locations as near to the disaster site as possible. This approach has the triple advantage of stimulating local economies (e.g., providing employment, generating cash flow), ensuring that supplies arrive as quickly as possible, and reducing transport and storage costs. In recognition of this, and to minimize offers of in-kind assistance from foreign governments, the U.S. government will recommend that donations be in the form of financial contributions to organizations working in the affected area.

4. The IAS does not apply to international offers made to state, local, or tribal governments, nor does it apply to offers made by international private sector sources. Furthermore, the IAS does not replace existing, separately-developed procedures for U.S. government response to international offers of cash assistance. Also, the IAS does not replace established agreements between the U.S. government and foreign governments or international organizations to provide assistance when requested.
5. The IAS applies to all Federal departments and agencies that may be requested to provide assistance in expediting the flow of international resources during a domestic disaster following a Stafford Act declaration. The IAS also applies to FEMA MA agencies that may request assistance through the IAS to obtain international resources for disaster response activities.

**IAS support is only available for international assistance that has been specifically approved by FEMA and accepted under FEMA’s gift acceptance authority under the Stafford Act.**

### ***The Flow of International Resources***

For the purposes of this document, the term ‘resources’ encompasses any supplies, equipment, services, and personnel that may be offered by a foreign nation or requested by FEMA or a FEMA MA agency in the aftermath of a domestic disaster. The term ‘resource’ does not encompass cash assistance.

The flow of international resources into the U.S. during the response to a domestic disaster can take two forms.

The first type of resource flow emanates from U.S. government foreign policy interests. DOS and FEMA may determine to accommodate and accept some international assistance, even if not requested or required by an authorized Federal domestic response agency, in the interest of diplomacy. The IAS refers to this type of flow as “Push.”

The second type of resource flow originates with a request from an authorized Federal response agency for resources that are needed for its response operations. When these requests for resources are vetted by the NRCC Response Support Section (NRCC-RSS) and it is determined that the resources are not available within the U.S. in either the time or quantity required, the IAS is then utilized to acquire the resources from an international source. The IAS refers to this type of flow as “Pull.” Although “Pull” requests are expected to be rare, they are the most important and time-sensitive component of the IAS.

## Acceptance (PUSH)

**While a more detailed listing of “Push” items meeting FEMA-approved specifications will be maintained in the NRCC, in the IRCG Operations Manual, general categories include emergency supplies not subject to Antidumping or Countervailing Duties, hygiene kits, blankets, and tarps.**

International assistance will only be accepted under “Push” procedures to support U.S. foreign policy interests when requested by DOS, or as directed by the White House. “Push” resources will be accepted in limited cases that involve minimal regulatory and logistical requirements for their entry into the U.S. and absorption into domestic operations and are suitable for use in future incidents.

“Push” resource offers are processed through the National Response Coordination Center (NRCC) International Resources Coordination Group (IRCG). The IRCG will arrange a final acceptable offer of assistance and will coordinate with state, local, and non-profit organizations (through ESF-6 and National VOAD) to determine the best use of the resources.

FEMA will make every effort to absorb a reasonable level of resources not immediately identified for its relief operations, in order to satisfy U.S. government foreign policy interests.

## Acquisition (PULL)

**While a more detailed listing of “Pull” items will be maintained in the IRCG Operations Manual, general categories include emergency supplies not subject to Antidumping or Countervailing Duties, hygiene kits, blankets, tarps, emergency meals, and miscellaneous supplies.**

“Pull” resource offers are processed through the National Response Coordination Center (NRCC) International Resources Coordination Group (IRCG).

- Field requirement requiring possible international procurement is vetted and approved through the NRCC.
- Details of such a requirement, including exact specifications and quantities, will be communicated by the IRCG to DOS and USAID for action.

- DOS and USAID utilize their global networks to secure the required assistance as rapidly as possible and arrange for its shipment to the United States.
- Distribution under “Pull” will normally be from the port of entry in the United States directly to an Incident Support Base (ISB) or Federal Staging Area (FSA) operated by FEMA.
- IRCG will facilitate the specific acquiring, shipping, and clearance at the port of entry of these resources.
- Once cleared through Customs, the NRCC-RSS coordinates pickup and distribution of the resources as it would any other item obtained through the FEMA supply chain.

[Appendix B](#) provides examples of “Pull” resources that FEMA may potentially request, and “Push” resources that, if offered, could be accepted in small quantities. The appendix also includes categories of “No-Go Resources” that, if offered, will not be accepted due to regulatory restrictions or the degree of difficulty involved in bringing them into the country.

**While a more detailed listing of “No-Go” items will be maintained in the IRCG Operations Manual, general categories include food and water, medical supplies and equipment, personnel (foreign first responders), and miscellaneous equipment and supplies.**

### ***Agency Authorities***

If a major disaster is declared under the Stafford Act, FEMA is the lead coordinating agency for the disaster. Section 701(b) of the Stafford Act provides broad authority to the President to accept gifts, both foreign and domestic. This authority has been delegated to the Administrator of FEMA. The only stipulation on this authority is that accepted gifts must be used in furtherance of the purposes of the Stafford Act. This includes a variety of assistance to state and local governments for disaster preparedness, response, recovery, and mitigation, and to disaster survivors through state and local governments or to other entities that FEMA determines to be legally appropriate. Such assistance typically will be provided by FEMA and Federal agencies that receive MAs to carry out Stafford activities or through state and local governments. Gifts accepted under the Stafford Act may not be used for activities or costs that duplicate benefits available from other sources (such as insurance), that are within the more specific authority of other Federal agencies, or that benefit for-profit/commercial entities. FEMA cannot delegate its authority to accept gifts under the Stafford Act outside the agency.

Emergency Support Function (ESF) Coordinators located at the NRCC are responsible for determining the operational needs for their support areas and how best to meet them. As support to the IRCG, they can best communicate specific operational requirements.

Several Federal agencies have independent authorities to declare disasters or emergencies and would be in charge of a non-Stafford Act incident response, e.g. HHS for public health related emergencies. Although the IAS mechanism is available to any such lead agency, only FEMA has the authority to mission assign another Federal agency. Thus, other agencies may use IAS procedures through the development of memoranda of understanding and/or interagency agreements with DOS and USAID that specify those agencies' roles and responsibilities. The MA language in [Appendix C](#) can be used to develop such memoranda or agreements. These agencies would use their own authorities to accept offers of international assistance.

### ***IAS Agency Participation***

FEMA, and DOS will jointly manage IAS operations to facilitate the review and flow of international assistance. Each agency may deploy liaison officers to the other agencies' operations centers to facilitate interagency communications.

When the IAS is utilized for Level 2 or Level 1 activities, the agencies will combine to form the International Resources Coordination Group (IRCG) which will operate out of FEMA HQ, and

collaborate closely with the NRCC.

Under the National Response Framework (NRF), Emergency Support Function (ESF) Lead Agencies may utilize the IAS in fulfilling specific requirements. U.S. Customs and Border Protection (CBP), Health and Human Services (HHS), and other regulatory agencies may provide assistance in facilitating the flow of international assistance into the U.S., as needed.

The Department of Defense (DOD) may be requested to provide a military installation to be used as an International Response Staging Area (IRSA) for donated resources.

## **SYSTEM PERFORMANCE**

### ***Operations***

Similar to activation of FEMA's NRCC and the ESFs, the IAS will not be automatically engaged upon report of a disaster but rather, depending on the situation, may be implemented utilizing a graduated process, as follows:

#### **Level 3 - Watch/Steady State:**

Both FEMA's National Watch Center (NWC) and the DOS Operations Center's Crisis Management Support office (CMS) monitor possible international interest in a U.S. domestic disaster. All inquiries from abroad are routed to CMS for evaluation.

Following news of a major disaster in the U.S., the U.S. government may receive spontaneous offers of assistance from foreign countries or international/multilateral organizations. In such cases, DOS will designate CMS as the sole entity within DOS responsible for vetting formal offers of international assistance, and request that all offers be forwarded to DOS for resolution. If FEMA or another Federal Agency directly receives an offer of international assistance, they should contact CMS to relay the details of the offer.

Steady State activities may include:

1. Routing any international offers of assistance to CMS, which will track them utilizing the International Assistance Tracker (IAT),
2. DOS guidance to foreign governments encouraging cash donations to private relief



agencies in lieu of direct foreign donations or assistance to the U.S. government,

3. Routine declination of non-cash offers of materiel or personnel, and
4. Communication between the DOS/CMS and FEMA/IAD about offers of assistance or other international issues resulting from the event.

CMS will take immediate action to minimize the number of unsolicited foreign offers of assistance. To this end, DOS will follow standing guidance under which DOS, through its diplomatic missions, will notify foreign counterparts and international organizations that the U.S. government does not require formal assistance. DOS will further recommend that countries and international organizations wishing to provide assistance do so by means of a cash donation to a private relief agency operating in the affected region. If countries still want to offer assistance, DOS will individually thank each offering country and decline the offer.

At the same time, CMS will inform FEMA that DOS has received and is tracking offers. DOS will enter this information into the International Assistance Tracker (IAT). DOS will keep FEMA/IAD apprised of any offers it receives.

DOS has developed, and manages the International Assistance Tracker (IAT), a database used by DOS, and FEMA to track, enter and manage offers of international assistance and requests for international resources during a domestic disaster. CMS will activate the IAT upon initial receipt of or request for any offer of international assistance. The IAT is designed to ensure DOS and FEMA jointly evaluate all offers of or requests for assistance and ensure an efficient and coordinated U.S. Government response.

### **Level 2 –Operations Level 2:**

Following a Stafford Act Declaration, if FEMA agrees to accept an international offer of assistance in support of U.S. government diplomatic interests or when FEMA requests specific items of assistance unavailable through domestic sources, FEMA may elevate the IAS to Level 2 and convene the IRCG to ensure that the accepted resource is transported and cleared appropriately into the United States. If other federal agency support is required, FEMA may issue MAs to those agencies. CMS is the responsible State entity for managing DOS response to the event, and may establish internal working groups or other bodies to support that response.

Following a Stafford Act Declaration, FEMA may need to seek resources that cannot be secured in the required time or quantity from domestic U.S. sources. DOS will seek to fill a request for a specific operational need from potential foreign entities, through purchase or

donation, consistent with the IAS. Because of compelling foreign policy interests, DOS and FEMA may determine to accept foreign offers of assistance. DOS and FEMA will coordinate and proceed consistent with the generally applicable concepts and procedures of the IAS. In the event that FEMA accepts a particular offer resulting from either operational need or diplomatic interest, it will negotiate details of the offer and DOS will communicate acceptance to the specific offering foreign government or international organization.

