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FEMA's Role in Federal Management of Non-Stafford Act Incidents

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FEMA's Role in Federal Management of Non-Stafford Act Incidents

The Federal Emergency Management Agency (FEMA) was established in 1979 to serve as the federal government's central coordinator for disaster response—it acts as a sort of “conciERGE” to the federal government's resources. In emergency management, a common saying is that disaster responses are “locally executed, state managed, and federally supported.” FEMA coordinates that federal support, intending that federal agencies work together effectively when large incidents overwhelm state and local capabilities.

Since then, FEMA has worked with state, local, tribal, and territorial governments, as well as nongovernmental organizations and other federal agencies, to support response and recovery operations and coordinate national disaster response efforts. Much of this work occurs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), which governs presidentially declared disasters and emergencies, but FEMA is also frequently called upon to assist in incidents that fall outside the Stafford Act. Non-Stafford Act incidents are incidents deemed to warrant federal assistance and a coordinated national response, but that did not result in a Stafford Act declaration, often because such incidents did not meet the Stafford Act definition of *emergency* or *major disaster*. This report examines case studies taken from non-Stafford Act incidents to better understand FEMA's role in supporting the federal response to such incidents.

Additionally, since its establishment, Congress has added to FEMA's responsibilities, including by enacting legislation amending the Stafford Act programs that FEMA implements (e.g., establishing new forms of disaster assistance and mitigation grant programs, which FEMA must implement). Such changes respond to lessons learned following disaster response and recovery efforts, and often reflect the experiences of emergency management stakeholders and disaster survivors, and expectations for the types of assistance the federal government should be providing and how such assistance should be delivered. The agency has expertise in implementing grant programs and providing incident management coordination and collaboration across all levels of government and Congress has continued to authorize additional responsibilities for FEMA across the emergency management lifecycle. As an executive branch agency, FEMA is subject to the authorities of the President, who may also assign FEMA responsibilities and task FEMA with coordinating and providing federal assistance. The President has sole discretion to authorize a Stafford Act declaration, enabling FEMA to provide various forms of assistance as authorized by the President. Further, the President can call upon FEMA to support non-Stafford Act incidents using its incident management capabilities.

While FEMA has been entrusted with many critical responsibilities related to leading the nation's preparedness efforts and coordinating federal response operations, concerns have arisen. These concerns include the challenges of increased staffing demands (e.g., an increased number of staff deployments, challenges with being understaffed), and the sufficiency of FEMA's program management and funding oversight (e.g., waste, fraud, and abuse in the disbursement of federal assistance). And while, historically, FEMA has been able to coordinate and support the federal response to both Stafford and non-Stafford incidents, these challenges could affect the agency's capacity.

CRS's findings suggest that FEMA's core mission—preparedness, coordination, response, recovery, and mitigation—has remained largely the same over time. What has changed is the scale, complexity, frequency, and number of incidents requiring federal involvement, and the degree to which FEMA has been involved. Generally, Congress has expanded FEMA's role and authorities, and the President and the Department of Homeland Security, where FEMA is housed, have assigned the agency additional responsibilities within the same overall mission. Finally, this report also considers FEMA's future role and whether it will continue to have the capacity to coordinate the federal government's response to major incidents.

At the time of publication, the Donald J. Trump Administration and some Members of the 119th Congress have been reviewing FEMA's role and considering potential options for reforming the agency. This report examines FEMA's role supporting non-Stafford Act incidents prior to 2025.

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Introduction

A tenet of emergency management in the United States is that incident response and recovery are “locally executed, state managed, and federally supported.”¹ Since its establishment in 1979, the Federal Emergency Management Agency’s (FEMA’s) role has involved coordination with state, local, tribal, and territorial (SLTT) governments, nongovernmental organizations, and federal partners to support the response to and recovery from presidentially declared emergencies and major disasters under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act; P.L. 93-288, as amended).² Such incidents include Hurricane Helene (2024) and the Hawaii Wildfires (2023),³ as well as the coronavirus disease 2019 (COVID-19) pandemic (2020).⁴ FEMA also regularly coordinates with these entities to support *non-Stafford Act* incidents (meaning those that did not receive a presidential declaration under the act), which are the focus of this report and will be explored through a number of case studies.⁵ Former FEMA Administrator Deanne Criswell explained that

FEMA has been continuously called on for the last several decades in supporting some of the non-Stafford Act events ... because of [FEMA’s] ability to provide technical assistance and technical expertise in establishing a coordination and a collaboration function.

¹ See, for examples, Department of Homeland Security (DHS), *National Response Framework*, 4th edition, October 28, 2019, p. 5, https://www.fema.gov/sites/default/files/documents/NRF_FINALApproved_2011028.pdf (hereinafter DHS, NRF 4th ed.; see “Guiding Principles”); DHS, “Coordinating the Federal Response,” web page, last updated September 9, 2024, <https://www.dhs.gov/archive/coronavirus/federal-response>; Federal Emergency Management Agency (FEMA), *Local Elected and Appointed Officials Guide: Roles and Resources in Emergency Management*, April 2025, p. 19, https://www.fema.gov/sites/default/files/documents/fema_npd_local-elected-officials-guide_2025.pdf.

² For additional information on the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act; P.L. 93-288, as amended), including the process by which the President declares an emergency or major disaster, and the assistance that may be made available pursuant to a declaration, see CRS Report WMR10001, *CRS Guide to Federal Emergency Management*, by Lauren R. Stienstra et al., and CRS Report R41981, *Congressional Primer on Responding to and Recovering from Major Disasters and Emergencies*, by Elizabeth M. Webster and Bruce R. Lindsay.

³ FEMA, “Hurricane Helene,” last updated December 13, 2024, <https://www.fema.gov/disaster/current/hurricane-helene> (declarations were authorized for Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia); FEMA, “Hawaii Wildfires (DR-4724-HI),” last updated May 12, 2026, <https://www.fema.gov/disaster/4724>.

⁴ FEMA, “Coronavirus (COVID-19) Response,” last updated October 1, 2025, <https://www.fema.gov/disaster/historic/coronavirus>. For additional information on FEMA’s role in the federal government’s response to the coronavirus disease 2019 (COVID-19) pandemic, see CRS Report R47048, *FEMA’s Role in the COVID-19 Federal Pandemic Response*, coordinated by Erica A. Lee.

⁵ This is consistent with Presidential Policy Directive-44 (PPD-44), which states that “State, local, tribal, and territorial authorities generally maintain initial responsibility for managing domestic incidents, with the Federal Government in a supporting role. The Federal Government becomes involved with a response ... when State, local, tribal, or territorial resources are overwhelmed; when State, local, tribal, or territorial officials request assistance.” (see number 16 under the “Policy” heading—references hereinafter will be presented with the heading and number as follows: “Policy (16)”), and Homeland Security Presidential Directive-5 (HSPD-5), as well as the above-mentioned National Response Framework (NRF), the Response and Recovery Federal Interagency Operational Plan (FIOP), and the Homeland Security Act of 2002 (HSA; P.L. 107-296). See Barack Obama, Presidential Policy Directive/PPD-44—Management of Domestic Incidents, Enhancing Domestic Incident Response, <https://www.hsdl.org/c/abstract/?docid=872547> (available through the Homeland Security Digital Library; hereinafter PPD-44); George W. Bush, Homeland Security Presidential Directive/HSPD-5—Management of Domestic Incidents, February 28, 2003, <https://www.govinfo.gov/content/pkg/PPP-2003-book1/pdf/PPP-2003-book1-doc-pg229.pdf>; DHS, *Response and Recovery Federal Interagency Operational Plan*, Second Edition, March 2025, http://fema.gov/sites/default/files/documents/fema_rd_response-recovery-fiop-npb-042025.pdf. See the shaded text box below, “How Is FEMA Tasked with Supporting a Non-Stafford Act Incident?,” for more information, pp. 26-28.

That is the expertise and the skillset that our emergency managers across the Nation bring to the table. That's what FEMA brings to our Federal partners to help them with some of these challenging issues that we are facing today.⁶

Congress has acknowledged that FEMA's involvement in incident support has evolved and expanded in recent years.⁷ The expanded use of FEMA resources was the subject of a House hearing in March 2024. The Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure reported that

In 2023, FEMA provided assistance for 84 presidentially declared emergencies and major disasters ... [and] [i]n 2022 and 2023, FEMA was deployed eleven times for non-Stafford Act disasters.⁸

The “unprecedented” use of FEMA's services to manage both Stafford and non-Stafford incidents was also noted by the Government Accountability Office (GAO) in 2024 testimony to the same committee.⁹

FEMA's role in supporting both Stafford Act and non-Stafford Act incidents is to coordinate and support the federal government's response operations—the agency leads the federal response to presidentially declared emergencies and major disasters under the Stafford Act incidents,¹⁰ and may be tasked by the President or DHS Secretary with coordinating the federal government's response to non-Stafford Act incidents.¹¹ What has changed—perhaps more than FEMA's role itself—is the scale, complexity, frequency, and number of incidents that FEMA has been called upon to support.¹² This may be attributed to Congress' expansion of FEMA's authorities, including in response to specific incidents, as well as to circumstances, including the increasing number of catastrophic natural disasters and challenging federal issues such as immigration, as well as heightened stakeholder expectations.¹³ Former FEMA Administrator Deanne Criswell stated,

⁶ U.S. Congress, House Transportation and Infrastructure Committee, Economic Development, Public Buildings, and Emergency Management Subcommittee, *Disaster Readiness: Examining the Propriety of the Expanded Use of FEMA Resources*, 118th Cong., 2nd sess., March 12, 2024, 118–49 (Washington: GPO, 2024), p. 49, <https://www.govinfo.gov/content/pkg/CHRG-118hhrg56540/pdf/CHRG-118hhrg56540.pdf> (hereinafter House T&I, *Expanded Use of FEMA Resources*).

⁷ House T&I, *Expanded Use of FEMA Resources*.

⁸ House T&I, *Expanded Use of FEMA Resources*, p. vi.

⁹ House T&I, *Expanded Use of FEMA Resources*, p. 22. In his prepared statement, Chis Currie, Director of GAO's Homeland Security and Justice Team, provided that “In recent years, FEMA has faced an unprecedented demand for its services and played a significant role in various disasters and emergencies. For example, FEMA played a key role in the federal response to the COVID–19 pandemic and responded to other emergencies such as the condominium collapse in Surfside, Florida in June 2021. FEMA also assisted with the February 2023 Norfolk Southern train derailment in East Palestine, Ohio, Afghan refugee resettlement efforts[,] and at the southwest border as directed by the President and Secretary of Homeland Security.”

¹⁰ FEMA, *National Incident Management System*, 3rd ed., October 2017, p. 48, https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf (hereinafter FEMA, *NIMS*).

¹¹ U.S. Department of Homeland Security, *National Response Framework*, January 2008, p. 47 <https://web.archive.org/web/20260319135700/https://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf> (hereinafter DHS, NRF 1st ed).

¹² GAO noted that “FEMA's disaster response role under the Stafford Act or the *National Response Framework*” has not changed (GAO, *Federal Response Workforce Readiness*, p. 12). For additional information and data on the increasing demands placed on FEMA, see CRS In Focus IF12834, *FEMA: Increased Demand and Capacity Strains*, by Erica A. Lee, Daniela E. Lacalle, and William L. Painter.