#### The International Resources Coordination Group (IRCG)

Because of the complexities involved in accepting and receiving international disaster assistance, an inter-agency group will be convened to coordinate and manage international offers. The IRCG will be located at FEMA HQ, and will be coordinated by FEMA's International Affairs Division (IAD). The IRCG will be composed of, at a minimum, representatives from FEMA's IAD, FEMA NRCC-RSS, FEMA Office of Chief Counsel (OCC), DHS/CBP, and DOS. Because international offers may vary from single to multiple countries, and reflect a wide variety of response and/or recovery items, the IRCG is a flexible coordination group that can quickly be expanded to include other US Government agencies as required to ensure proper handling of specific items of assistance. Agencies may utilize their representatives deployed to the NRCC following an NRCC activation, or may designate additional staff to work in the IRCG. Because of the variety of activities managed by the IRCG involving different lead agencies, for purposes of clarity in this CONOPS, a specific function within the IRCG will be designated as "IRCG activity," e.g. IRCG/LOG (Logistics support) or IRCG/SAR (Search and Rescue).

### **Level 1 –Operations Level 1**

Following a Stafford Act Declaration, if numerous offers of assistance are accepted or "Pull" requests are anticipated, FEMA will elevate the IAS to Level 1. Level 1 will require robust IRCG activity and coordination, and will likely require additional support from other federal agencies. The IRCG will operate from FEMA HQ in close coordination with the NRCC. CMS will manage DOS support to the U.S. government's response, including the International Assistance Tracker (IAT).

If numerous offers of assistance are received and/or accepted, and if a "Pull" request is generated by FEMA or a FEMA-authorized agency, FEMA will elevate the IAS to Level 1. Level 1 will require full staffing of the IRCG and may require additional support from other federal agencies. If other federal agencies are required, FEMA will issue MAs to these agencies to facilitate transportation, entry, warehousing, and distribution of international resources. Sample MA language is provided in [Appendix C](#). The IRCG will be convened by FEMA's International Affairs Division, and will operate out of FEMA HQ, as a supporting

element of the NRCC. The IRCG will be composed of representatives from at least the following agencies and components:

FEMA/IAD, FEMA/ORR, FEMA/OCC, DOS/OEM, DOS/CMS, USAID, and DHS/CBP. Depending on the commodities anticipated, the following agencies may also be asked to participate in the IRCG: HHS, USDA, FDA, DHS/ICE. FEMA will mission assign participating agencies, as required. The FEMA/IAD NRCC desk and the DOS NRCC desk will be integral participants in the IRCG.

As described in the Steady State procedures (Level 3), CMS will guide DOS to take immediate action to minimize the number of unsolicited foreign offers of assistance, and will routinely decline non-cash offers of materiel or personnel. However, if international interest in the incident, or the volume or importance of international offers of assistance reaches a level at which DOS believes some offers need to be accepted to meet foreign policy interests, DOS will recommend that FEMA accept some minimal level of assistance to meet foreign policy interests.

When DOS, in coordination with FEMA, has made a decision to accept offers of international assistance for diplomatic purposes, FEMA will elevate the IAS and, through MAs, constitute the IRCG with DOS to review, accept and/or decline, all offers of international assistance. If DOS has not already been activated under the NRF, FEMA's National Watch Center (NWC) will issue an operations order and notify DOS representatives listed on the roster that they are being activated in support of the IRCG. DOS will report to the National Response Center Staff (NRCS) Chief in the NRCC. FEMA/IAD will also be activated to coordinate with all involved agencies to facilitate IRCG operations.

If DOS establishes a coordinated internal group to manage the DOS response to an incident, it will distribute a front-channel cable to all diplomatic posts and federal agencies indicating such a group has been established as the sole entity within DOS responsible for vetting formal offers of international assistance, and request that all offers are forwarded to that group for resolution.

### ***Coordination and Communication Activities***

CMS will maintain the IAT to track all offers of international assistance and requests for international resources. The IAT allows CMS and the IRCG to produce specific reports when needed. The IRCG will provide these reports to the NRCC and share information during daily operations briefings.

IRCG/LOG will issue daily Incoming Transportation Reports on the status of shipments carrying donated resources to the United States and will issue daily stockpile reports that display the current IRSA inventory. On request, IRCG/LOG can also provide reports on received shipments

and shipments from the IRSA to consignees. IRCG/LOG staff will provide records of resource receipt, storage, and distribution to regulatory agencies as requested.

CMS will lead DOS efforts to input information to the IAT, but as offers of assistance can come to any branch of the U.S. government, it is important that all offers of assistance be shared with CMS so the IAT can be the single international assistance tracker in a domestic disaster. CMS can use the IAT to produce specific reports when needed to inform the interagency and the

NSC. CMS will provide these reports to the NRCC-RSS and NRCC-Planning Section Supervisor for use in daily operations briefings. Reporting timeframes and frequency will be determined by the NRCC Supervisor. The list of international offers will be included as an addendum in Situation Reports, as appropriate.

Departments/agencies will be expected to report information on distribution and final disposition of international donations to the National Operations Center (NOC) through the NRCC for inclusion in national level incident Situation Reports and Executive Summaries. These reports are distributed to other Federal departments and agencies. The IRCG will ensure that a final summary report on IAS utilization is prepared and provided as part of final operations.

Other reports and communication procedures will be developed on an as-need basis.

## **Meeting Field Requirements (“Pull”)**

### ***Overview***

FEMA has a variety of methods for fulfilling resource requirements. FEMA may fill the request through FEMA stock or purchase, or FEMA may utilize a FEMA MA to another federal agency to fill the request. If FEMA or a FEMA MA agency cannot find a domestic source that will fill the request in the required timeframe or quantity, FEMA may utilize the IAS. FEMA will mission assign DOS to assist in identifying international sources and, when needed, help expedite the entry of requested resources into the U.S.

If the requesting agency knows of a standing offer of assistance from a foreign government or international agency that will satisfy their requirement, it must also provide information regarding the offer and the desired resource(s) contained in the offer. The requesting agency must receive signature approval from FEMA’s Associate Administrator for Response and Recovery and provide this documentation to the IRCG before it can proceed with filling the request. DOS will be tasked with identifying sources for the requested assistance.

If the request is for personnel, the requesting agency is responsible for determining whether personnel must be licensed or certified to perform the requested tasks, and for ensuring that such requirements are met, or have been waived or altered, before FEMA will consider the request. Requesting agencies must determine if there is any applicable workers’ compensation or tort liability coverage available. They are also responsible for addressing cultural needs of foreign specialists, if needed, and informing foreign specialists if there are specific cultural considerations in working with the affected population.

### **Purchasing Requested Resources**

A guiding principle of “Pull” requests is that the U.S. government will endeavor to purchase required resources whenever possible, rather than seek donations from foreign governments. There are two reasons for this approach:

1. A U.S. government criterion for providing disaster assistance to foreign governments is that the disaster must have overwhelmed the capacity of that government to respond. Since the U.S. government should apply this same principle to its own requests for international assistance, and because it is anticipated that “Pull” requests will emanate from the lack of

domestic resources in the time or quantity necessary, not the inability to pay for them, procurement should be the default approach.

2. Procurement, rather than accepting donations, gives the requesting agency greater control over the technical specifications and delivery time of the requested resource.

### **Soliciting a Donation of Requested Resources**

The U.S. government will seek donations of requested resources only when one or more of the following conditions exist:

1. There is reason to believe that a foreign donation will result in faster deployment of the requested resources than procurement.
2. The type of resource requested is more readily provided through a donation from a foreign government.
3. The requesting agency wishes to accept a standing formal offer of international assistance to carry out its MA.

Because FEMA is the only agency authorized to accept international assistance through the IAS, and all donated resources will become FEMA's legal property, the FEMA NRCC-RSS Chief must approve any decision to seek and accept a foreign donation of the requested resources.

### **The IAS and Bilateral/Mutual Aid Agreements**

The system described herein does not replace established agreements between U.S. government agencies and foreign counterpart agencies to provide disaster assistance.

Federal agencies working under a FEMA MA and bringing in international resources through an existing bilateral agreement must use the IAS to accept the resource. It will be considered a donation under the Stafford Act and thus, FEMA gift acceptance authority applies.

In situations where the assistance is not used for a FEMA MA-- for example, it is used for backfill or utilized under another agency's authority-- then, in these situations, federal agencies are asked to inform the IRCG of the providing country and the nature of the assistance, as this will inform deliberations regarding the acceptance of other forms of international assistance from that country.

### **Import of Goods**

CBP has the authority to admit into the U.S., without entry or without payment of any import duty or tax, merchandise determined by CBP to qualify as rescue and relief equipment and supplies for emergent temporary use in connection with floods and other disasters, provided certain conditions are met. (See 19 U.S.C. 1322(b)(3) and 19 C.F.R. 10.107.) Under CBP regulations, a report describing the character, quantity, destination, and use to be made of the article shall be filed within 10 days of importation.

### **“Pull” Requests for Foreign Personnel**

“Pull” requests for foreign personnel present numerous additional issues that must be addressed prior to acceptance. Because of these complications, foreign personnel should only be requested as a last resort.

Activities performed by foreign personnel must be limited to those carried out under FEMA's authority to provide direct Federal assistance to states as described in 44 CFR Part 206. Most activities carried out by a FEMA MA agency will fall under this authority.

Foreign personnel may not be deployed until FEMA confirms that the State has agreed to indemnify the U.S. government for any claims resulting from the provision of direct Federal assistance in accordance with FEMA regulations. In addition, the requesting agency must ensure that the following issues have been addressed and resolved:

- i. Workers' Compensation
- ii. Liability
- iii. Credentials, Licensing and Certifications

(See [Appendix J](#) for additional information)

## **Requests for Food**

A number of regulatory agencies have oversight over food products. Because of import requirements and regulations for bringing food into the U.S., it is highly unlikely the U.S. government will accept an offer of food. But there may be instances when food items, such as MREs, are needed.

In order to expedite and facilitate entry of products regulated by the Department of Health and Human Services/Food and Drug Administration (HHS/FDA), U.S. Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS), and USDA Food Safety and Inspection Service (USDA/FSIS), consultation is required at the earliest point in the importation process. HHS/FDA, USDA/APHIS, and USDA/FSIS subject matter experts can quickly determine the eligibility of regulated products for importation if the information about the products, manufacturers and exporting country are provided prior to any request or acceptance of offers. For more information, see [Appendix C](#) and [Appendix D](#).



## **Managing Offers of Assistance (“Push”)**

### ***Overview***

When a major disaster impacts the U.S., foreign governments and international organizations may proactively offer assistance to help in the response and recovery.

Following the onset of a major disaster, CMS will send a cable to all U.S. diplomatic and consular posts abroad recommending that foreign nations that want to assist make financial contributions to Non-Governmental Organizations (NGOs) working in the affected area. If international interest in the incident reaches a level at which DOS believes some offers need to be accepted to meet foreign policy interests of the U.S., DOS may recommend that FEMA accept some minimal level of assistance that can be easily incorporated into the response and relief efforts.

Upon this determination, FEMA/IAD will work with DOS and FEMA/ORR in finalizing scope and nature of donation.

FEMA will make the final decision on items to be accepted. It will mission assign USAID to support the arrival of such offers to a Port of Entry in the U.S., at which point FEMA will take ownership of and responsibility for the onward movement and disposition.

In some cases, foreign governments and international organizations may offer assistance directly to a U.S. government entity working on the response rather than to the DOS. For example, DOD may receive offers of assistance for the disaster response from foreign militaries. All such offers must be referred to CMS for resolution through the IAS. All agencies coordinating for the receipt of support are responsible for keeping track of all personnel, material, and costs of the accepted assistance.

Goods received through the “Push” process are subject to the same CBP rules concerning “Return of Goods” under the “Pull” procedures section.

## **Procuring an International Resources Staging Area**

### ***Overview***

When the IAS has been elevated to Level 1 to manage multiple offers of international assistance, one of the first priorities for the IRCG is the establishment of the International Resources Staging Area (IRSA) for all foreign donated resources. Establishing a single point for the reception, warehousing, and onward shipping of international donations is essential to facilitate:

- CBP and regulatory agency inspection of entering commodities
- Inventory of incoming and outgoing commodities
- Processing of personnel
- Coordinated onward shipping of donations to consignees

All incoming assistance provided by a foreign government should be routed to the IRSA unless exigent circumstances require otherwise. It is not anticipated that commercially procured resources entering the country through “Pull” requests will need to be processed through an IRSA, as those resources most likely will be shipped directly to the requesting agency, and the vendor is responsible for clearing them for entry into the country. On rare occasions, commercially procured items may be processed through the IRSA if assistance is needed to facilitate customs and regulatory agency authorization for entry.

### ***Determining Location of the International Resources Staging Area***

The IRSA should be located at a facility with an airfield and storage space that is relatively close to the center of operations for the incident, but not so close as to interfere with the ongoing response or be affected by potential hazards associated with the incident. The runway must be long enough to accommodate large international aircraft. On rare occasions it may be necessary to establish two or more IRSAs. This should be avoided whenever possible due to the complexity of staffing and tracking resources entering multiple facilities. Additionally, the road network between the air facilities to the impacted area must be considered in order to determine the means to transport personnel and/or materiel to the impacted area.

## **Military Installation vs. Commercial Airport**

The IRSA can be located either at a military installation or at a commercial facility. Advantages of locating the IRSA at a military base include little or no competition with commercial air traffic, generally better access to facilities, and more flexibility to operate. Since military bases often have material handling equipment and personnel available, operations can be established fairly quickly. One potential disadvantage of a military base is that it could already be engaged in the mission and therefore might not be able to offer the necessary support. Another disadvantage is typically higher costs for the use of a military installation instead of a commercial facility.

Companies such as FedEx, UPS, and DHL have logistical hubs at commercial airports throughout the U.S. with the necessary infrastructure in place to receive large amounts of cargo aircraft within a short time frame. These firms normally have large truck fleets that could be used for distribution and, like a military base, operations could start up fairly quickly. During disasters the volume of air traffic to the disaster-affected area swells, so a major disadvantage of using a commercial airport is the likely competition for landing slots and less flexibility than typically available at a military installation.

## **Facility Selection Considerations**

When selecting a facility, it is important to know the types of resources available (e.g., runway length, ground-handling equipment, personnel, and helicopters). At a minimum, the IRSA should have a large area for receiving and storing donations and a facility that can be used for office operations, including electrical, phone, and computer hookups, as well as tables or a work station area that can be used to review incoming commodities.

When possible, it is important to have an idea of the expected “Pull” and “Push” commodities that will be received at the IRSA, as this will determine storage facility requirements. For example, some commodities can be stored in the open (e.g., well-packaged tarps), while others have rigid storage requirements (e.g., pharmaceuticals). If FEMA requests assistance from international Urban Search and Rescue (US&R) Teams, the IRSA can also be used as a reception center for incoming teams (see [Appendix K](#) for reception center requirements).

Proper storage of foods, pharmaceuticals, medical devices, and other regulated commodities may require humidity and temperature controls such as refrigeration and freezing, and protection from contamination by vermin. As such, the selection of a proper storage facility is extremely important to ensure that goods donated for disaster relief do not pose additional risk/harm to the disaster survivors. Specific requirements and additional details on storage of international assistance items at the IRSA can be found in the IRCG Procedures Manual in the NRCC.

## **Contracting for Freight Forwarding to Consignees**

When the IRSA has been established, the Federal agency tasked by MA to operate the IRSA will notify the FEMA NRCC-RSS Chief when the staging area is ready to accept shipments. The NRCC-RSS-Transportation Movement Coordination Group (TMCG) will coordinate transportation of the resources to the receiving site. Once received, the NRCC-RSS-TCMG will notify the NRCC-IRCG of the receipt of the items to facilitate reporting to the donating country.

## **Transport of Accepted Resources to the International Resources Staging Area**

### *Overview*

Once FEMA has accepted a foreign offer of assistance, the IRCG is responsible for coordinating the movement and receipt of the donated resources with the donor nation/organization, CMS, CBP, regulatory agencies, and the NRCC-RSS Chief. Once the IRCG has received a copy of the acceptance cable from CMS, as well as a point of contact from the donor nation/organization, it will work directly with the donor nation/organization to coordinate the shipment of donated resources to the port of entry or the IRSA. The donor nation/organization is responsible for all transportation and other costs of shipping donated items to the port of entry or the IRSA.

The steps in this process are:

- Obtain transportation and cargo information from donor country.
- Provide transportation and cargo information to CBP, regulatory agencies, and DOD (if IRSA at military facility) to arrange inspections and clearances.
- For donations arriving via air, issue a control number to the donor nation/organization, which is required to obtain diplomatic flight clearance. Schedule flight landing time at IRSA and notify CBP, regulatory agencies, and DOD (if the IRSA is located at military facility).
- For donations arriving overland, inform CBP and NRCC-IRCG of point of entry to the U.S. and estimated time of arrival.
- Inspect and inventory all resources upon arrival at IRSA. Notify NRCC-RSS Chief when resources are cleared for pickup and distribution. FEMA will provide an Accountable

Property Officer (APO) at the port of entry to facilitate inventory and acceptance of the items.

If it is determined that an incoming aircraft or truck contains cargo that has not been accepted by FEMA and approved by the IRCG, IRSA staff will not allow the cargo to be offloaded; they will notify the IRCG of the discrepancy, and await guidance. The IRCG will determine whether the cargo should be accepted. FEMA is under no obligation to accept the cargo, but may choose to do so. If FEMA decides to accept the cargo, the IRCG will notify the IRSA that the cargo can be offloaded. If FEMA decides not to accept the cargo, the IRCG will advise the donor that the unapproved cargo will not be offloaded and will also direct the IRSA to notify the carrier to return the unaccepted resources to the point of origin. CMS will be kept abreast of these discussions to allow the opportunity to comment on foreign policy implications.

Once offloaded, IRSA staff will coordinate CBP and regulatory agency inspection, if needed, to obtain authorization for entry into the country.

The IRSA will maintain an inventory of all incoming, stored, and outgoing resources, and will provide daily stockpile reports to the IRCG for appropriate distribution. Receipt and distribution records must be detailed enough to be able to track resources from donor nation/organization to final consignee.

## **Authorization and Dispatch of Donated Resources**

### *Overview*

Unlike commercially-produced resources, donated resources entering the U.S. under the IAS must be approved by FEMA prior to entry. FEMA may utilize the donations for its own operations or authorize consignment of the donated resources to other entities to be used for their response operations. Authorized consignees generally include:

- Agencies with a reimbursable MA from FEMA
- State, Local, and Tribal Governments
- Approved Non-Profit Organizations that support disasters such as The American National Red Cross, The Salvation Army, Southern Baptist Convention Disaster Relief, etc.

Once FEMA has approved the consignment of donated resources to an authorized entity, the IRCG/LOG will arrange for shipment from the IRSA to the consignee, using the process described below.

### ***Identification of Consignees***

For “Pull” resources, the consignee was identified at the time the request was made, based on an NRCC-RSS-validated Action Request Form. FEMA’s approval of the “Pull” request constitutes authorization to consign resources to FEMA or a FEMA MA agency.

For “Push” resources, if a consignee has not been pre-identified, a consignee must be secured. The agent tasked to operate the IRSA will provide the NRCC-RSS a list of resources that are available for distribution. FEMA will coordinate with supporting state, local, and tribal government entities to determine distribution of the items.

FEMA NRCC-RSS may identify a consignee and request the dispatch of accepted resources from the IRSA to that consignee.

### **Note on Voluntary Organizations**

“Push” resources are likely to include personal or consumable commodities that address the needs of individual disaster survivors. Therefore state, local, and tribal governments or certain voluntary, non-governmental organizations may be effective means to distribute the commodities if direct distribution by FEMA or MA agencies is not anticipated.

In the aftermath of a large disaster, many states establish multi-agency warehouses that provide relief supplies to state agencies, voluntary organizations, and local and tribal governments. FEMA may grant commodities to state, local, or tribal governments who, in turn, could issue commodities to voluntary organizations working in the affected area for distribution to disaster survivors.

Additionally, FEMA does have limited authority to grant property to voluntary organizations where FEMA has a Memorandum of Understanding (MOU) or Agreement (MOA) or other written agreement with a non-governmental organization, such as the American Red Cross or the National Voluntary Organizations Active in Disasters (NVOAD). That MOU or MOA provides for the organization to temporarily take custody of the FEMA property for the purpose of assisting in the distribution of such commodities on FEMA’s behalf to individuals affected by the disaster. FEMA may authorize consignment of certain commodities to the organization for

distribution consistent with any purpose and timing parameters FEMA identifies in the request or the agreement.

### **Authorization and Dispatch Process for Un-consigned Resources**

It is expected that most, if not all, “Push” resources will enter the U.S. (via the IRSA) without prior identification of a consignee. Such resources will be stored at the IRSA until a consignee is identified by NRCC-RSS. Once a consignee has been identified, FEMA NRCC-RSS-TCMG will initiate the movement of the resources to the desired organization and location.

In the event that donated resources enter the U.S. without having been accepted by FEMA (e.g., unapproved commodities that arrive on flights containing approved resources), the IRCG, after consultation among the IAS agencies, may refuse entry and require the carrier to return the resources to the point of origin. Alternatively, FEMA may accept the resources. In such cases, FEMA may exercise any of the options listed in [Disposition of Unutilized Donations](#).