¹³ FEMA, *Strategic Foresight 2050: Final Report*, November 2024, p. 33, https://www.fema.gov/sites/default/files/documents/fema_strategic-foresight-2050-final-report.pdf (see 5.2 Findings).

The field of emergency management has changed in recent years as the problems facing communities are more complex and interrelated. And as our field develops, so do the expectations of what emergency managers are expected to handle.¹⁴

This report briefly describes FEMA's establishment and then discusses the agency's role in non-Stafford Act incidents, using case studies to explore the agency's support of the federal government's response to such incidents. Consideration is given to whether and how FEMA's role has changed over time. Finally, given Congress's responsibility for funding and overseeing executive branch agencies, consideration is also given to FEMA's ability and capacity to coordinate the federal response as disasters continue to increase in frequency, severity, and cost.

Scope

This report focuses on FEMA's role supporting non-Stafford Act incidents and FEMA's authorities that allow it to support incidents that do not receive Stafford Act declarations.

For purposes of this report:

- **Stafford Act incidents** include natural disasters and, regardless of cause, fires, floods, or explosions that resulted in a presidential declaration of emergency or major disaster under the Stafford Act. Also included in this definition are incidents that received a Fire Management Assistance Grant (FMAG) declaration under the Stafford Act.
- **Non-Stafford Act incidents** include those incidents that caused damage of sufficient severity and magnitude to warrant federal assistance, but did not result in a Stafford Act declaration, often because such incidents did not meet the Stafford Act definition of *emergency* or *major disaster*.

These definitions are generally used herein to help frame the scope of the types of non-Stafford Act incidents that were selected as case studies. Incidents that do not fall within the Stafford Act *emergency* or *major disaster* definitions may not receive presidential declarations under the Stafford Act; however, federal officials sometimes call for FEMA's incident coordination capabilities to support such non-Stafford Act incidents.

Although FEMA may provide assistance following a flood through the National Flood Insurance Program (NFIP) without a Stafford Act declaration, this report does not focus on NFIP support for non-declared flood events, or the authorities behind them. Additionally, due to the lack of a FEMA nexus, this report does not address the large number of incidents that are managed at the local and state levels without FEMA involvement, including incidents that are declared an emergency or similar at the state level (e.g., a governor's declaration of emergency). This report also does not cover incidents for which FEMA provided administrative or technical support to an incident response that it did not directly support (e.g., FEMA's After-Action Report [AAR] development team assisted the Las Vegas Metropolitan Police Department and the Clark County Fire Department in the production of the After-Action Report for the Route 91 Harvest Festival shooting in 2017, though it did not contribute to the response or recovery efforts).¹⁵

Of note, FEMA's authorities are extensive, and the authorities cited in this report are not exhaustive.

FEMA's Establishment and Initial Authorities

Since its establishment, FEMA has served in a coordinating role for incidents declared by the President to be an emergency or major disaster under the Stafford Act. But FEMA's role extends beyond such incidents—at times, the agency has also been tasked with providing federal incident coordination and support for non-Stafford Act incidents. The following sections provide a brief history of FEMA's establishment and its initial authorities for supporting the federal response to Stafford Act and non-Stafford Act incidents.

¹⁴ House T&I, *Expanded Use of FEMA Resources*, p. 9.

¹⁵ The report describes the work of the FEMA After-Action Report (AAR) development team (FEMA, *1 October After-Action Report*, August 24, 2018, <https://www.policinginstitute.org/wp-content/uploads/2018/09/1OctoberAfterActionReport.pdf>).

A Brief History of FEMA's Establishment

Disaster assistance was provided by the U.S. federal government well before FEMA's establishment—dating back to the early 1800s.¹⁶ Such assistance was provided ad hoc prior to the enactment of the Disaster Relief Act of 1950 (P.L. 81-875).¹⁷ This act authorized federal agencies to provide assistance at the direction of the President and authorized the President to coordinate the activities of federal agencies in providing disaster assistance.¹⁸ Congress expanded the federal government's role in providing disaster relief over the ensuing 28 years. However, until the establishment of FEMA, there was still no single coordinating entity for federal disaster response efforts.¹⁹

States identified the lack of federal policy and the disbursed responsibility for federal preparedness and disaster relief as challenges, and in 1977, the National Governors' Association urged the President to

Reorganize existing federal emergency preparedness and disaster relief responsibilities into one office, headed by a presidentially appointed director who is charged with the responsibility to coordinate all federal activities and to work closely with the states to meet those responsibilities. The federal reorganization effort should evaluate the effectiveness of existing aid programs in helping states meet the needs created by natural and man-made disasters, with a special emphasis on the ability of these programs to deliver aid and assistance expeditiously with a minimum of bureaucratic delay.²⁰

“Reorganization Plan Number 3 of 1978” (hereinafter the Reorganization Plan) established FEMA as an independent Executive Branch agency. It was developed by President Jimmy Carter and submitted to Congress on June 19, 1978.²¹ President Carter's accompanying message explained that the Reorganization Plan would improve federal emergency management and assistance by consolidating activities in a single agency, thereby unifying key emergency management and assistance functions, increasing efficiency, cutting duplicative administrative costs, ensuring preparedness, and making such functions directly accountable to the President and

¹⁶ Additional information on FEMA's history can be found in FEMA's *We Are FEMA: Helping People Before, During, and After Disasters* (third edition of Publication 1 or Pub 1), FP-112-01, last accessed August 8, 2025, p. 26, https://www.fema.gov/sites/default/files/documents/fema_publication-one_english_2025.pdf (hereinafter FEMA, third edition of Publication 1); see also FEMA, “FEMA Releases Publication One: We are FEMA,” press release, HQ-19-136, November 20, 2019, <https://www.fema.gov/press-release/20250121/fema-releases-publication-one-we-are-fema>.

¹⁷ The Disaster Relief Act of 1950 (P.L. 81-875; 64 Stat. 1109), available at <https://www.govinfo.gov/content/pkg/STATUTE-64/pdf/STATUTE-64-Pg1109.pdf#page=1>. See also DHS/FEMA, *The Federal Emergency Management Agency Publication 1*, November 2010, pp. 3-5, https://www.fema.gov/sites/default/files/2020-03/publication-one_english_2010.pdf (hereinafter DHS/FEMA, *2010 FEMA Pub. 1*). A detailed overview of the historical context for disaster relief funding can be found in CRS Report R45484, *The Disaster Relief Fund: Overview and Issues*, by William L. Painter (see the section on “Historical Context for Federal Disaster Relief Funding”).

¹⁸ Sections 3 and 5(a) of the Disaster Relief Act of 1950 (P.L. 81-875; 64 Stat. 1110).

¹⁹ DHS/FEMA, *2010 FEMA Pub. 1*, p. 6.

²⁰ National Governors' Association, *Proceedings of the National Governors' Association Annual Meeting 1977*, September 7-9, 1977, pp. 130-131, <https://www.nga.org/wp-content/uploads/2021/03/1977NGAAnnualMeeting.pdf> (see the section on “Disaster Relief”); see also FEMA, “Emergency Management Institute (EMI) Overview,” web page, last accessed April 27, 2026, <https://training.fema.gov/history.aspx> (see “FEMA History”).

²¹ Office of the President, “Reorganization Plan No. 3 of 1978,” 43 *Federal Register* 41943-41945, September 19, 1978, https://archives.federalregister.gov/issue_slice/1978/9/19/41941-41947.pdf#page=3. U.S. General Accounting Office (now U.S. Government Accountability Office), *Implementation: The Missing Link in Planning Reorganizations*, GGD-81-67, March 20, 1981, pp. 24-25 (Appendix I), <https://www.gao.gov/assets/ggd-81-57.pdf>. See also the Reorganization Act of 1977 (P.L. 95-17), which authorized the President to prepare reorganization plans to do things like transfer agency responsibilities, consolidate agencies, etc. For additional information on reorganization plans, see CRS Report R44909, *Executive Branch Reorganization*, by Henry B. Hogue.

Congress.²² Congress approved the Reorganization Plan in September 1978.²³ The provisions of the Reorganization Plan became effective on April 1, 1979, pursuant to the Reorganization Plan and also Executive Order 12127 of March 31, 1979. Executive Order 12127 transferred selected functions to FEMA—related to fire prevention and control, the Emergency Broadcast System, and the National Flood Insurance Program—from the Department of Commerce, Department of Housing and Urban Development (HUD), and the President.²⁴

The President further delegated authorities to the FEMA Director (now the FEMA Administrator) through other Executive Orders, including:

- Executive Order 12148 of July 20, 1979, which assigned FEMA the dual mission of coordinating emergency management and civil defense—adopting an all-hazards approach to managing emergencies of all sizes.²⁵ Through the Executive Order, the President delegated authorities to the FEMA Director, including authorities assigned to HUD's Federal Disaster Assistance Administration related to helping communities develop preparedness plans for weather emergencies; the General Services Administration's Federal Preparedness Agency; and the Office of Science and Technology Policy related to earthquake hazard reduction.²⁶ The President also delegated functions vested in the President by the Disaster Relief Act of 1970 (P.L. 91-606), the Disaster Relief Act of 1974 (P.L. 93-288, which would later be renamed the Stafford Act), and the Earthquake Hazards Reduction Act of 1977 (P.L. 95-124).²⁷
- Executive Order 12673 of March 23, 1989, which amended Executive Order 12148, delegated most functions vested in the President by the Stafford Act—except the President's major disaster and emergency declaration authorities and a few other authorities—to the FEMA Director.²⁸

FEMA existed as an independent agency until March 2003, when it became part of the newly established Department of Homeland Security (DHS), pursuant to the Homeland Security Act of 2002 (HSA; P.L. 107-296). Though it is currently a component of DHS, FEMA remains responsible for coordinating the federal response to Stafford Act incidents, as well as coordinating other federal response operations when called upon.

²² President Jimmy Carter, "Federal Emergency Management Agency Message to the Congress Transmitting Reorganization Plan No. 3 of 1978," *The American Presidency Project*, June 19, 1978, <https://www.presidency.ucsb.edu/node/248795>; President Jimmy Carter, "Federal Emergency Management Agency Remarks Announcing Reorganization Plan No. 3 of 1978," *The American Presidency Project*, June 19, 1978, <https://www.presidency.ucsb.edu/node/248788>.

²³ U.S. General Accounting Office (now U.S. Government Accountability Office), *Implementation: The Missing Link in Planning Reorganizations*, GGD-81-67, March 20, 1981, pp. 7 and 25 (Appendix I), <https://www.gao.gov/assets/ggd-81-57.pdf>.

²⁴ Executive Order 12127, "Federal Emergency Management Agency," 44 *Federal Register* 19367-19368, March 31, 1979, https://archives.federalregister.gov/issue_slice/1979/4/3/19367-19368.pdf.

²⁵ Executive Order 12148, "Federal Emergency Management Agency," 44 *Federal Register* 43239-43248, July 20, 1979, https://archives.federalregister.gov/issue_slice/1979/7/24/43239-43248.pdf (see Section 2-101); DHS/FEMA, *2010 FEMA Pub. 1*, p. 7.

²⁶ Executive Order 12148, "Federal Emergency Management Agency," 44 *Federal Register* 43239-43248, July 20, 1979, https://archives.federalregister.gov/issue_slice/1979/7/24/43239-43248.pdf (see Section 1).