### **Transportation of Resources from the IRSA to Consignees**

Resources will be transported from the IRSA to FEMA-authorized consignees using FEMA-funded commercial carriers or using internal fleet vehicles.

Because ESF 1 (Transportation) is the primary source of information on the state of the transportation system, NRCC-RSS-TCMG will coordinate with the Department of Transportation (DOT) to ensure that the federal highway transportation system is open and operational.

### **Disposition of Unutilized Donations**

FEMA accepts gifts only on the condition that the donor nation/organization agrees that donations may be used for future domestic disaster response efforts if they cannot be fully utilized for the current disaster response. Although every effort will be made to minimize the acceptance of offers for foreign policy interests and to expedite the delivery and consignment of accepted resources, there may be times when these resources cannot readily be absorbed into the relief and recovery efforts of the disaster for which they were donated. In such cases, FEMA has the following options for disposition of commodities:

1. Stockpile the commodity for future domestic disaster response
2. Use GSA disposal process to deem as excess or surplus the commodity, consistent with donor intent and to the extent permitted under GSA regulations.
3. Destroy the commodity, consistent with U.S. government environmental regulations. This option will only be exercised for commodities subject to spoilage or similar expiration (e.g., food products). Commodities subject to expiration are not expected to be unutilized, for the following reasons:
  - “Push” resources, if limited to the “Push” List, will not have expirations.
  - “Pull” resources should be used immediately by the agency requesting them. Resources with expirations which are accepted and go unutilized will be destroyed, if an alternate use cannot be identified within the timeframe of their useful life.

If this option is exercised for donated resources, CMS will need to advise the donating country. FEMA Logistics (Logistics Management Directorate, Distribution Management Division, Supply Chain Integration Branch) will coordinate with the IRCG to provide information on why the resource could not be used within the timeframe of its useful life, to provide necessary information for the CMS to communicate to the donor country.

IAS mechanisms for the receipt and disposition of commodities are not available to agencies that accept international assistance using their own authorities outside the IAS. The accepting agency will be responsible for the ultimate disposition of such resources and all associated costs.



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## **Appendix A: Agency Roles and Responsibilities**

The ability of the U.S. government to effectively manage the global response to a major domestic disaster, including either requesting or accepting international assistance, requires the close collaboration of multiple agencies and organizations. When the President makes a Stafford Act declaration, FEMA becomes the U.S. government coordinating agency, and the International Assistance System (IAS) is the mechanism it uses to manage these international issues. Specific roles and responsibilities for IAS participant agencies in the various phases of IAS operations (Steady State, Level 2 and Level 1) are listed below.

**NOTE: Several Federal agencies have independent authorities to declare disasters or emergencies and could be lead agency in charge of a non-Stafford Act incident response. These agencies may use the procedures outlined in the IAS CONOPS, through the development of memoranda of understanding (MOU) and/or interagency agreements (IAA) with DOS, USAID, and other government agencies to support successful response to a major event.**

### ***DHS/FEMA***

Per the Homeland Security Act of 2002 and Homeland Security Presidential Directive 5, the Secretary of Homeland Security is responsible for overall domestic incident management. FEMA is responsible for activating the IAS when it requires assistance in managing the international response to an incident. To help manage the system, FEMA may mission assign other U.S. government agencies.

For the purposes of this document, FEMA is the sole agency with statutory authority to accept international donations for domestic disaster response under the IAS. All donations will be accepted through FEMA's gift acceptance authority under the Stafford Act. FEMA must approve any "Pull" request before it can be met through a foreign donation, as the donated resources will become FEMA property. FEMA's Associate Administrator for Response and Recovery must approve any international acquisition request ("Pull") as well as all international assistance acceptance ("Push").

FEMA/ORR will coordinate the distribution of donated resources to authorized consignees, including FEMA MA agencies, state, local, and tribal governments, or authorized voluntary disaster relief organization, for purposes consistent with the Stafford Act. This will be done in conjunction with appropriate ESF elements in the NRCC. If some of the foreign donations

accepted by FEMA cannot be used for the current disaster response operations, FEMA is responsible for their disposition and can: stockpile the resources for use in a future domestic disaster; excess or surplus the commodities, consistent with U.S. government regulations; or destroy the commodities that have passed their expiration date (see the [Disposition of Unutilized Donations](#) section for more information).

Under this system, FEMA is the sole Federal agency responsible for accepting or declining all offers of international assistance following a Stafford Act Declaration. FEMA/IAD will coordinate the formal activation of the IAS, as well as ensure that MAs are issued as necessary. FEMA/IAD will coordinate the reporting of reception and disposition of international assistance as required. When foreign policy interests require the acceptance of some form of assistance, FEMA will elevate the operational level of the IAS to Level 2 or 1, and may issue MAs to USAID, DOS, DOD, or others to support the system activation. FEMA will work with the donor nation or organization, in coordination with CMS, to identify items that can be accepted.

When required, FEMA, through its International Affairs Division, will convene the International Resources Coordination Group (IRCG) which brings together relevant interagency partners to manage the activities of the IAS. The IRCG will ensure that all offers of international assistance (“Push”), as well as any authorized acquisitions (“Pull”), are handled expeditiously and appropriately. The IRCG will contain at a minimum a representative from FEMA/IAD, FEMA/ORR, DOS, and CBP. Other agencies may be brought in as circumstances dictate. The IRCG will operate as a supporting element of the NRCC and will operate out of FEMA HQ.

## *DOS*

DOS acts as the formal diplomatic mechanism for all U.S. government communications with other nations regarding a domestic incident. Upon report of a major domestic disaster, DOS will designate CMS as the sole entity within DOS responsible for vetting formal offers of international assistance, and request that all offers be forwarded to DOS for resolution. The Crisis Management Support office (CMS) in DOS’ Operations Center may establish internal working groups or other bodies to support that response. If such a group is not established, CMS remains the primary DOS contact for the IAS.

CMS is the intermediary for foreign offers of assistance to the U.S. government and works with FEMA to respond appropriately to such requests.

CMS will issue a cable through its global mission network, informing other countries 1) what has happened in the U.S.; 2) how the U.S. government is responding to the event; and 3) that the most effective way that foreign countries can support the survivors of a major disaster in the U.S. is through a cash donation to a voluntary disaster relief organization. The cable will

provide information on identifying such organizations and how to contact them.

CMS is the central point for all offers of assistance from foreign governments and international organizations. Utilizing the International Assistance Tracker (IAT), it documents all such offers and advises FEMA of foreign policy considerations that may affect FEMA's acceptance of particular offers of assistance. FEMA/IAD will constitute an IRCG to support DOS in its role as focal point for communications with foreign governments when:

- such offers are numerous, or complex,
- a "Pull" has been initiated by FEMA or a FEMA MA agency.

CMS facilitates communication with foreign governments that can assist and/or support response and recovery efforts. CMS communicates "Pull" requests for international assistance based on needs conveyed by FEMA and FEMA MA Agencies. CMS works with U.S. government embassies and consular offices to find government and/or commercial sources for "Pull" requests and provides this information to the IRCG.

CMS ensures that the donor country understands all conditions of U.S. government acceptance, including that items need to meet U.S. government regulatory requirements for entry and use in the United States; that they may be used in future domestic disaster events, or disposed of, if not fully utilized for the ongoing event; and that the donation cannot require the U.S. government to pay additional costs for transportation or other requirements incurred prior to receipt at the IRSA..

The Office of International Security Operations in the State Department's Bureau of Political-Military Affairs (PM/ISO) provides diplomatic clearance for foreign government aircraft and foreign government naval vessels transporting FEMA-accepted donations, in consultation with USAID and, when required, with DOD, CBP, USCG, HHS, DOT, and others.

To ensure smooth coordination and communication between CMS and the rest of the National Response structure, DOS may, as required, appoint liaison staff to other incident response elements including the NRCC, Joint Field Offices, IRSA, and elsewhere. To bolster communication and coordination, DOS may, as required, invite liaison officers from FEMA, or other agencies to work from the DOS Operations Center.

When CMS receives a "Pull" request from FEMA, the IRCG will conduct discussions to determine whether to seek commercial sources for the requested item; seek a foreign donation; or, if there is a standing offer that matches the request, to accept the offer. The default preference is commercial procurement, with the exceptions previously noted. CMS also considers the preferred breadth of the search (e.g., seeking sources from one or two nations instead of conducting a broader search). CMS shares this information with the IRCG to make a final

determination on how to source the request. CMS provides U.S. government embassies in the agreed-upon countries with the list of required information and requests that each Embassy identify potential sources of the requested resource, specifying that this action does not constitute acceptance or agreement by the U.S. government for the resource. CMS shares Embassy responses with the IRCG. For personnel requests, CMS will relay information to foreign governments on any limits for workers' compensation and tort liability coverage.

### ***USAID***

FEMA may issue a MA to USAID to provide logistical support and facilitate the entry of requested "Pull" resource into the United States. When USAID is issued an MA, it will provide personnel to staff the IRCG.

For "Pull" requests, USAID will work with DOS and regulatory agencies to identify potential sources to fulfill an operational need. For all incoming resources, USAID will coordinate international flights and ground transportation and, once on the ground, will request regulatory agency inspection and entry authorization of international resources. USAID will issue daily reports on in-transit resources.

USAID logistical support may also include the set-up and management of the Reception and Departure Center (RDC) for incoming Search and Rescue (SAR) teams.

### ***DHS/CBP***

CBP provides personnel to staff the IRCG within twelve hours of notification. CBP also dispatches personnel to staff the IRSA as needed. CBP provides technical advice and support to the IRCG for the "Push" and "Pull" processes, and coordinates with applicable regulatory agencies to facilitate the entry of accepted foreign donations into the United States. The CBP liaison at the IRCG provides advance notice to CBP field offices of overland shipments of accepted donations and the arrival of foreign disaster response personnel requested by FEMA or a FEMA MA agency.

### **U.S. Government Regulatory Agencies**

U.S. government regulatory agencies play an important role in the operations of the IAS, including the sourcing of authorized "Pull" requests. They may identify countries with prohibitions on the export of the requested resource to the United States, as well as countries that may be preferred sources of the resource through the IRCG. They provide guidance on products that can be considered for expedited entry into the country. Once the IRCG collects feedback

from U.S. government embassies on potential foreign commercial sources of “Pull” resources, regulatory agency personnel review the information and assess the suitability of utilizing the potential vendors. If required, they may issue waivers or guidance to authorize entry of the requested resources into the United States.

## ***DOD***

DOD can be an important partner in the operations of the IAS, including providing facilities for the IRSA or a possible Reception and Departure Center (RDC). As with all U.S. government agencies, DOD entities refer all foreign offers of assistance they receive for disaster-related activities to CMS.

DOD will use the IAS for any international donation associated with carrying out activities within the scope of the reimbursable FEMA MA. If DOD accepts international assistance in support of domestic operations that are outside the scope of a FEMA MA, or not in direct support of the domestic disaster response in question, (and therefore are outside the IAS,) it will inform CMS and IRCG of any such assistance for informational purposes.

When foreign military assistance is contemplated in support of domestic disaster response or if civilian departments/agencies request a resource through the IAS that results in an offer of foreign military personnel, FEMA, DOS, the U.S. Coast Guard (if applicable), and DOD must closely coordinate to ensure fundamental issues are considered, resolved, and acknowledged by the foreign military before the resource is accepted and received by the U.S. government. These issues include, but are not limited to, the status of the foreign military force, the command and control of that force, and the authority of the force to carry weapons and employ deadly force in self-defense.

DOD will send liaisons to the IRCG and DOS Operations Center as needed. If the decision is made to locate the IRSA for international assistance at a military installation, FEMA will request that DOD allow use of the facility as a logistical staging area and provide support and staffing, if needed.

## **Appendix B: Resource Guidance**

### ***Overview***

The following resource guidance is provided to facilitate the two types of resource flow: “Pull” and “Push.” For the purposes of this document, the term “resources” encompasses any supplies, equipment, services, or personnel that may be offered by a foreign nation or requested by FEMA or a FEMA MA agency in the aftermath of a domestic disaster. It does not refer to cash donations.

### **Pull, Push, and No-Go Lists**

“Pull” requests must be processed as quickly as possible to aid response operations. To expedite these requests, a “Pull” list of items that could potentially be requested has been developed, as well as information needed by oversight agencies to authorize entry of the requested item into the U.S.

When gift acceptances must be made for foreign policy interests, it is essential that accepted resources can enter the U.S. with minimal regulatory issues and can either be readily integrated into FEMA’s supply pipeline for response operations or easily stockpiled. Two resource lists have been developed to expedite the review of offers and inform negotiations with foreign governments when assistance must be accepted: the “Push” list and the “No-Go” list. The “Push” list contains items that involve minimal logistical constraints to their entry into the U.S. and absorption into domestic response operations, and that are culturally appropriate for the disaster-affected population. The “No-Go” list comprises items that, if offered, should not be accepted by DOS solely for foreign policy interests due to current restrictions and/or the difficulty of clearing the items for entry into the U.S.

The inclusion of a resource on the “No-Go” list precludes its inclusion on the “Push” list. However, some resources may be included on both the “Pull” and the “Push” lists or the “Pull” and “No-Go” lists:

- **“Pull” and “Push” lists:** Resources found on both of these lists can enter the U.S. with relative ease and are often needed in disaster response operations.
- **“Pull” and “No-Go” lists:** Resources that require extensive background information, inspections, and possibly waivers of authority or other types of authorizations in order to enter the U.S. should be accepted only as last resort to address an identified operational

need. Such resources comprise the “No-Go” list. Some of the resources on this list have also been identified by FEMA as possible request items; hence they are also included on the “Pull” list. The inclusion of a requested resource on the “No-Go” list will **not** preclude its solicitation or importation as operational response needs will be considered more critical than ease of entry, and IAS participant agencies will strive to fulfill these requests.

Therefore, CBP and regulatory agencies will determine whether requested or offered resources can enter the U.S. without the need to waive authorities, whether it is possible to obtain a waiver of authority or authorization for entry and use, and it will obtain those when needed. Authorities and entrance requirements are not spelled out for all resource lists, but are listed, when possible, for “Pull” list items to help expedite “Pull” requests.

### **List Distribution**

The lists have been developed to facilitate the review and acceptance/declination of offers and to expedite “Pull” requests. They are intended for sole use by the IAS participant agencies and are not designed to inform the public or international community about specific needs in a particular disaster response operation.

### ***No-Go List***

The “No-Go” list contains resources that cannot readily enter the U.S. without significant regulatory review, waivers, and/or changes. Diplomatically-driven gift acceptances will not include resources on the “No-Go” list; instead, countries from which assistance must be accepted will be asked to offer items from the “Push” list. This list will be periodically revised based on input from regulatory agencies.

**While a more detailed listing of “No-Go” items will be maintained in the IRCG Operations Manual, general categories include food and water, medical supplies and equipment, personnel (foreign first responders), and miscellaneous equipment and supplies.**

### ***Push List***

When gift acceptances must be made to serve foreign policy interests, it is essential to accept only those items that can readily enter the U.S. without the need for significant regulatory oversight or waivers and be easily absorbed into response operations. They must also be



culturally appropriate for use by the affected population.

The “Push” list is intended for use when reviewing offers of assistance from donor countries. If an offer does not contain items on the “Push” list, CMS will work with the IRCG to identify an item from the “Push” list that could be accepted and will then ask the offering country to provide the “Push” list item in lieu of its original offer. As commodities vary widely among countries, DOS must obtain the specifications of the item(s) from the donor country and provide this to the IRCG/LOG representative in the NRCC. The IRCG will then verify with FEMA NRCC-RSS and applicable regulatory agencies that the resource can easily enter the U.S. and be used to meet response needs.

Commodities may be added to the list after vetting by relevant regulatory agencies and FEMA. Due to issues of liability and licensure, personnel of any kind are not included on the “Push” list.

**While a more detailed listing of “Push” items will be maintained in the NRCC, in the IRCG Operations Manual, general categories include emergency supplies not subject to Antidumping or Countervailing Duties, hygiene kits, blankets, and tarps.**

### **Pull List**

The “Pull” list includes resources that FEMA foresees as possibly requesting from overseas during a disaster. Not all of the items will be requested for every disaster; in fact, it is anticipated that very few (if any) will actually ever be requested for any disaster. The “Pull” list is included for IAS preparatory purposes only so that relevant agencies may be ready to quickly procure items that may be requested by FEMA or a FEMA MA agency. Under no circumstances is this list to be shared outside the IAS agencies, nor is any U.S. government representative participating in the IAS authorized to request these resources to carry out Stafford Act purposes without specific instructions to do so by FEMA.

The “Pull” list contains items identified by FEMA that could possibly be incorporated into its operations, along with item specifications and regulatory agency oversight. The list also has information needed for gift acceptance and entry authorization, as the ability to waive authorities is highly dependent on the specifications and source of the “Pull” resource.

CBP oversees the entry of all resources into the country. The vast majority of laws and regulations that CBP enforces are on behalf of another government agency. CBP has the discretion to waive certain customs formalities under its 19 USC 1318 and 1322 authority (e.g., the requirement to pay duty fees and to file an electronic manifest prior to entry). However, CBP does not have waiver authority over issues regulated by other agencies (e.g., allowing entry of pharmaceuticals regulated by the HHS/FDA or allowing the entry of animal products or fresh

fruits and vegetables regulated by USDA/APHIS). It is therefore essential that CBP and applicable regulatory agencies be involved from the beginning to the end of the “Pull” process.

Regulatory agencies will review the specifications and any other information provided for requested resources to determine whether they are considered safe, secure, and suitable for entry into the country. Depending on the nature of the items, they may also need to physically inspect/examine the items upon arrival into the U.S. If the items are considered suitable for distribution, regulatory agencies may use enforcement discretion or other authorities to waive entry requirements to allow entry and use of the commodity. If inspected items are found to be unsafe, unsuitable, or inappropriate for distribution, regulatory agency officials will immediately notify the IRCG to ensure proper quarantine and/or disposition.

Unlike the “Push” list, the “Pull” list includes personnel with varied expertise. As licensure and certification requirements may be complex, the requesting agency is responsible for determining whether personnel must be licensed or certified to perform the requested tasks, and for ensuring that such requirements are met, or have been waived or altered, before FEMA will consider the request. The requesting agency is also responsible for addressing cultural needs of foreign specialists, if necessary, and for informing foreign specialists if there are specific cultural considerations in working with the affected population.

**While a more detailed listing of “Pull” items will be maintained in the IRCG Operations Manual, general categories include emergency supplies not subject to Antidumping or Countervailing Duties, hygiene kits, blankets, tarps, emergency meals, and miscellaneous supplies.**

## **Appendix C: Import Guidance for HHS/FDA Regulated Products**

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act), with implementing regulations in effect since December 12, 2003, requires that the Food and Drug Administration (HHS/FDA) of the U.S. Department of Health and Human Services (HHS) receive prior notice of food imported into the U.S. Most of the information required by the prior notice final rule is data usually provided by importers or brokers to CBP when foods make entry into the U.S. However, the Bioterrorism Act requires that this information be provided to HHS/FDA in advance of an imported food's arrival to the U.S. The HHS/FDA Division of Food Defense Targeting uses this information in advance of the arrival to review, evaluate, and assess whether or not there is a need to hold the imported food for examination upon arrival. Prior notice can be submitted electronically either by a licensed Customs broker through CBP's Automated Commercial System/Automated Broker Interface or the Automated Commercial Environment/International Trade Data System as it is implemented, or by anyone else with knowledge of the shipment through HHS/FDA's internet based Prior Notice System Interface (PNSI) (<https://www.access.fda.gov/oa/>). Both the CBP and HHS/FDA systems for prior notice are available 24 hours a day, 7 days a week for information submission.

***When must prior notice be submitted?*** Prior notice must be received and confirmed electronically by HHS/FDA no more than 5 days before arrival and, as specified by the mode of transportation below, no fewer than:

- 2 hours before arrival by land by road
- 4 hours before arrival by air or by land by rail
- 8 hours before arrival by water
- The time consistent with the timeframe established for the mode of transportation for an article of food carried by or otherwise accompanying an individual if it is subject to prior notice (The food must also be accompanied by the HHS/FDA confirmation).

In addition, prior notice must be received and confirmed electronically by HHS/FDA before food is mailed by international mail. (The parcel must be accompanied by confirmation of HHS/FDA receipt of prior notice.)

***Who must submit prior notice?*** Any individual with knowledge of the required information must submit the prior notice, including, but not limited to, brokers, importers, and U.S. agents.

***What food is subject to the requirement for submitting prior notice?*** Prior notice applies to food for humans and other animals that is imported or offered for import into the U.S. For purposes of the rule, "food" is defined by reference to section 201(f) of the Federal Food, Drug, and Cosmetic Act.