²⁷ Executive Order 12148, "Federal Emergency Management Agency," 44 *Federal Register* 43239-43248, July 20, 1979, https://archives.federalregister.gov/issue_slice/1979/7/24/43239-43248.pdf (see Section 4).

²⁸ Executive Order 12673, "Delegation of Disaster Relief and Emergency Assistance Functions," 54 *Federal Register* 12571, March 28, 1989, https://archives.federalregister.gov/issue_slice/1989/3/28/12571-12573.pdf (see Section 1).

FEMA's Initial Authorities

Before FEMA's establishment, Congress expanded the federal government's role in providing disaster relief by enacting the Disaster Relief Act of 1970 (P.L. 91-606), and then the Disaster Relief Act of 1974 (P.L. 93-288). After FEMA's establishment, in 1988, Congress enacted the Disaster Relief and Emergency Assistance Amendments of 1988 (P.L. 100-707), which amended the Disaster Relief Act of 1974 and renamed it the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

FEMA's authorities to support Stafford Act and non-Stafford Act incidents are established in multiple statutes and have been granted to the agency directly or by executive agency delegations of authority, including by the President and the DHS Secretary, as FEMA is a component of DHS. FEMA's work is also dictated by executive orders, policy directives, regulations, and doctrinal guidance.

The following case studies illustrate how FEMA's authorities, incident management capabilities, and coordination role have evolved and expanded over time—looking at examples from the 1980s through December 2024.²⁹

Future of FEMA

The role of FEMA could evolve in the future. Since January 2025, following the second inauguration of President Donald J. Trump, there has been congressional interest in the future of FEMA, including because of calls to reform the agency by both the Administration and Congress.

President Trump has suggested dissolving FEMA in its current form, and the Administration has made clear its intent to have states take on a greater role in disaster preparedness, as well as response and recovery.³⁰ President Trump issued Executive Order 14180, establishing the FEMA Review Council to undertake a "full-scale review" of the agency, and advise and make recommendations regarding reforming FEMA.³¹ The FEMA Review Council issued its final report of findings and recommendations on May 7, 2026, and if adopted, FEMA's disaster assistance and mitigation grant programs would be significantly altered.³² Separately, Members of the 119th Congress have introduced legislation to substantially reform FEMA, with approaches ranging from making FEMA an independent cabinet-level agency and expanding its disaster assistance programs, to abolishing the agency and providing disaster assistance as block grants to states.³³ There is general agreement amongst most stakeholders that reform is

²⁹ Landmark legislation affecting FEMA's authorities was enacted following the September 11, 2001, terrorist attacks and Hurricane Katrina (2005)—the Homeland Security Act of 2002 (HSA; P.L. 107-296), and the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA; Title VI of P.L. 109-295). See also DHS, NRF 4th ed., pp. 42-47.

³⁰ Executive Order 14239, "Achieving Efficiency Through State and Local Preparedness," 90 *Federal Register* 13267-13269, March 21, 2025.

³¹ Executive Order 14180, "Council to Assess the Federal Emergency Management Agency," 90 *Federal Register* 8743-8745, January 31, 2025. See also the Department of Homeland Security, "Federal Emergency Management Agency Review Council," web page, last updated May 8, 2026, <https://www.dhs.gov/federal-emergency-management-agency-review-council>.

³² FEMA Review Council, Final Report The President's Council to Assess the Federal Emergency Management Agency, May 7, 2026, https://www.dhs.gov/sites/default/files/2026-05/26_0507_fema%20review%20council_final%20report.pdf; for an overview of the FEMA Review Council's report, see CRS Insight IN12693, *FEMA Review Council: Final Report*, by Diane P. Horn, Erica A. Lee, and Elizabeth M. Webster.

³³ For examples of bills introduced in the 119th Congress that would establish FEMA as an independent, cabinet-level agency, see H.R. 4669, FEMA Act of 2025 (H.R. 4669 was ordered reported by the House Committee on Transportation and Infrastructure on September 3, 2025, in a 57-3 vote); see also H.R. 2308 and S. 1246, the House and Senate versions of the FEMA Independence Act of 2025. For examples of introduced legislation that would abolish FEMA and establish a block grant program for disaster relief, see H.R. 3347, Sovereign States Emergency Management Act; see also H.R. 3251, Disaster Response Flexibility Act of 2025, which would establish an alternative (continued...)

needed, but what any such reform will ultimately look like and how such reforms may affect FEMA's role supporting Stafford Act and non-Stafford Act incidents remains to be seen.

Case Studies

CRS identified and selected several incidents for which FEMA was known to have provided support and congressional or executive branch documents described the role of FEMA (e.g., congressional hearing transcripts and FEMA publications), but a Stafford Act declaration was not made. Incidents evaluated for use as potential case studies were compared with FEMA's declared disaster database to ensure incidents that received a presidential Stafford Act declaration were not included.³⁴ The incidents examined herein do not represent an exhaustive list of non-Stafford Act incidents for which FEMA provided support.

FEMA's Early Federal Response Role

FEMA's role in coordinating the federal response and its authorities is affected by how such incidents are defined in statute.

Initially, in 1974, *emergencies* were broadly defined to mean

any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.³⁷

(*Major disasters* were similarly defined—see **Table 1**.)

This broad interpretation of what constitutes an “emergency” seems to have

Love Canal Chemical Waste Contamination (1978)

In the 1920s, the Love Canal, originally intended to generate power, became a municipal and industrial chemical dumpsite. Thirty years later, the company that owned and operated the property covered the canal with earth and sold it to the city. About 100 homes and a school were then built on the site. In 1978, 25 years after the site stopped being an industrial dump, leaching was detected after record rainfall. Waste-disposal drums were exposed, trees and gardens died, pools of noxious substances appeared in residents' yards, basements, and on school grounds, and the Love Canal was linked to causing birth-defects and high rates of miscarriage.³⁵

On August 7, 1978, New York Governor Hugh Carey informed the residents that the State Government would purchase the homes affected by the Love Canal chemicals,³⁶ and President Carter approved an emergency declaration for the incident, New York Chemical Waste, Love Canal (EM-3066-NY)—this was not long before FEMA's establishment.

block grant program for states. For additional information on the FEMA Act of 2025, see CRS Report R48856, *The FEMA Act of 2025: An Overview*, coordinated by Erica A. Lee.

³⁴ The incidents presented as case studies herein were checked against the declarations listed on FEMA's “Declared Disasters” web page, available at <https://www.fema.gov/disaster/declarations>, and FEMA's “OpenFEMA Dataset: Declaration Denials—v1,” one of FEMA's OpenFEMA data sets available at <https://www.fema.gov/openfema-data-page/declaration-denials-v1>.

³⁵ Eckardt C. Beck, “The Love Canal Tragedy,” *EPA Journal*, January 1979, <https://www.epa.gov/archive/epa/aboutepa/love-canal-tragedy.html>.

³⁶ New York State Department of Health, *Love Canal—Public Health Time Bomb: A Special Report to the Governor and Legislature: September, 1978*, last accessed April 27, 2026, https://www.health.ny.gov/environmental/investigations/love_canal/lctimbmb.htm.

³⁷ Section 102(1) of the Disaster Relief Act of 1974 (P.L. 93-288).

come into play on more than one occasion. For example, President Carter declared emergencies for incidents such as the Love Canal chemical waste contamination (1978)³⁸ and the Cuban refugee crisis that FEMA supported with the Mariel boatlift (1980).³⁹ In a Senate Hearing on the bill to amend the Disaster Relief Act of 1974, some “consternation” was expressed regarding the use of the Disaster Relief Act to support the Mariel boatlift (rather than the Refugee Relief Act, which had just been enacted). One witness, FEMA General Counsel George Jett, noted limitations related to the Refugee Relief Act in this instance and explained that the use of the Disaster Relief Act had been carefully considered.⁴⁰ Additionally, in his statement during that same hearing, the Associate Director of the General Accounting Office, Lowell Dodge, noted

In 1980, Federal emergency assistance was provided to assist States in handling such situations as the Love Canal chemical contamination issue and the Cuban refugee influx. These actions stirred considerable controversy regarding whether nonnatural catastrophes are within the purview of the existing law.

The current law is not entirely clear on this matter, though it does allow the President to make declarations for other catastrophes as well as for specified natural catastrophes. We recommended in our report that the Congress clarify the act with regard to the extent to which supplemental Federal assistance should be given in a major disaster and the types of incidents would qualify.

Mariel Boatlift (1980)

From April-October 1980, Cuban refugees sought to escape to the United States when Fidel Castro opened the port of Mariel to residents who wanted to leave—to emigrate to the United States. Thousands of vessels were involved in the exodus to Florida. The boat trip from the port of Mariel to Florida posed challenges to safety, including due to poor weather conditions, strong currents, and craft that were “unworthy and overloaded.” The U.S. military engaged in rescue operations.⁴¹ Additionally, there were concerns for the arriving Cuban refugees, including related to providing humanitarian relief and immigration and naturalization processing.⁴²

In April, FEMA was tasked with establishing a federal processing center for the Cuban refugees, with assistance from the military,⁴³ and on May 6, 1980, President Carter approved an emergency declaration for the incident, “Florida Undocumented Aliens From Cuba ‘Mariel Boatlift’” (EM-3079-FL).

Section 5 of the bill would address this concern by amending the definition of major disaster to limit disasters in this category to natural disasters. At the same time, section 3 would amend the definition of emergency to make it clear that the President could declare an emergency for any type of catastrophe. We understand this definition would include

³⁸ The contamination of the Love Canal (New York Chemical Waste, Love Canal; EM-3066-NY) received a Stafford Act emergency declaration in August 1978.

³⁹ A Stafford Act declaration was authorized for the “Florida Undocumented Aliens From Cuba ‘Mariel Boatlift’” (EM-3079-FL) in May 1980. The Mariel boatlift may have been more related to the United States’ policies related to Cuba’s Communist regime and Cold War politics. Karen Juanita Carrillo, “The Mariel Boatlift: How Cold War Politics Drove Thousands of Cubans to Florida in 1980,” *A&E Television Networks*, August 9, 2023, <https://www.history.com/news/mariel-boatlift-castro-carter-cold-war>.

⁴⁰ U.S. Congress, Senate Committee on Environment and Public Works, Subcommittee on Regional and Community Development, *Amending the Disaster Relief Act of 1974*, 97th Cong., 1st and 2nd sess., July 16 and 21, 1981; and April 20, 1982, 97-H36 (Washington: GPO, 1982), pp. 10-11.

⁴¹ Britannica, “Mariel boatlift,” last accessed April 27, 2026, <https://www.britannica.com/topic/Mariel-boatlift>; Benedict L. Stabile and Robert L. Scheina, Ph.D., “Mariel: Coast Guard Operations During the 1980 Cuban Exodus,” *National Coast Guard Museum*, February 26, 2025, <https://nationalcoastguardmuseum.org/articles/mariel/>.

⁴² Tom Mason, “Operation RED, WHITE, and BLUE: Eglin AFB and the Mariel Boatlift,” *Air Force Materiel Command History Office*, December 3, 2018, <https://www.afmc.af.mil/News/Article-Display/Article/1703372/operation-red-white-and-blue-eglin-afb-and-the-mariel-boatlift/> (Mason, “Operation RED, WHITE, and BLUE”).

⁴³ Mason, “Operation RED, WHITE, and BLUE.”

social, economic, or other manmade phenomena or incidents. We believe this proposed clarification is consistent with our recommendation.⁴⁴

The incidents FEMA supported in its early history also included natural hazards, such as the eruption of Mount St. Helens (1980).⁴⁵ In instances when FEMA was not authorized to provide assistance pursuant to the Disaster Relief Act—which later became the Stafford Act—the agency was able to provide coordination support⁴⁶ as demonstrated in the case study below.

With regard to its coordinating role, during a Senate hearing in 1981, Louis O. Giuffrida, FEMA Director (1981-1985), said of FEMA,

We are a coordinating agency. Our function is to know where everybody is and to coordinate to make sure that they are all working with maximum interface.⁴⁷

Mr. Giuffrida went on to state

FEMA's role continues to be, and I think correctly so, to be prepared to handle coordination irrespective of who else is handling the event onsite. FEMA's role is to insure that the whole response spectrum is kept apprised, that it is geared up on schedule, and moves to the area where needed and on schedule, be it in the vicinity of a new powerplant, in the vicinity of an area that is having a hurricane, or whatever the situation may be.

Our involvement is to insure that the suffering, if possible, is prevented; if it cannot be prevented, kept to a minimum, and that we move expeditiously and effectively.⁴⁸

Natural Hazard: 1980 Heat Wave and Drought

In the summer of 1980, a heat wave and drought affected much of the United States, resulting in more than a thousand deaths and significant economic losses.⁴⁹ The areas affected by heat and

⁴⁴ U.S. Congress, Senate Committee on Environment and Public Works, Subcommittee on Regional and Community Development, *Amending the Disaster Relief Act of 1974*, 97th Cong., 1st and 2nd sess., July 16 and 21, 1981; and April 20, 1982, 97-H36 (Washington: GPO, 1982), p. 216.

⁴⁵ A presidential declaration was authorized for the Washington Volcanic Eruption, Mt. St. Helens (DR-623-WA) in May 1980.

⁴⁶ See also the discussion by George Jett, General Counsel, Federal Emergency Management Agency, in which he noted, "In our coordination role in many of the things we have talked about, the Disaster Relief Act is not involved, the fund is not activated; we are not exercising the authority under the Disaster Relief Act of 1974" (U.S. Congress, Senate Committee on Environment and Public Works, Subcommittee on Regional and Community Development, *Amending the Disaster Relief Act of 1974*, 97th Cong., 1st and 2nd sess., July 16 and 21, 1981; and April 20, 1982, 97-H36 (Washington: GPO, 1982), p. 37).

⁴⁷ U.S. Congress, Senate Committee on Environment and Public Works, Subcommittee on Regional and Community Development, *Amending the Disaster Relief Act of 1974*, 97th Cong., 1st and 2nd sess., July 16 and 21, 1981; and April 20, 1982, 97-H36 (Washington: GPO, 1982), p. 12.

⁴⁸ U.S. Congress, Senate Committee on Environment and Public Works, Subcommittee on Regional and Community Development, *Amending the Disaster Relief Act of 1974*, 97th Cong., 1st and 2nd sess., July 16 and 21, 1981; and April 20, 1982, 97-H36 (Washington: GPO, 1982), p. 36.

⁴⁹ As noted by President Carter during a visit to Justin, TX, temperatures in the area were at or above 100 degrees every day for four weeks, and more than 1,150 people died. U.S. President (Carter), "Justin, Texas: Remarks Following a Tour of a Field Damaged by Heat and Drought, July 21, 1980," *Public Papers of the Presidents of the United States: Book II—May 24 to September 26, 1980* (Washington: GPO, 1982), p. 1390, <https://www.govinfo.gov/app/details/PPP-1980-book2>. For additional information on federal assistance for extreme heat, see CRS Report R46873, *Emergency Response to Extreme Heat: Federal Financial Assistance and Considerations for Congress*, coordinated by Erica A. Lee (see Appendix B, the section on "1980 Extreme Heat in Multiple States").

drought conditions included Texas, Arkansas, Oklahoma, Missouri, Kansas, Louisiana, Illinois, Kentucky, Tennessee, Mississippi, Alabama, and Georgia.⁵⁰

Although the state of Missouri requested a Stafford Act declaration for the July 1980 extreme heat, President Carter denied the major disaster declaration request.⁵¹ Historically, extreme heat has not received presidential Stafford Act declarations.⁵²

Still, the Carter Administration sought to assist low-income individuals and older adults, as well as farmers affected by the extreme heat and drought by directing federal assistance to support the affected areas on July 15, 1980, and expanding the provision of such assistance on July 25, 1980.⁵³ Federal support included funding made available through the Community Services Administration (CSA), which administered antipoverty programs,⁵⁴ for transportation to state- and local-operated heat relief centers, rent/purchase of low-cost appliances (e.g., fans and air conditioners), and utility bill payment, as well as economic relief for farmers through the Department of Agriculture (USDA).⁵⁵

During that incident, President Carter directed the FEMA Director, John Macy, to

coordinate the Federal response to this situation and to meet with representatives of State government in the affected regions to ensure that Federal assistance is closely coordinated with that from other units of government.⁵⁶

The President also sent a telegram to the affected governors, commending their efforts and promising continued federal support, noting that he directed the FEMA Director to coordinate the federal government's response. He also encouraged states to work with their public utility commission to defer utility payments for low-income individuals and older adults to not

⁵⁰ U.S. President (Carter), "Heat and Drought Conditions in the United States: Announcement of Federal Assistance Actions. July 15, 1980," *Public Papers of the Presidents of the United States: Book II—May 24 to September 26, 1980* (Washington: GPO, 1982), pp. 1345-1346, <https://www.govinfo.gov/app/details/PPP-1980-book2>; U.S. President (Carter), "Heat and Drought Conditions in the United States: Announcement of Federal Assistance Actions. July 25, 1980," *Public Papers of the Presidents of the United States: Book II—May 24 to September 26, 1980* (Washington: GPO, 1982), pp. 1421-1422, <https://www.govinfo.gov/app/details/PPP-1980-book2>.

⁵¹ FEMA, "OpenFEMA Dataset: Declaration Denials—v1," last data refresh April 21, 2025, <https://www.fema.gov/openfema-data-page/declaration-denials-v1> (declaration request number 80056); see also The Times Editorial Board, "This Record-Breaking Heat Is an Emergency. It's Time to Treat It Like One," *Los Angeles Times*, July 9, 2024, <https://www.latimes.com/opinion/story/2024-07-09/editorial-this-record-breaking-heat-is-an-emergency-its-time-to-treat-it-like-one>.

⁵² For additional information on historical Stafford Act declaration requests and denials related to extreme heat, see CRS Insight IN12384, *Stafford Act Declarations for Extreme Heat*, by Erica A. Lee and Bruce R. Lindsay.

⁵³ U.S. President (Carter), "Heat and Drought Conditions in the United States: Announcement of Federal Assistance Actions. July 15, 1980," *Public Papers of the Presidents of the United States: Book II—May 24 to September 26, 1980* (Washington: GPO, 1982), pp. 1345-1346, <https://www.govinfo.gov/app/details/PPP-1980-book2>; U.S. President (Carter), "Heat and Drought Conditions in the United States: Announcement of Federal Assistance Actions. July 25, 1980," *Public Papers of the Presidents of the United States: Book II—May 24 to September 26, 1980* (Washington: GPO, 1982), pp. 1421-1422, <https://www.govinfo.gov/app/details/PPP-1980-book2>.

⁵⁴ The Community Services Administration (CSA) was established by the Headstart, Economic Opportunity, and Community Partnership Act of 1974 (P.L. 93-644); it was the successor to the Office of Economic Opportunity, and was succeeded by the Office of Community Services (OCS), part of the HHS Administration for Children and Families (ACF). See National Archives, "Records of the Community Services Administration," last accessed March 25, 2026, <https://www.archives.gov/research/guide-fed-records/groups/381.html>.

⁵⁵ U.S. President (Carter), "Heat and Drought Conditions in the United States: Announcement of Federal Assistance Actions. July 15, 1980," *Public Papers of the Presidents of the United States: Book II—May 24 to September 26, 1980* (Washington: GPO, 1982), p. 1346, <https://www.govinfo.gov/app/details/PPP-1980-book2>.

⁵⁶ U.S. President (Carter), "Heat and Drought Conditions in the United States: Announcement of Federal Assistance Actions. July 15, 1980," *Public Papers of the Presidents of the United States: Book II—May 24 to September 26, 1980* (Washington: GPO, 1982), p. 1346, <https://www.govinfo.gov/app/details/PPP-1980-book2>.

discourage the use of cooling appliances in this life and health threatening situation associated with the heat wave—a concern of affected individuals that was brought to the President's attention by FEMA, state, and local officials.⁵⁷

FEMA's Role as *Emergencies* and *Major Disasters* are Redefined

Over time, the definitions of *major disaster* and *emergency* have been amended, as depicted in **Table 1**, affecting the types of incidents that may be considered major disasters and emergencies.

In 1988, the *major disaster* definition was amended to limit eligible incidents to natural catastrophes, and any fire, flood, or explosion—regardless of cause.⁵⁸ Previously, the definition also included “other catastrophes” causing damage of sufficient severity and magnitude to warrant a major disaster, which could have allowed for a broader interpretation of eligible incident types.⁵⁹ Thus, while the current definition's reference to “any natural catastrophe” may be interpreted to include more natural catastrophes than just those incident types listed in the definition (e.g., in 2020, the 50 states, U.S. territories, District of Columbia, and some tribes received major disaster declarations for the COVID-19 pandemic), other natural and non-natural catastrophes are more limited (i.e., “regardless of cause, any fire, flood, or explosion”).

The *emergency* definition was and remains broader than the *major disaster* definition, although the *emergency* definition was amended in 1988 to remove the list of incident types and add the text regarding the President's determining that federal assistance is needed.⁶⁰

⁵⁷ U.S. President (Carter), “Heat and Drought Conditions in the United States: Telegram Sent to Governors of 12 States. July 25, 1980,” *Public Papers of the Presidents of the United States: Book II—May 24 to September 26, 1980* (Washington: GPO, 1982), p. 1423, <https://www.govinfo.gov/app/details/PPP-1980-book2>.

⁵⁸ Section 103(c) of the Disaster Relief and Emergency Assistance Amendments of 1988 (P.L. 100-707). See the current “major disaster” definition at 42 U.S.C. §5122(2).

⁵⁹ Section 102(2) of the Disaster Relief Act of 1974 (P.L. 93-288). See the current “major disaster” definition at 42 U.S.C. §5122(2).

⁶⁰ Section 103(b) of the Disaster Relief and Emergency Assistance Amendments of 1988 (P.L. 100-707). See the current “emergency” definition at 42 U.S.C. §5122(1).