Examples of "food" include:

- Dietary supplements and dietary ingredients
- Infant formula
- Beverages (including alcoholic beverages and bottled water)
- Fruits and vegetables
- Fish and seafood
- Dairy products and shell eggs
- Raw agricultural commodities for use as food or components of food
- Canned and frozen foods
- Bakery goods, snack food, and candy
- Live food animals
- Animal feeds, including pet food

***What foods are excluded from the prior notice requirement?*** Foods that are excluded from the prior notice requirement are:

- Food carried by or otherwise accompanying an individual arriving in the U.S. for that individual's personal use (i.e., for consumption by themselves, family, or friends, and not for sale or other distribution);

- Food that is imported then exported without leaving the port of arrival until export;
- Meat food products, poultry products and egg products that, at the time of importation, are subject to the exclusive jurisdiction of the U.S. Department of Agriculture (USDA) under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act (See Appendix D);
- Food that was made by an individual in his/her personal residence and sent by that individual as a personal gift (i.e., for non-business reasons) to an individual in the U.S., and
- Articles of food transported pursuant to Article 27(3) of The Vienna Convention on Diplomatic Relations (1961), (i.e., shipped as baggage or cargo constituting the diplomatic bag).

***What information is required for Prior Notice?*** Prior notice information includes much of the same information as required by import entry filers. However, as noted above, the timeframe for submission is different. Required information includes:

- entry type and CBP entry identifier,
- the identification of the article of food, including complete HHS/FDA product code, the common or usual name or market name, the *estimated* quantity described from the smallest package size to the largest container, and the lot or code numbers or other identifier (if applicable),
- the identification of the site specific manufacturer,
- the identification of the grower (for food in its natural state), if known,
- the HHS/FDA Country of Production,
- the identification of the shipper,
- the country from which the article of food is shipped or mailed, and
- the anticipated arrival information (location, date, and time) or, if the food is imported by international mail, the anticipated date of mailing.

***What does HHS/FDA do with the information?*** Using the electronic data required under the prior notice regulations and a sophisticated automated targeting system, CBP and the HHS/FDA Division of Food Defense Targeting work side by side to review, evaluate, and assess the

information to make decisions about food shipments that could pose a potential threat to the U.S. Shipments determined to pose a significant risk are targeted for examinations to be conducted as soon as the food arrives so as to minimize the risk to the entire U.S.

## **Appendix D: Import Guidance for USDA Regulated Products**

### ***USDA/APHIS Import Guidance for Emergency Meals Containing Animal Products***

USDA/APHIS has developed guidance to help expedite and facilitate the importation of emergency meals that may be required in response to a large-scale incident. Because of changing conditions, USDA/APHIS will provide updated information current at the time the IAS is utilized to manage international assistance for a particular disaster.

Acceptance by USDA/APHIS of any regulated products does not imply acceptance by any other department or agency having jurisdiction over the same products. Specifically, USDA/FSIS and HHS/FDA requirements for any products regulated by USDA/APHIS must still be met.

A listing of meat or poultry products that can be imported without further certifications from specific countries is maintained in the NRCC in the IRCG Procedures Manual.

Emergency meals containing beef products may be imported with restrictions such as exporting government certifications or a USDA/APHIS Veterinary Services Import Permit. This will be determined at the time the resources are offered/requested. USDA/FSIS eligibility requirements for products originating from specific countries would also need to be met.

In the event of an emergency, the use of the Import Permit will facilitate entry at the designated ports of entry. The USDA/APHIS “Application for Permits to Import or Transport Controlled Materials or Organisms or Vectors” (VS Form 16-3) can be obtained from the following website: [http://www.aphis.usda.gov/animal\\_health/permits](http://www.aphis.usda.gov/animal_health/permits).

### ***USDA/FSIS Import Guidance for Emergency Meals Containing Meat, Poultry or Processed Egg Products***

The FSIS will not request products regulated by FSIS. FSIS will discourage any country from donating FSIS-regulated products to the U.S. as international assistance. Importing meat, poultry and processed egg products into the U.S. is a complex process involving specific determinations based on the products origin being from an FSIS-approved foreign country and eligible manufacturer within that country. Because a country is approved to export to the U.S. does not necessarily mean that every manufacturer or product produced within that country is approved to be imported into the U.S.

A country that is not approved to export to the U.S. precludes all manufacturers within that country from exporting to the U.S. The FSIS website lists countries eligible for export to the U.S. The list may be used for general guidance regarding eligible countries and the species of products permitted to be exported to the U.S. The website specifies which manufacturers within an eligible country are eligible to export to the U.S. The list of eligible countries and manufacturers within those countries may change at any time.

In order to expedite and facilitate entry of products regulated by FSIS, consultation is required at the earliest point in the importation process. FSIS subject matter experts can determine quickly the eligibility of regulated products for importation provided they are included early in the process and information about the products, manufacturers and exporting country is provided in a timely manner. FSIS approval of any regulated products does not imply acceptance by any other department or agency having jurisdiction over the same products. Specifically, USDA/APHIS requirements for any products regulated by FSIS must still be met.



## **Appendix E: Motor Vehicle Waiver Information**

The National Highway Traffic Safety Administration (NHTSA) regulates the importation of "motor vehicles," which are defined in governing statute (49 U.S.C. 30102) as vehicles that are driven or drawn by mechanical power and are manufactured primarily for use on public streets, roads, and highways. Trucks and other vehicles that are primarily manufactured for use on public roads qualify as "motor vehicles" that are subject to NHTSA's regulation. The agency's regulations (at 49 CFR 591.5(d)) permit a nonconforming motor vehicle to be temporarily imported for personal use by a nonresident of the U.S., provided the vehicle is not sold while it is in the U.S. and is exported no later than one year from its date of entry. These vehicles are normally entered under Box 5 on the [HS-7 Declaration Form](#) that is to be given to CBP at the time of importation.

Trucks and other vehicles needed to assist in disaster relief efforts may be imported under the conditions that apply to Box 5 entries. To authorize entry, FEMA must certify that vehicles provided by foreign governments or contracted by FEMA are needed for the relief efforts. Any such vehicles would be imported under Customs provisions at 19 U.S.C. 1322(b) and 19 CFR 10.107, which require that they be exported, expended, or destroyed within one year from their date of entry, unless that period is extended for good cause shown.

Although NHTSA would prefer that an HS-7 Declaration Form be filed for each vehicle to be imported, this requirement may be waived if the agency is furnished with identifying information for each vehicle.

Note: Modular or mobile homes that are manufactured primarily for use at fixed sites, and receive road use that is only incidental to that purpose, are not regarded as motor vehicles. Therefore, it is not required that they be manufactured to comply with all applicable Federal motor vehicle safety standards and regulations, and be so certified by their manufacturer, to be lawfully imported into the U.S.

For further information, contact the NHTSA Import and Certification Division, Office of Vehicle Safety Compliance.

## **Appendix F: Entry Requirements and Legal Considerations for Foreign Disaster Response Personnel**

### *Overview*

Government-to-government offers of foreign nationals to assist in emergencies should generally be declined, unless specifically requested by FEMA for explicit purposes. Where requested by FEMA, offers of foreign nationals should be coordinated with the CBP's Office of Field Operations (OFO). Foreign national emergency assistance personnel may be admitted as visitors for business pursuant to section 101(a)(15)(B) of the Immigration and Nationality Act (INA) [8 U.S.C. 1101(a)(15)(B)], provided they can establish that they:

- Have a residence in a foreign country that they do not intend to abandon;
- Intend to enter the U.S. for a temporary purpose;
- Will engage in legitimate activities relating to business;
- If coming as a voluntary service worker, will not engage in building or construction work, other than the supervision or training of others engaged in building or construction work;
- Have made financial arrangements to carry out the purpose of the visit and depart the U.S.;
- Receive no salary or other remuneration from a U.S. source (other than an expense allowance or other reimbursement for expenses incidental to the temporary stay); and
- Are not otherwise inadmissible: see further information at [http://travel.state.gov/visa/frvi/ineligibilities/ineligibilities\\_1364.html](http://travel.state.gov/visa/frvi/ineligibilities/ineligibilities_1364.html).

### *General Documentary Requirements*

#### **Passport**

Except when specifically exempt, foreign nationals entering the U.S. as visitors for business or pleasure must present a valid passport. Generally, a passport must be valid for 6 months beyond the period of initial admission.

## **Visa**

With certain exceptions, each visitor must present a valid B-1 or B-1/B-2 visa issued by the Department of State. See [http://travel.state.gov/visa/temp/temp\\_1305.html](http://travel.state.gov/visa/temp/temp_1305.html) for detailed, up-to-date information on visa requirements. Instructions for how to apply at a particular post can be found on individual U.S. Embassy and Consulate websites.

For information on travel without a visa, including a list of countries participating in the Visa Waiver Program (VWP), please see the following information:

[http://travel.state.gov/visa/temp/without/without\\_1261.html](http://travel.state.gov/visa/temp/without/without_1261.html)

## **Waiver of Documentary Requirements**

Section 212(d)(4) of the INA provides for a waiver of the passport and/or visa requirement on the basis of unforeseen emergency in individual cases. Such waivers are processed by DHS, which charges a \$585 filing fee for the I-193 Application for Waiver of Passport or Visa Requirement. USCIS may waive this fee for disaster response personnel. If disaster response personnel are requested from a donor nation/organization, the donor nation/organization should provide written notification to the US Embassy/Consulate and the DHS office in that country to facilitate the visa waiver process and entry of the personnel into the U.S. If DHS does not have a presence in the country, DOS's Visa Office in Washington can coordinate with DHS to request the waivers. If disaster response personnel are traveling by air and there is not enough time to obtain required documentation, CBP can work directly with airline carriers to ensure that the personnel are granted boarding at the place of embarkation.

## **Parole**

Section 212(d)(5)(A) of the INA authorizes the Secretary of Homeland Security, at her/his discretion, to parole into the U.S. on a temporary basis any alien applying for admission to the U.S, and under such conditions as she/he may prescribe, on a case-by-case basis for urgent humanitarian reasons or significant public benefit. Parole is used to permit the physical access into the U.S. of an alien who is not otherwise admissible, and confers only temporary permission to be present in the U.S. for a specific purpose for a limited period of time. It should be noted that parole does not authorize employment in the U.S. if there is any reimbursement by a U.S. entity for the services performed. In that case, separate employment authorization is required.

### **Advance Information Required**

To the extent possible, ports of entry will be notified before the arrival of foreign emergency response personnel. Such individuals will be vetted in advance of arrival through the CBP National Targeting Center. The following information will be provided by the sending entity as far in advance as feasible:

- Name
- Date of birth
- Country of Nationality
- Country of Birth
- Gender
- Passport or travel document number
- Visa number, if required
- Date, time, and location of expected arrival
- Destination
- Position or title
- Nature of services to be provided
- Expected duration of stay in the U.S.