Table I. Evolution of the Definitions of Emergency and Major Disaster

Authority	Emergency Definition	Major Disaster Definition
Disaster Relief Act of 1974 (P.L. 93-288)	“‘Emergency’ means any <i>hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance</i> to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.”	“‘Major disaster’ means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act, <i>above and beyond emergency services by the Federal Government</i> , to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.”
Disaster Relief and Emergency Assistance Amendments of 1988 (P.L. 100-707)	“‘Emergency’ means any <i>occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.</i> ”	“‘Major disaster’ means any <i>natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.</i> ”

Sources: Sections 102(1) and (2) of the Disaster Relief Act of 1974 (P.L. 93-288); and Sections 103(b) and (c) of the Disaster Relief and Emergency Assistance Amendments of 1988 (P.L. 100-707).

Notes: Italicized text in the definitions was added to highlight differences between the definitions. The Disaster Relief and Emergency Assistance Amendments of 1988 (P.L. 100-707) renamed the Disaster Relief Act of 1974 the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and the definitions included in the second row remain the definitions of *emergency* and *major disaster* as of the date of publication (42 U.S.C. §5122(1) and (2), respectively).

Following the changes to the *emergency* and *major disaster* definitions, FEMA continued supporting the federal response to and recovery from natural hazards for which Stafford Act declarations were authorized, including Hurricane Hugo (1989), the Loma Prieta Earthquake (1989), Hurricane Andrew (1992), and the Northridge Earthquake (1994).⁶¹ FEMA also supported other types of incidents, such as the bombing of the Alfred P. Murrah Federal Building in Oklahoma City (1995), which initially received an emergency declaration and then a major disaster declaration.⁶²

⁶¹ Hurricane Hugo for North Carolina (DR-844-NC), South Carolina (DR-843-SC), Puerto Rico (DR-842-PR), and the U.S. Virgin Islands (DR-841-VI) in September 1989; the California Loma Prieta Earthquake (DR-845-CA) in October 1989; Hurricane Andrew for Louisiana (DR-956-LA) and Florida (DR-955-FL) in August 1992; and the California Northridge Earthquake (DR-1008-CA) in January 1994.

⁶² The Oklahoma City bombing (Explosion at Federal Courthouse in Oklahoma City) received a Stafford Act emergency declaration (EM-3115-OK), and subsequently received a major disaster declaration (DR-1048-OK) in April 1995.

Chemical Spill: 1989 Exxon Valdez Oil Spill

The statutory definition of a major disaster, which emphasizes natural catastrophes, affects the types of incidents that are eligible to receive a Stafford Act declaration. The *Exxon Valdez* oil spill on the south-central Alaskan Coast was a significant human-caused environmental disaster, which occurred on March 24, 1989, when

the Exxon Valdez struck Bligh Reef in Prince William Sound, 25 miles outside the port of Valdez, Alaska. The March 24, 1989 accident caused roughly 11 million gallons of crude oil to discharge into Prince William Sound, a highly productive and sensitive marine environment and to eventually reach the Gulf of Alaska.⁶³

Although the state of Alaska requested a Stafford Act declaration for the Exxon Valdez oil spill in March 1989, President George H.W. Bush denied the emergency declaration request.⁶⁴ Mayor John Devens of the City of Valdez, Alaska said, before the House Interior Subcommittee on Water, Power, and Offshore Energy Resources, that “attempts were made for areas of Alaska affected by the spill to be designated for federal disaster status.”⁶⁵ When asked by Representative Peter DeFazio why they had not received the disaster designation, Mayor Devens responded, “a declaration of disaster was not given on a manmade disaster, only on a natural disaster, and they did not feel this was going to be a natural disaster so they did not see that FEMA could come in.”⁶⁶

The FEMA Director, Craig Wingo, was listed as a National Response Team Member, but FEMA did not otherwise have a role coordinating the federal response.⁶⁷ The National Transportation

⁶³ U.S. Congress, House Interior and Insular Affairs Committee, Water, Power, and Offshore Energy Resources Subcommittee, *Investigation of the Exxon Valdez Oil Spill, Prince William Sound, Alaska*, 101st Cong., 1st sess., May 5 and 7, 1989, 22-429 (Washington: GPO, 1989), p. 335.

⁶⁴ FEMA, “OpenFEMA Dataset: Declaration Denials—v1,” last data refresh April 21, 2025, <https://www.fema.gov/openfema-data-page/declaration-denials-v1> (declaration request number 89004). The Mayor of the City of Valdez, Alaska, John Devens testified that because the oil spill was a manmade and not a natural disaster, FEMA could not assist (U.S. Congress, House Interior and Insular Affairs, Water, Power, and Offshore Energy Resources, *Investigation of the Exxon Valdez Oil Spill, Prince William Sound, Alaska*, 101st Cong., 1st sess., May 5 and 7, 1989, 22-429 (Washington: GPO, 1989), p. 35).

⁶⁵ U.S. Congress, House Interior and Insular Affairs Committee, Water, Power, and Offshore Energy Resources Subcommittee, *Investigation of the Exxon Valdez Oil Spill, Prince William Sound, Alaska*, 101st Cong., 1st sess., May 7, 1989, 101-5 Part 1 (Washington: GPO, 1989), p. 26, <https://congressional.proquest.com/congressional/docview/t29.d30.hrg-1989-ia-0014?accountid=12084> (hereinafter House Investigation of the Exxon Valdez Oil Spill).

⁶⁶ House Investigation of the Exxon Valdez Oil Spill, pp. 34-35.

⁶⁷ Samuel K. Skinner and William K. Reilly, *The Exxon Valdez Oil Spill: A Report to the President*, May 1989, p. Appendices 26, <https://nrt.response.epa.gov/sites/2/files/Valdez%20spill%20RTP.pdf> (see Appendix F). According to the National Response Team’s report to the President, “Specifically, he [the Governor of Alaska] asked for the appointment of a federal coordinator and for technical and advisory assistance to the federal, state, and local governments. On April 11, the director of the Federal Emergency Management Agency advised the Governor that the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) was operating. The NCP is the federal plan for responding to oil spills and hazardous substance releases, and is separate from the National Response Framework (see EPA, “National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Overview,” last updated July 15, 2025, <https://www.epa.gov/emergency-response/national-oil-and-hazardous-substances-pollution-contingency-plan-ncp-overview>). The NCP already provided the federal coordinator and technical assistance specified in the governor’s request (see page 16). Later lessons learned identified the need to improve preparedness and response planning, including noting that FEMA, the U.S. Coast Guard, and the Environmental Protection Agency were rewriting the Emergency Support Function (ESF) #10 (Hazards Materials Annex) to “create a smooth transition and interaction” between the ESF #10 emergency functions and those found in the NCP (U.S. Congress, House Merchant Marine and Fisheries Committee, *Prince William Sound After Exxon Valdez Oil Spill*, 103rd Cong., 1st sess., March 24, 1993, 103-10 (Washington: GPO, 1993), p. 86).

Safety Board (NTSB) and the Federal Bureau of Investigation (FBI) investigated the oil spill and its causes.⁶⁸

20 Years Later: 2010 Deepwater Horizon Oil Spill

On April 20, 2010, an explosion on the drilling unit, *Deepwater Horizon*, led to its sinking, and resulted in environmental and economic damages. After the explosion, aircraft reported a sheen on the surface of the water that was two miles long and half-a-mile wide,⁶⁹ and more than 200 million gallons of crude oil escaped into the Gulf of Mexico before the well was capped in July 2010.⁷⁰ Nine days after the explosion, the *Deepwater Horizon* oil spill became the first incident to be declared a “Spill of National Significance” and the DHS Secretary designated a National Incident Commander to lead the response.⁷¹ The response required coordination, including a Federal On-Scene Coordinator to work with federal, state, and local partners to address operational needs (the National Incident Commander assumed this role); National Incident Command to coordinate the “whole of Government” response; Unified Area Command (UAC) to oversee operations in the Gulf Region; multiple Incident Command Posts (ICPs) to coordinate with locals; and Branches and Staging Areas to coordinate resource distribution.⁷²

A challenge revealed related to the difference in approaches presented by the “bottom-up” approach to disaster response captured in the National Response Framework (NRF), and the “top-down” approach to federally directed oil spill response under the National Contingency Plan (NCP), as well as limitations of the NCP.⁷³

Admiral Allen, National Incident Commander (and Commandant of the U.S. Coast Guard) stated, “attempting to reconcile the NRF [National Response Framework] and the NCP [National Contingency Plan] during a major disaster is not a good business practice, and will likely lead to a less than optimal response. The conflict between the NCP and the NRF must be reconciled in law, policy, and doctrine to avoid similar situations in the future.”⁷⁴

While FEMA did not coordinate the federal response to *Deepwater Horizon*, FEMA supported event communications by deploying a Government Relations Team to address questions from local community organizations and businesses, and managing the UAC New Orleans Community Relations Section, augmenting the UAC External Affairs staff, and providing foreign language assistance and experienced Public Information Officers.⁷⁵

FEMA Leadership’s Expanded Role Supporting the President

For a period during the 1990s, FEMA’s role in non-Stafford Act incident response was determined, at least in part, by the relationship the FEMA Director had with the President. In 1996, during the Clinton Administration, FEMA was elevated to a Cabinet-level agency⁷⁶ and President William J. Clinton appointed James Lee Witt to be the FEMA Director. Previously, Director Witt had served under then-Governor Clinton as the Director of Arkansas’s Office of

⁶⁸ U.S. Congress, House Interior and Insular Affairs, Water, Power, and Offshore Energy Resources, *Investigation of the Exxon Valdez Oil Spill, Prince William Sound, Alaska*, 101st Cong., 1st sess., May 5 and 7, 1989, 22-429 (Washington: GPO, 1989), p. 337.

⁶⁹ National Oceanic and Atmospheric Administration (NOAA), *On Scene Coordinator Report, Deepwater Horizon Oil Spill, Submitted to the National Response Team*, “Chapter 1. Situation as It Developed,” September 2011, p. 1, <https://repository.library.noaa.gov/view/noaa/283> (hereinafter NOAA, *Deepwater Horizon Oil Spill*).

⁷⁰ Patrick S. Roberts et al., “The System Is Tested: Response to the BP Deepwater Horizon Oil Spill John R. Harrald,” (2012), p. 214 (hereinafter Roberts, “The System Is Tested”).

⁷¹ NOAA, *Deepwater Horizon Oil Spill*, p. 6.

⁷² NOAA, *Deepwater Horizon Oil Spill*, Chapter 2. Command and Control, pp. 3, 8.

⁷³ Roberts, “The System Is Tested,” pp. 216, 223.

⁷⁴ Roberts, “The System Is Tested,” p. 223.

⁷⁵ NOAA, *Deepwater Horizon Oil Spill*, Chapter 10. Communications, pp. 195, 200; U.S. Congress, Senate Homeland Security and Governmental Affairs Committee, *Catastrophic Preparedness: How Ready Is FEMA for the Next Big Disaster?*, 112th Cong., 1st sess., March 17, 2011, S.Hrg. 112-222 (Washington: GPO, 2011), p. 53 (Written Statement of Craig Fugate, FEMA Administrator).

⁷⁶ DHS Office of Inspector General, *FEMA: In or Out?*, OIG-09-25, February 2009, p. 5, https://www.oig.dhs.gov/sites/default/files/assets/Mgmt/OIG_09-25_Feb09.pdf (hereinafter DHS OIG, *FEMA: In or Out?*).

Emergency Services.⁷⁷ Director Witt's relationship with the President and his nationally and internationally recognized leadership capabilities played a role in promoting FEMA and its work, as demonstrated in the following case studies.⁷⁸

Concern for Potential Terrorism: 1996 TWA Flight 800 Explosion

On July 17, 1996, TWA Flight 800, bound for Paris, France, exploded minutes after takeoff from John F. Kennedy International Airport and crashed into the sea off eastern Long Island, New York. The 230 passengers and crew were killed.⁷⁹ The NTSB led the investigation, working closely with the FBI due to concern that the explosion may have been an act of terrorism. The resulting investigation found no evidence of terrorist activity.⁸⁰ Instead, the investigation concluded that TWA Flight 800 was brought down by a fuel/air vapor explosion in the center wing tank.⁸¹ The U.S. Navy was brought in to coordinate recovery of the victims and wreckage.⁸²

On July 22, 1996, it was reported that President Bill Clinton had dispatched the FEMA Director to New York to evaluate the federal government's response to the plane crash. According to Press Secretary Mike McCurry, Director Witt was sent to serve as the President's "personal representative" and to "help evaluate the federal response and to determine if any additional federal resources are necessary" to support the search and recovery operation.⁸³ Press Secretary McCurry also said of the FEMA Director that

[he] is proven effective in situations where you have to pull together a lot of different resources—state, federal and local—and he knows how to cut through any bureaucratic issues that might arise.⁸⁴

On July 25, 1996, President Clinton tasked Director Witt and FEMA with supporting the NTSB, which was named the sole agency authorized to speak with the victims' families. The additional support and resources enabled NTSB to provide twice-daily briefings and one-on-one meetings—rather than there being multiple city, state, and federal press conferences. Translators were made available for non-English speaking families; and security was added.⁸⁵

⁷⁷ DHS OIG, *FEMA: In or Out?*, p. 5.

⁷⁸ DHS OIG, *FEMA: In or Out?*, p. 15.

⁷⁹ U.S. Congress, House Transportation and Infrastructure Committee, Aviation Subcommittee, *Aviation Disaster Family Assistance Act of 1996*, 104th Cong., 2nd sess., September 5, 1996, 104-64 (Washington: GPO, 1997), pp. 7-8.

⁸⁰ Federal Bureau of Investigation, "FBI Records: The Vault: TWA Flight 800," last accessed April 22, 2025, <https://vault.fbi.gov/twa-flight-800>.

⁸¹ Dr. Bernard S. Loeb, Director, Office of Aviation Safety, "National Transportation Safety Board Investigation into Trans World Airlines Flight 800: TWA 800 Overview," https://www.nts.gov/news/events/documents/moriches_ny-TWA_800_Overview.pdf; James Lee Witt and James Morgan, *Stronger in the Broken Places: Nine Lessons for Turning Crisis into Triumph* (New York: Times Books, 2002), p. 168.

⁸² U.S. Congress, House Transportation and Infrastructure Committee, Aviation Subcommittee, *Aviation Disaster Family Assistance Act of 1996*, 104th Cong., 2nd sess., September 5, 1996, 104-64 (Washington: GPO, 1997), p. 8.

⁸³ "Clinton Sends FEMA Director to N.Y.," *United Press International Archives*, July 22, 1996, <https://www.upi.com/Archives/1996/07/22/Clinton-sends-FEMA-director-to-NY/5242838008000/>.

⁸⁴ "Clinton Sends FEMA Director to N.Y.," *United Press International Archives*, July 22, 1996, <https://www.upi.com/Archives/1996/07/22/Clinton-sends-FEMA-director-to-NY/5242838008000/>.

⁸⁵ U.S. Congress, House Transportation and Infrastructure Committee, Aviation Subcommittee, *Aviation Disaster Family Assistance Act of 1996*, 104th Cong., 2nd sess., September 5, 1996, 104-64 (Washington: GPO, 1997), p. 8; James Lee Witt and James Morgan, *Stronger in the Broken Places: Nine Lessons for Turning Crisis into Triumph* (New York: Times Books, 2002), p. 167.

Although the state of New York requested a Stafford Act declaration for the crash of TWA Flight 800 in December 1996, President Clinton denied the major disaster declaration request.⁸⁶

Technological Incident: 1998-1999 Y2K Planning⁸⁷

Leading up to the year 2000, there were concerns that some computer programs might fail to operate properly due to a coding problem related to issues recognizing four-digit years that were abbreviated to two digits (i.e., instead of recognizing “00” as “2000,” a computer could interpret it as meaning “1900”)—referred to as the “Millennium Bug,” “Y2K bug,” or “Y2K.”⁸⁸ The concern was that this could lead to computer software and hardware failures, including ones that could affect government and critical infrastructure systems.⁸⁹

Because of this concern, the United States engaged in emergency planning for the year 2000, and in February 1998, President Clinton established the President’s Council on Year 2000 Conversion “to coordinate the federal government’s efforts to increase awareness of the Y2K problem and encourage action in public and private sector organizations.”⁹⁰

With regard to emergency preparedness, concerns related to the Y2K problem included the potential for emergency response systems to “face multiple system failures occurring at roughly the same time and in different places” and that “simultaneous failures [would] test the capacity of our emergency response systems.”⁹¹ FEMA chaired the President’s Council on Year 2000 Conversion’s Emergency Services Working Group with the goal of “facilitat[ing] efforts to ensure that all members of the nation’s emergency services community will be able to operate normally through the Y2K conversion period.”⁹² FEMA was responsible for⁹³:

- assessing and increasing the fire and emergency services sector’s awareness of, preparedness for, and readiness to respond in the event of “catastrophic failures of systems at the State or local government level” related to Y2K,⁹⁴

⁸⁶ FEMA, “OpenFEMA Dataset: Declaration Denials—v1,” last data refresh April 21, 2025, <https://www.fema.gov/openfema-data-page/declaration-denials-v1> (declaration request number 97053).

⁸⁷ CRS did not find a declaration request related to Y2K.

⁸⁸ Britannica, “Y2K bug,” <https://www.britannica.com/technology/Y2K-bug>.

⁸⁹ Britannica, “Y2K bug,” <https://www.britannica.com/technology/Y2K-bug>.

⁹⁰ President Bill Clinton, “President Clinton: Working to Address the Year 2000 Computer Problem,” July 14, 1998, <https://clintonwhitehouse5.archives.gov/WH/Work/071498.html>.

⁹¹ U.S. Congress, Senate Year 2000 Technology Problem (Special) Committee, *Emergency Planning for the Year 2000: Preparation or Panic?*, 105th Cong., 2nd sess., October 2, 1998, S.Hrg. 105–895 (Washington: GPO, 1999), p. 4 (see Statement of John A. Koskinen, Chairman, President’s Council on Year 2000 Conversion).

⁹² U.S. Congress, Senate Year 2000 Technology Problem (Special) Committee, *Emergency Planning for the Year 2000: Preparation or Panic?*, 105th Cong., 2nd sess., October 2, 1998, S.Hrg. 105–895 (Washington: GPO, 1999), pp. 4, 133.

⁹³ FEMA’s Justification of Estimates for Fiscal Year 2000, submitted to Congress in February 1999, included in its Emergency Management Planning and Assistance-Preparedness request regarding “Y2K Preparedness and Operation Readiness” several activities to support state and local planning and provide technical assistance, as well as training and a tabletop exercise (pp. EM-34-35). The following year, FEMA’s Justification of Estimates for Fiscal Year 2001, submitted to Congress in February 2000, included in its Preparedness, Training, and Exercises request regarding “Y2K Preparedness and Operation Readiness” the activities completed, including with regard to support provided for state and local planning and the provision of technical assistance, as well as training and exercises delivered, and grant funding provided (pp. EM-25-26).

⁹⁴ Lacy Suiter, Executive Associate Director for Response and Recovery Directorate, Federal Emergency Management Agency, noted that the agency was assessing the 911 systems, and that the U.S. Fire Administration was working with relevant organizations, and that the Department of Justice and the Department of Transportation were working on the (continued...)

- developing an outreach plan for states and for states to use with locals;⁹⁵
- preparing for disruptions, identifying response needs (including technical support for operators of disrupted systems and business continuity planning), and emergency assistance to state and local governments;⁹⁶ and
- preparing for and managing the federal response through the Federal Response Plan with a specifically tailored Y2K supplement to the plan, ensuring federal agencies' "mission-critical facilities and support systems necessary to conduct Federal Response Plan operations will be functional through the Y2K conversion period," and encouraging federal agencies to work with state and local government partners to promote awareness and business continuity planning for Y2K.⁹⁷

As part of the Y2K preparations, the FEMA Director also engaged in coordinated meetings with the National Security Council, President's Council, and federal response agencies to review Y2K impacts to national security and emergency preparedness.⁹⁸

In a hearing before the Senate Year 2000 Technology Problem Special Committee, Lacy Suiter, FEMA's Executive Associate Director for the Response and Recovery Directorate, noted that the agency would be making a report on the 911 system, which would be followed by exercises and evaluations, and then corrective actions for dealing with Y2K, noting,

I think we're doing quite a bit. We're going as rapidly as we can. Given all the rest of the disasters going on—there are 31 open disasters as we speak right now in the United States that we're dealing with—we're stretched kind of thin. But we think we're making good progress.⁹⁹

law enforcement and emergency medical services sides of the system, respectively. Also, FEMA was working on a report about fixing the 911 system or being ready in the event it should fail. U.S. Congress, Senate Year 2000 Technology Problem (Special) Committee, *Emergency Planning for the Year 2000: Preparation or Panic?*, 105th Cong., 2nd sess., October 2, 1998, S.Hrg. 105–895 (Washington: GPO, 1999), pp. 10–11, and 133–134.

⁹⁵ FEMA was also working with national organizations, such as the National Emergency Management Association (NEMA) and the International Association of Emergency Managers (IAEM), as well as the National Governor's Association (NGA) to conduct state and local outreach. U.S. Congress, Senate Year 2000 Technology Problem (Special) Committee, *Emergency Planning for the Year 2000: Preparation or Panic?*, 105th Cong., 2nd sess., October 2, 1998, S.Hrg. 105–895 (Washington: GPO, 1999), pp. 6, 133–135.

⁹⁶ U.S. Congress, Senate Year 2000 Technology Problem (Special) Committee, *Emergency Planning for the Year 2000: Preparation or Panic?*, 105th Cong., 2nd sess., October 2, 1998, S.Hrg. 105–895 (Washington: GPO, 1999), pp. 6, 133.

⁹⁷ U.S. Congress, Senate Year 2000 Technology Problem (Special) Committee, *Emergency Planning for the Year 2000: Preparation or Panic?*, 105th Cong., 2nd sess., October 2, 1998, S.Hrg. 105–895 (Washington: GPO, 1999), p. 6 (see Statement of Lacy Suiter, Executive Associate Director for Response and Recovery Directorate, Federal Emergency Management Agency); see also page 16 with Mr. Suiter's description of the Y2K annex to the National Response Plan; see page 96 in which John A. Koskinen, Chairman, President's Council on Year 2000 Conversion, noted "FEMA has met with the Federal agencies that play key roles in emergency response and has been working to ensure that those agencies will not have difficulties in getting resources to where they need to be should emergency situations develop on January 1, 2000"; see also pages 135–136 and Mr. Suiter's description of FEMA's responsibility under the National Response Plan.