### ***Legal Considerations***

It is critical that the following legal considerations be addressed and resolved before the entry of any international first responders:

### Workers' Compensation

Under current U.S. law, foreign personnel would not ordinarily be eligible for workers' compensation in the event of injury while providing services. Therefore, issues of workers' compensation in the event the foreign responder is injured while providing services will need to be addressed by the requesting agency before service personnel may be accepted. If an existing bilateral agreement addresses the sending government's responsibility for workers' compensation or similar benefits, any notice or other issues should be resolved in accordance with the agreement. If there is no applicable bilateral agreement, the requesting agency will ask DOS to inform the relevant foreign government that foreign personnel will not be eligible for workers' compensation under U.S. law. DOS will also confirm that each foreign government has acknowledged receipt of this information. In the case of foreign Urban Search and Rescue (US&R) teams, USAID will also post this information on the Virtual OSOCC when requesting foreign US&R teams (see [Appendix K](#) for additional information).

### Liability

Foreign governments/international organizations or foreign volunteers appear to be susceptible to potential tort claims related to goods or services donated after a domestic disaster. Therefore, the requesting agency will need to examine whether there is an applicable bilateral agreement, specific statutory authority, or State declaration/waiver covering liability protection for foreign governments/international organizations or personnel and must notify the IRCG of any such protection when making a request for personnel. The requesting agency will inform DOS of the scope of any applicable liability protection, and DOS will relay this information to the relevant foreign government/international organization. If no such liability protection is available, DOS will relay information to the foreign government/international organization that its personnel may be subject to local U.S. laws, including laws on liability, for actions committed while in the U.S. In all cases, DOS will confirm that each foreign government has acknowledged receipt of this information. In the case of foreign US&R teams, USAID will also post this information on the Virtual OSOCC when requesting foreign US&R teams (see [Appendix K](#) for additional information).

### Credentials, Licensing, and Certifications

Credentials, licenses, and certifications may need to be addressed before certain personnel may be accepted. These standards are typically promulgated at the State level, with respect to non-federal employees. If the services of international responders in specialized fields subject to

certifications and licensing will be requested, the requesting agency will be responsible for ensuring that such requirements are met, or have been waived or altered, before FEMA will consider the request.

The above issues must be resolved before FEMA will approve final acceptance. If a requesting agency obtains applicable coverage or exemptions, the requesting agency must submit this information to the IRCG. If there is no applicable coverage or exemption, DOS must submit the foreign government's acknowledgement concerning lack of coverage to the IRCG. If FEMA is satisfied that all conditions have been met, FEMA will approve final acceptance of the foreign personnel. The IRCG will not deploy foreign personnel to the affected area until these issues have been addressed and FEMA approves final acceptance.

All foreign personnel entering the U.S. must meet the entry requirements contained in [Appendix J](#) and the FEMA SAR International Procedures Checklist.

## **Appendix G: Urban Search and Rescue SOPs**

### **Purpose**

The U.S. has a robust Urban Search and Rescue (US&R) capability as well as the ability to maintain sustained operations. It is essential, however, to take a proactive approach to introducing and supporting international US&R teams if U.S. domestic capacity is overwhelmed and international US&R assistance is needed in the event of a major disaster.

Accordingly, there is a need to establish U.S. government policies and procedures for seeking assistance from international US&R teams and facilitating their entry into the U.S. to ensure rapid deployment to a disaster site anywhere in the country. This appendix establishes the procedures for requesting and receiving such assistance, and details agency roles and responsibilities for receiving and supporting international teams that are deployed in support of the National US&R Response System (hereinafter referred to as the System.) In addition to managing the System, FEMA also serves as the Coordinating Agency of Emergency Support Function (ESF) # 9 (Search and Rescue) under the U.S. government's National Response Framework. While this annex primarily refers to Urban Search and Rescue using the domestic acronym US&R, sections of this annex intended to be provided directly to foreign governments use USAR, which is more commonly used by international audiences.

### **International Guidelines and Coordination**

In 1991, the United Nations (UN) established the International Search and Rescue Advisory Group (INSARAG), a global network of more than 80 countries and disaster response organizations that addresses US&R issues. INSARAG has established standards for international USAR teams as well as the methodology for international coordination in disaster response. These standards are found in the INSARAG Guidelines, which provide details for countries providing or receiving international assistance, and constitute a standardized operating environment with an emphasis on interoperability between countries. They cover the areas of preparedness, activation, operations and termination, and clearly define expectations of both providing and receiving countries. The INSARAG Guidelines were endorsed in the [UN General Assembly Resolution 57/150](#) adopted on December 16, 2002. The U.S. was one of 58 countries that sponsored the UN resolution, which was unanimously adopted by the assembly. This appendix was developed in accordance with INSARAG Guidelines.

The Field Coordination Support Section (FCSS) in the Emergency Services Branch of the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) in Geneva functions as the INSARAG Secretariat. It manages the Virtual On-site Operations and Coordination Center (Virtual OSOCC, <http://ocha.unog.ch/virtualOSOCC>), an online information exchange and coordination tool used by responders during major disasters to exchange information and facilitate decision-making for international assistance. USAID, as the U.S. government official representative to INSARAG, will work with the UN OCHA (FCSS) to request and receive international US&R assistance and will post requests for assistance on the Virtual OSOCC.

UN OCHA (FCSS) also manages the United Nations Disaster Assessment and Coordination (UNDAC) program, which maintains a roster of disaster management professionals from the UN and member countries. These professionals form stand-by teams that can be deployed rapidly to support national authorities in disaster-stricken countries. At the time USAID requests international US&R assistance, it will also likely ask the FCSS to deploy an UNDAC team to help coordinate international US&R assistance, provide support to incoming teams, and help staff a Reception/Departure Center (RDC). See RDC Center Operations and Staffing Procedures section below for details.

## **Overview**

As is the case for any international assistance that includes personnel, requests for US&R teams involve legal issues related to licensing, credentialing, workers' compensation, and tort liability. See Appendix J related to requests for personnel for additional information. In particular, all postings to the Virtual OSOCC involving requests for international US&R teams must contain the following verbiage, subject to the caveats outlined in Appendix J:

“Workers’ compensation for injuries sustained while conducting relief and rescue operations in the U.S. cannot be arranged by the U.S. government. US&R teams operating in the U.S. may be liable to tort claims.”

The IRCG will not accept an international US&R team until it is clear that this information has been received and acknowledged by the team.



### ***Agency Roles and Responsibilities***

#### **DHS/FEMA IAD**

- Assist IRCG/SAR to obtain interpreters for international US&R teams, as needed
- Serve as the IRCG lead in the National Response Coordination Center (NRCC)

#### **DHS/FEMA US&R**

- Conduct Situation and Needs Assessment
- Maintain contact with IRCG/SAR and FEMA/IAD on the likelihood of a request for international assistance
- Coordinate with FEMA/IAD on a formal recommendation to request international US&R assistance and activation of the IAS CONOPS, if disaster exceeds U.S. government capacity to respond
- Decide which international teams to accept
- Coordinate integration of international US&R resources, including operational assignments, reporting requirements, chain-of-command, and termination of deployment
- Provide appropriate in-theater support to incoming teams (e.g. transportation, facilities, services, resupply)

#### **DOS**

- Assist CBP in expediting visa waivers for international US&R team members
- If needed, arrange for DOS embassy/consular personnel to accompany team members to the airport of embarkation to U.S. to verify visa waiver and clearance for travel to the U.S.

### **USAID (IRCG/SAR)**

- Collaborate with FEMA US&R on team identification and selection process
- Liaise with UN OCHA (FCSS) to request international US&R assistance and an UNDAC team
- Establish an RDC for incoming US&R teams as per INSARAG Guidelines
- Provide briefings and logistical support to international US&R teams, UNDAC teams, and U.S. government representatives in RDC
- Keep FEMA, CMS, and CBP informed of the status of team request(s), selection, and deployment
- Provide situational updates on the Virtual OSOCC

### **DHS/CBP (IRCG/Regulations)**

- Act as the central point of contact for all regulatory agencies overseeing the entry of international US&R teams, supplies, and equipment
- Coordinate customs clearance information
- Provide liaison to staff the RDC

### **IRCG/Regulatory Agencies (various)**

- Expedite customs clearance for team equipment and supplies
- Issue waivers and/or authorizations, if needed

### **UN OCHA (FCSS)**

- In its role as INSARAG Secretariat, facilitate the request of international US&R teams

- In its role as INSARAG Secretariat, provide advice and counsel on selection of international US&R teams
- Deploy UNDAC team to assist USAID and support international US&R teams, as requested

### **FEMA Domestic System US&R Partners**

- Provide input to FEMA and USAID during team selection process
- Provide staff for the RDC, and other field locations, as requested

### ***Team Selection Procedures***

*(For details and Operating Procedures for all phases of SAR evaluation, selection, reception, integration, and demobilization, please refer to the FEMA/SAR International SAR SOP.)*

### **Overview**

If FEMA determines that international US&R assistance is required, the expeditious deployment of those teams to the affected area could be essential to saving lives. Therefore, if there is any likelihood that international US&R assistance may be needed, IRCG/SAR will take steps to identify and pre-clear international teams early during the response, prior to FEMA determination of the need for such assistance.

If the FEMA US&R Branch determines the incident is of such magnitude that all domestic US&R resources will be overwhelmed, FEMA/IAD will inform DOS and USAID of the need to request international assistance, elevate the IAS to Level 1, and will communicate to USAID the number of teams and type (Heavy and/or Medium) required, based on input from FEMA US&R. USAID will provide team recommendations to the NRCC ESF #9 SAR Unit desk, based on its prior discussions with UN OCHA (FCSS), its domestic US&R partners, CBP, and regulatory agencies. After the NRCC ESF #9 SAR Unit desk makes team selections, USAID will post those selections on the Virtual OSOCC and ask other teams to stand down.

When FEMA elevates the IAS to Level 1, FEMA/IAD will work with the NRCS to expedite notification to U.S. government partners as well as MAs to relevant IAS partners.

Throughout the process, USAID and UN OCHA (FCSS) will maintain regular communication to ensure information flow and regular situation reports. Timely and regular updates on the Virtual OSOCC will help this process.

**Note:** FEMA, in consultation with DOS, may develop bilateral agreements with other countries to provide US&R assistance. If FEMA chooses to use a bilateral agreement rather than request such assistance through UN OCHA (FCSS) and the Virtual OSOCC, it may activate the IAS and mission assign USAID to establish the RDC and support incoming teams.