⁹⁸ U.S. Congress, Senate Year 2000 Technology Problem (Special) Committee, *Emergency Planning for the Year 2000: Preparation or Panic?*, 105th Cong., 2nd sess., October 2, 1998, S.Hrg. 105–895 (Washington: GPO, 1999), pp. 4, 93. This aligns with FEMA's authorities and responsibilities under Section 104(c) of Executive Order 12656 of November 18, 1988, "The President Assignment of Emergency Preparedness Responsibilities," 53 *Federal Register* 47492, November 23, 1988.

⁹⁹ U.S. Congress, Senate Year 2000 Technology Problem (Special) Committee, *Emergency Planning for the Year 2000: Preparation or Panic?*, 105th Cong., 2nd sess., October 2, 1998, S.Hrg. 105–895 (Washington: GPO, 1999), p. 11.

FEMA's Evolution Within DHS

The September 11, 2001, terrorist attacks and subsequent enactment of the HSA (2002, P.L. 107-296) changed FEMA and the nation's approach to domestic incident management.¹⁰⁰ Then Hurricane Katrina (2005) changed FEMA's path again. Landmark FEMA reform legislation and corresponding presidential actions affected FEMA's role in this period, as discussed below and depicted in the following case studies.

FEMA and the President's Cabinet

President George W. Bush chose not to include his FEMA Director, Joe Allbaugh, as a member of his Cabinet.¹⁰¹ Then, following the September 11, 2001, terrorist attacks, DHS was established, and the DHS Secretary was included in the President's Cabinet.¹⁰² Although FEMA is a DHS component, it is possible that the President could give FEMA Cabinet rank.¹⁰³ Per statute, "The President may designate the [FEMA] Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters."¹⁰⁴ FEMA has not been elevated to a Cabinet-level agency since the Clinton Administration, and Director Witt was the only head of FEMA to be part of the President's Cabinet. Still, per statute, the FEMA Administrator "is the principal advisor to the President, the Homeland Security Council, and the [DHS] Secretary for all matters relating to emergency management in the United States."¹⁰⁵

September 11, 2001, and the Homeland Security Act of 2002 and Homeland Security Presidential Directive 5

The HSA established the U.S. Department of Homeland Security effective March 1, 2003, and consolidated FEMA and other agencies into the new department.¹⁰⁶ Section 503 of the HSA transferred the "functions, personnel, assets, and liabilities of ... [th]e Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto" to the DHS Secretary.¹⁰⁷ Notwithstanding this vesting

¹⁰⁰ For a history of the Homeland Security Act of 2002 and the evolution of emergency management and FEMA, see CRS Insight IN12233, *HSA@20 Episode Companion: Evolution of Emergency Management*, coordinated by William L. Painter, and CRS Insight IN12277, *HSA@20 Episode Companion: Emergency Management Post-PKEMRA*, coordinated by William L. Painter, as well as the associated podcast recordings.

¹⁰¹ DHS OIG, *FEMA: In or Out?*, p. 7.

¹⁰² "With the passage of the Homeland Security Act by Congress in November 2002, the Department of Homeland Security formally came into being as a stand-alone, Cabinet-level department to further coordinate and unify national homeland security efforts, opening its doors on March 1, 2003." DHS, "Creation of the Department of Homeland Security," web page, last updated May 8, 2023, <https://www.dhs.gov/creation-department-homeland-security>.

¹⁰³ For example, some of the U.S. Permanent Representatives (i.e., the chief U.S. representative to the United Nations) have been given Cabinet rank by Presidents. For additional discussion of this issue, see CRS In Focus IF11618, *United Nations Issues: Cabinet Rank of the U.S. Permanent Representative*, by Luisa Blanchfield, Henry B. Hogue, and Travis A. Ferrell.

¹⁰⁴ Pursuant to the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA; Title VI of P.L. 109-295), the President may designate the FEMA Administrator to serve as a Cabinet member "in the event of natural disasters, acts of terrorism, or other man-made disasters" (6 U.S.C. §313(c)(5)(A)).

¹⁰⁵ 6 U.S.C. §313(c)(4)(A).

¹⁰⁶ Section 101 of the Homeland Security Act of 2002 (HSA; P.L. 107-296); see also DHS, "Creation of the Department of Homeland Security," web page last updated May 8, 2023, <https://www.dhs.gov/creation-department-homeland-security>.

¹⁰⁷ Section 503(1) of the Homeland Security Act of 2002 (HSA; P.L. 107-296). President George W. Bush issued Executive Order 13286, which replaced references to FEMA and the FEMA Director in other Executive Orders with DHS and the DHS Secretary (Executive Order 13286, "Amendment of Executive Orders, and Other Actions, in Connection with the Transfer of Certain Functions to the Secretary of Homeland Security," 68 *Federal Register* 10619- (continued...))

provision, Section 507 of the statute specified certain statutory functions as responsibilities of FEMA. These included

- Stafford Act functions and authorities;
- Mission to reduce loss of life and property and protect the nation from all hazards by leading and supporting the emergency management program of mitigation, response, recovery, and planning for and coordination of such efforts; and
- Lead agency for the Federal Response Plan (this was superseded by the National Response Plan [NRP], and later the current NRF).¹⁰⁸

Soon after DHS was operational, President George W. Bush issued Homeland Security Presidential Directive 5 (HSPD-5)—Management of Domestic Incidents. It articulated that domestic incident response should be guided by the NRP—now the NRF¹⁰⁹—and directed the development and adoption of a single, comprehensive approach to domestic incident management.¹¹⁰ The NRP (and NRF) describes how the federal government—including FEMA—may provide funding, resources, and services to support state, local, territorial, and tribal governments in responding to both presidentially declared emergencies and major disasters under the Stafford Act and non-Stafford Act responses.

Bioterrorism: 2001 Anthrax Attacks¹¹¹

In October 2001, shortly after the 9/11 terrorist attacks, four letters laced with anthrax were sent through the mail, killing five people and making 22 others ill.¹¹²

In a Senate hearing shortly after the attacks, Senator Barbara Mikulski stated that a number of federal agencies were involved in the consequence management of anthrax exposure on Capitol Hill and at other facilities, and posed the question, “Who really is in charge of overseeing the

10633, March 5, 2003). Additionally, the HSA consolidated FEMA’s preparedness functions related to terrorism in the DHS Office for Domestic Preparedness, established the DHS Directorate of Emergency Preparedness and Response, and charged the DHS Secretary—acting through the Under Secretary for Emergency Preparedness and Response—with “ensur[ing] the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies,” as well as carrying out functions related to nuclear preparedness; responding to and recovering from terrorist attacks and major disasters; and building the national incident management system, the national response plan, and interoperable communications programs.

¹⁰⁸ Section 507 of the Homeland Security Act of 2002 (HSA; P.L. 107-296); see DHS, NRF 4th ed., p. 1.

¹⁰⁹ HSPD-5 refers to the National Response Plan (NRP), now the National Response Framework (NRF). George W. Bush, Homeland Security Presidential Directive/HSPD-5—Management of Domestic Incidents, February 28, 2003, <https://www.govinfo.gov/content/pkg/PPP-2003-book1/pdf/PPP-2003-book1-doc-pg229.pdf> (see Tasking (16)).

¹¹⁰ The National Incident Management System (NIMS) “provide[s] a consistent nationwide approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.” George W. Bush, Homeland Security Presidential Directive/HSPD-5—Management of Domestic Incidents, February 28, 2003, <https://www.govinfo.gov/content/pkg/PPP-2003-book1/pdf/PPP-2003-book1-doc-pg229.pdf> (see Tasking (15)).

¹¹¹ CRS did not find a declaration request related to the Anthrax Attacks.

¹¹² Centers for Disease Control and Prevention, “Bioterrorism: A Brief History,” last updated September 10, 2020, <https://www.selectagents.gov/overview/history.htm> (CDC reports note 22 people were made ill); Federal Bureau of Investigation, “Amerithrax or Anthrax Investigation,” last accessed April 24, 2025, <https://www.fbi.gov/history/famous-cases/amerithrax-or-anthrax-investigation> (notes 17 people were made ill); David Heyman, *Lessons from the Anthrax Attacks: Implications for U.S. Bioterrorism Preparedness, A Report on a National Forum on Biodefense, Center for Strategic and International Studies and the Defense Threat Reduction Agency*, April 2002, p. vii, <https://irp.fas.org/threat/cbw/dtra02.pdf> (notes 18 people were made ill).

decontamination effort for the President, and therefore the Nation?”¹¹³ Senator Mikulski went on to note that the President turns to FEMA to lead consequence management following events like 9/11 and to press the question of the entity responsible for the overall process.¹¹⁴ Environmental Protection Agency Administrator Christine Todd Whitman responded to Senator Mikulski’s questioning, stating

Well, the coordinator of the overall responder [sic], the person with the overall responsibility would be the Office of Homeland Security. Governor [Tom] Ridge [Director of the Office of Homeland Security] would be who we would work with, but on-site, it is the site coordinator, it is the first responder. That is the way that FEMA is set up, that is the way that emergency response has been set up in this country, that it is the State or local government, or the local on-site coordinator, as I say. For the Hill here it has been the Sergeant at Arms at either the Senate or the House. They have been the ones who have called in the responders, and to whom we provide information and support.¹¹⁵

Administrator Whitman also noted that EPA leads the Hazardous Materials Response under Emergency Support Function (ESF) #10 of the Federal Response Plan and assists FEMA during consequence management with decontamination and long-term site cleanup.¹¹⁶ A 2002 report on the Anthrax Attacks described the Federal Response Plan’s “Terrorism Incident Annex,” and separated the response phases and their associated responsibilities into crisis management (led by the Department of Justice with FBI serving as on-scene manager for bioterrorism) and consequence management (led by FEMA, which was responsible for coordinating federal emergency preparedness, planning management, and disaster assistance functions and policy).¹¹⁷

FEMA played a support role in the aftermath of the Anthrax Attacks, but reportedly, the Federal Response Plan was not followed. As described in a 2002 report organized by the Center for Strategic and International Studies and the Defense Threat Reduction Agency, FEMA’s support role included

providing technical assistance in consequence management to the U.S. Capitol Police. Although this support proved useful, it was insufficient for ensuring a well-coordinated response. FEMA has years of experience and detailed protocols for ensuring effective interagency cooperation, establishing an incident command system, and managing a communications center to coordinate federal assets. Without FEMA’s formal coordinating authority, the U.S. Capitol Police used a more ad hoc approach in their response.

For the first couple of days after the Daschle letter was discovered, the Senate crisis was managed by the U.S. Capitol Police without an incident command structure. Once it became clear that more resources were required, the U.S. Capitol Police Board took the unusual step of hiring an outside consultant as the incident commander to coordinate the large group of governing agencies responding to the scene. Although all parties credit the consultant with successfully mounting an effective response, initial confusion prior to

¹¹³ U.S. Congress, Senate Appropriations Committee, *Anthrax Decontamination*, 107th Cong., 1st sess., November 28, 2001, S.Hrg. 107–364 (Washington: GPO, 2002), p. 16 (hereinafter Senate *Anthrax Decontamination*).

¹¹⁴ Senate *Anthrax Decontamination*, p. 17.

¹¹⁵ Senate *Anthrax Decontamination*, pp. 16-17.

¹¹⁶ Senate *Anthrax Decontamination*, pp. 8-9 (see the Prepared Statement of Christine Todd Whitman).