### ***Reception/Departure Center Operations and Staffing Procedures***

USAID may establish a Reception/Departure Center (RDC) at the IRSA. The RDC will serve as the focal point for international US&R teams. It may be staffed by USAID and UNDAC team personnel, as well as liaisons from FEMA and other agencies, as needed. The RDC will have good communication links to the Virtual OSOCC (<http://ocha.unog.ch/virtualOSOCC>) in order to receive information on incoming teams. Teams will report to the RDC immediately after customs clearance, where they will receive an initial briefing from RDC staff.

In most cases, incoming teams will remain at the RDC for a short time only, but this will depend on available personnel and equipment for transporting team and their equipment, available ground or air transport, work assignments, and weather conditions.

According to INSARAG Guidelines, the RDC will provide the following information and facilities:

- Holding area for the team and a smaller meeting area for command and general staff
- Toilet facilities, both male and female, within the arrivals area
- Coffee, tea, hot water, and refreshments available close to both areas
- Briefings, situation reports, and all information relating to the disaster-affected area
- Ability to facilitate needs of international teams including transportation, fuel, and other logistical requirements
- Food, water, toilets, and support facilities
- Radio frequencies, maps, and travel information to affected area, information on special hazards, and other team support services

- Place for organizations to establish the following in the arrivals hall area:
  - Radio frequency assignment
  - Interpreters (if required)
- Telephone
- Communications link to FEMA US&R IST

The staff at the RDC will work through the FEMA Logistics Section to provide the resources and assistance needed for international teams to deploy to the affected area and report to the FEMA US&R IST.

### **Media**

Any deployment of international US&R teams into the U.S. will generate a high level of media interest, both internal and external. FEMA ESF #15 will provide an experienced media liaison for the RDC to coordinate the media response with all agencies.

### **Interpreters**

Interpreters may be required for briefing and liaison purposes with some international teams. USAID will arrange this resource with assistance from CMS.

### **Note on On-Site Operations Coordination Center**

Typically, when international US&R teams are deployed into an area, there is the need to establish an On-site Operations Coordination Center (OSOCC). The U.S. government does not plan to establish an OSOCC, because international teams will be incorporated into the FEMA US&R Incident Support Team (IST).

### ***Team Demobilization Procedures***

According to INSARAG Response Guidelines, countries that provide US&R teams will arrange and fund the transportation of team members and equipment to and from the U.S. IRCG/SAR

and FEMA will support the demobilization of international US&R teams as outlined in the FEMA/SAR International SAR SOP.

## Appendix H: Import of FDA-Regulated Medical Products<sup>4</sup>

In response to a large-scale disaster in the U.S. that results in a Stafford Act declaration<sup>5</sup>, U.S. authorities may seek to import medical products (i.e., drugs, biologics, or devices) to meet emergency needs, address temporary supply shortages, or acquire specialized resources not readily available in the U.S. in the time or quantity required. Under the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 301 et seq.) and certain provisions of the Public Health Service (PHS) Act (e.g., as they relate to biologics), and as delegated by the Secretary of the U.S. Department of Health and Human Services (HHS), the Food and Drug Administration (FDA) regulates the safety and/or effectiveness of medical products.

An FDA-regulated product that is introduced or delivered for introduction into interstate commerce must meet FDA requirements for sale and distribution in the U.S. Therefore, foreign firms that manufacture FDA-regulated products that are imported into the U.S. must comply with applicable FDA requirements before, during, and after importation into the U.S. Section 801 of the FD&C Act sets out basic standards and procedures for FDA review of imports under its jurisdiction. FDA works in close cooperation with U.S. Customs and Border Protection (CBP) on the importation of products regulated by FDA.<sup>6</sup>

Medical products that are approved, licensed, or cleared in the U.S. may be imported into the U.S. with some important exceptions. For example:

- under section 801(a) of the FD&C Act, imported medical products that are approved, licensed, or cleared in the U.S. are subject to refusal of admission if they appear to be manufactured, processed, or packed under insanitary conditions, or, for a device, they do not appear to comply with device Current Good Manufacturing Practices (CGMP); forbidden or restricted in sale in the country of manufacture/export; or adulterated, misbranded, or in violation of section 505 of the FD&C Act;

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<sup>4</sup> During an emergency response in which the IAS is utilized, questions related to the import of FDA-regulated medical products, whether or not approved, licensed, or cleared by the FDA, should be directed to FDA.

<sup>5</sup> While the acceptance of international donations under the IAS is predicated on the gift acceptance authority provided in section 701(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, the IAS is designed to serve as a template for other US government agencies to utilize when operating under their own authorities without a Stafford Act declaration and requiring interagency collaboration to fulfill their mission.

<sup>6</sup> Primary responsibility for administering the Nation's laws relating to import, export, and the collection of duties is given to the CBP, an agency within the U.S. Department of Homeland Security. FDA, however, is responsible for determining whether or not an article offered for importation is in compliance with or in violation of the acts enforced by FDA. This includes the responsibility of determining whether or not a violative article may be brought into compliance with the appropriate statute and/or regulations, and authorizing reconditioning in order to bring the article into compliance. U.S. Food and Drug Administration. *Regulatory Procedures Manual: Chapter 9: Import Operations and Actions*.

<http://www.fda.gov/ICECI/ComplianceManuals/RegulatoryProceduresManual/ucm179265.htm>.

- imported over-the-counter (OTC) drugs are subject to refusal of admission if they are subject to adverse event reporting requirements under section 760 of the FD&C Act and there is credible evidence or information of non-compliance or failure to allow access to records; and
- under section 801(d) of the FD&C Act, no prescription drug or drug that is composed wholly or partly of insulin which is manufactured in the U.S. and exported may be imported back into the U.S. except by its manufacturer or if FDA authorizes re-importation on the basis that it is required for emergency medical care.

If appropriate, medical products that are not approved, licensed, or cleared in the U.S. may be imported into the U.S. under certain circumstances (e.g., a chemical, biological, radiological, or nuclear (CBRN) emergency) and regulatory mechanisms. Depending on the product and emergency circumstances (e.g., what is known or unknown about the product, the anticipated size of the patient population that will use the product, etc.), examples of these mechanisms, which have specific requirements for their use, include:

- the Emergency Use Authorization (EUA) authority under section 564 of the FD&C Act (which allows for the lawful shipment and use of unapproved medical products, or approved medical products for unapproved uses, in response to a CBRN emergency);<sup>7,8</sup> and
- expanded access mechanisms for the use of investigational products under an investigational new drug application (IND) or investigational device exemption (IDE) (for certain medical products that are under development and not yet approved, licensed, or cleared by FDA, or that are approved but are anticipated to be used for unapproved uses).<sup>9,10</sup>

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<sup>7</sup> Section 564 of the FD&C Act, as amended by the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Public Law 113-5).

<sup>8</sup> However, before the FDA Commissioner may issue an EUA, several steps are required under section 564 of the FD&C Act. For example, the Secretary of HHS must issue a declaration that circumstances exist to justify the authorization. The HHS declaration must be based on one of four determinations made by either the Secretary of Homeland Security, Secretary of Defense, or Secretary of HHS. The statute also includes criteria for EUA issuance (e.g., the CBRN agent referred to in the HHS declaration can cause a serious or life-threatening disease or condition and the known and potential benefits of the product outweigh its known and potential risks). U.S. Food and Drug Administration. *Emergency Use Authorization*.

<http://www.fda.gov/EmergencyPreparedness/Counterterrorism/ucm182568.htm>.

<sup>9</sup> Under FDA's regulations for investigational drugs (including biologics), there are three categories of expanded access: expanded access for individual patients, including for emergency use (21 CFR 312.310); expanded access for intermediate-size patient populations (21 CFR 312.315); and expanded access for widespread use (21 CFR 312.320). For devices, a treatment IDE may allow access to certain investigational devices for patient populations outside of clinical trials using treatment protocols (21 CFR 812.36). See, e.g., U.S. Food and Drug Administration. *Draft Guidance for Industry: Expanded Access to Investigational Drugs for Treatment Use—Qs and As*. May 2013. <http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM351261.pdf>.

<sup>10</sup> For example, 21 CFR 312.110(a) allows for the import of an investigational drug if it is subject to an IND under certain circumstances. <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?fr=312.110>.



## **Appendix I: Acronyms**

**ALDAC:** All Diplomatic and Consular Posts

**USDA/APHIS:** Animal and Plant Health Inspection Service

**APO:** Accountable Property Officer

**ASPR:** Office of the Assistant Secretary for Preparedness and Response (HHS)

**CBP:** U.S. Customs and Border Protection

**CMS:** Crisis Management Support (DOS)

**DHS:** Department of Homeland Security

**DOD:** Department of Defense

**DOE:** Department of Energy

**DOS:** Department of State

**DOT:** Department of Transportation

**EPA:** Environmental Protection Agency

**ESF:** Emergency Support Function

**FCSS:** Field Coordination Support Services (UN OCHA)

**FEMA:** Federal Emergency Management Agency

**USDA/FSIS:** Food Safety and Inspection Service

**GSA:** General Services Administration

**HHS:** Health and Human Services

**HHS/FDA:** Health and Human Services/Food and Drug Administration

**HSC:** Homeland Security Council

**HSOC:** Homeland Security Operations Center

**IAD:** International Affairs Division (FEMA)

**IAS:** International Assistance System

**IAT:** International Assistance Tracker

**ICE:** Immigrations and Customs Enforcement

**IRCG:** International Resource Coordination Group

**IRSA:** International Commodity Staging Area

**INA:** Immigration and Nationality Act

**INSARAG:** International Search and Rescue Advisory Group

**JFO:** Joint Field Office

**JIACG:** Joint Interagency Coordination Group

**LOC:** Logistics Operations Center

**MA:** Mission-Assignment or Mission Assigned

**NHTSA:** National Highway Traffic Safety Administration

**USNORTHCOM:** U.S. Northern Command

**NDMS:** National Disaster Medical System

**NRCC:** National Response Coordination Center

**NRF:** National Response Framework

**NVOAD:** National Voluntary Organizations Active in Disasters

**OCHA:** United Nations Office for the Coordination of Humanitarian Affairs

**OFDA:** Office of U.S. Foreign Disaster Assistance

**OFO:** Office of Field Operations (DHS/CBP)

**ORR:** Office of Response and Recovery

**OSD:** Office of the Secretary for Defense

**PM/ISO:** Bureau of Political-Military Affairs, Office of International Security Operations (DOS)

**PNSI:** Prior Notice System Interface

**PVO:** Private Voluntary Organization

**RDC:** Reception/Departure Center

**RRCC:** Regional Response Coordination Center

**RSS:** Resource Support Section

**TMCG:** Transportation Movement Coordination Group

**UN:** United Nations

**USACE:** U.S. Army Corps of Engineers

**USAID:** U.S. Agency for International Development

**USDA:** U.S. Department of Agriculture

**US&R:** Urban Search and Rescue

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