¹¹⁷ The report also noted that the United States must prepare for biological attacks, and strengthen its response capabilities for bioterrorism. David Heyman, *Lessons from the Anthrax Attacks: Implications for U.S. Bioterrorism Preparedness, A Report on a National Forum on Biodefense, Center for Strategic and International Studies and the Defense Threat Reduction Agency*, April 2002, pp. ix, 5-6, <https://irp.fas.org/threat/cbw/dtra02.pdf>. See also National Security Council and National Security Council Records Management Office, “PDD-39—U.S. Policy on Counterterrorism, June 21, 1995,” Clinton Digital Library, accessed April 15, 2026, <https://www.clintonlibrary.gov/sites/default/files/documents/pdd-39.pdf> (see 3. Responding to Terrorism—D. Lead Agency Responsibilities, and H. Consequence Management).

retaining the consultant about who was in charge and the roles, missions, and capabilities of each agency tended to slow the response. In fact, the Federal Response Plan was not consciously adhered to and participants in the response were generally unaware of its potential utility. To its credit, the U.S. Coast Guard, in consultation with FEMA and in support of the incident commander and EPA, set up and maintained an incident command structure that was essential to managing the response.¹¹⁸

Hurricane Katrina (2005), and the Post-Katrina Emergency Management Reform Act of 2006 and Presidential Policy Directive 8

After Hurricane Katrina (2005) devastated Louisiana, Mississippi, and Alabama, and dispersed displaced disaster survivors throughout the continental United States, Congress enacted the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA; Title VI of P.L. 109-295) to address the shortfalls in the preparations for and response to Hurricane Katrina.¹¹⁹ PKEMRA amended the HSA, re-establishing FEMA as a distinct agency within DHS and further defining FEMA's primary mission.¹²⁰ PKEMRA also transferred back to FEMA many responsibilities that had been removed with the enactment of the HSA and vested FEMA with new authorities, thus enabling FEMA to expand its role.¹²¹

PKEMRA also directed the President to ensure that federal agencies with responsibilities under the NRF have the operational capabilities to meet the national preparedness goal, including sufficient personnel to make and communicate decisions, as well as rosters of deployable personnel trained and prepared to support incidents requiring a federal response.¹²² Additionally, PKEMRA directed the President to ensure that federal agencies develop operational plans (Federal Interagency Operational Plans or FIOPs) for a coordinated federal domestic incident response, and that those plans include detailed resource and personnel requirements, among other items.¹²³ FIOPs describe how federal agencies implement each of the National Planning Frameworks (e.g., Response FIOP).¹²⁴

On March 30, 2011, President Barack Obama issued Presidential Policy Directive 8 (PPD-8)—National Preparedness, which set forth the PKEMRA-required National Preparedness Goal

¹¹⁸ David Heyman, *Lessons from the Anthrax Attacks: Implications for U.S. Bioterrorism Preparedness, A Report on a National Forum on Biodefense, Center for Strategic and International Studies and the Defense Threat Reduction Agency*, April 2002, p. 17, <https://irp.fas.org/threat/cbw/dtra02.pdf>.

¹¹⁹ For more information on the preparation for and response to Hurricane Katrina, and the challenges posed by the way FEMA and DHS were structured after the enactment of the HSA, see U.S. Congress, House Response to Hurricane Katrina Committee, *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, 109th Cong., 2nd sess., February 15, 2006, 109-377 (Washington: GPO, 2006), <https://www.congress.gov/109/crpt/hrpt377/CRPT-109hrpt377.pdf>; and U.S. Congress, Senate Homeland Security and Governmental Affairs Committee, 109th Cong., 2nd sess., February 10, 2006, S.Hrg. 109-829 (Washington: GPO, 2006), <https://www.congress.gov/109/chrg/CHRG-109shrg27029/CHRG-109shrg27029.pdf>.

¹²⁰ 6 U.S.C. §316(a) (distinct entity); 6 U.S.C. §313(b) (mission). “The primary mission of the Agency is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.”

¹²¹ See, for examples, 6 U.S.C. §313(b)(2), and 6 U.S.C. §314; see also Section 611 of the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA; Title VI of P.L. 109-295); DHS/FEMA, *2010 FEMA Pub. 1*, p. 20. As described in *FEMA Pub. 1*, while the rationale of moving FEMA's preparedness programs into DHS was to enable FEMA to focus on disaster response and recovery, this bifurcation of functions resulted in obstacles that presented during the response to Hurricane Katrina in 2005 (DHS/FEMA, *2010 FEMA Pub. 1*, pp. 19-20).

¹²² 6 U.S.C. §753(a)(3).

¹²³ 6 U.S.C. §753(a)(4) and (b).

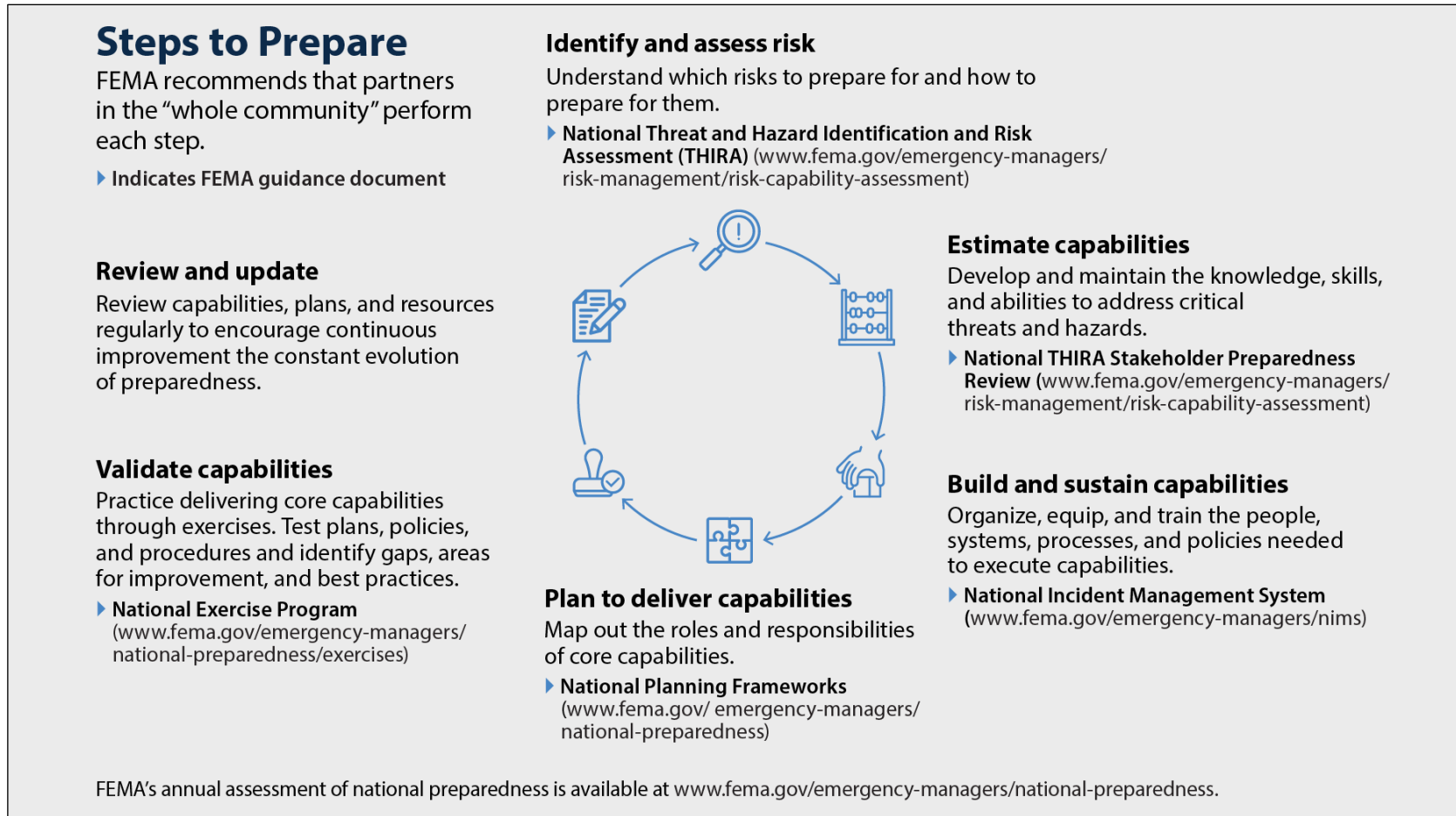
¹²⁴ 6 U.S.C. §753(a)(4) and (b).

(NPG) and the National Preparedness System (NPS).¹²⁵ As depicted in **Figure 1**, the NPS outlines the process for building and sustaining the capabilities needed to achieve the NPG.¹²⁶

¹²⁵ Presidential Policy Directive 8: National Preparedness (PPD-8) included training standards, defined core capabilities, and authorized training and exercises to promote the federal government's preparedness for all hazards. It also called for the development of five mission area plans: Prevention, Protection, Mitigation, Response, and Recovery, which are interagency guidance that support the National Preparedness System and describe how the whole community is to collaborate to meet the National Preparedness Goal. PPD-8 also directed that each framework be supported by an interagency operational plan, which would detail the concept of operations, and critical tasks and responsibilities of the federal government. (Sections 643 and 644 of the Post-Katrina Emergency Management Reform Act of 2006 [PKEMRA; Title VI of P.L. 109-295]; Barack Obama, Presidential Policy Directive / PPD-8: National Preparedness, March 30, 2011, <https://www.dhs.gov/presidential-policy-directive-8-national-preparedness>; see also U.S. Government Accountability Office (GAO), *Federal Disaster Assistance: Federal Departments and Agencies Obligated at Least \$277.6 Billion during Fiscal Years 2005 through 2014*, GAO-16-797, 2016, p. 9, <https://www.gao.gov/assets/gao-16-797.pdf>.)

¹²⁶ For additional information on the preparedness cycle, see CRS Report R46696, *National Preparedness: A Summary and Select Issues*, by Shawn Reese and Lauren R. Stienstra, and CRS Infographic IG10027, *Strengthening National Preparedness*, by Lauren R. Stienstra.

Figure I. National Preparedness Cycle



Source: CRS’s interpretation of FEMA’s “National Preparedness System” web page, which lists the “Six Parts of the National Preparedness System,” available at <https://www.fema.gov/emergency-managers/national-preparedness/system> (last updated July 31, 2020). Duplicated from CRS Infographic IG10027, *Strengthening National Preparedness*, by Lauren R. Stienstra.

National Response Framework and Incident Response to Stafford and Non-Stafford Act Incidents

In the aftermath of PKEMRA's enactment, domestic incident response and planning efforts changed.¹²⁷ In 2008, FEMA led the development of the National Response Framework (NRF; previously the National Response Plan [NRP], previously the Federal Response Plan [FRP]), which outlines the nation's whole-of-community, all-hazards approach to incident response—both those declared under the Stafford Act and those non-Stafford Act incidents.¹²⁸ The NRF provides a flexible and scalable framework that guides the nation's response to all types of disasters—“regardless of scale, scope, and complexity.”

Among other things, the NRF describes the roles and responsibilities of all levels of government and the private and nonprofits sectors, as well as coordinating structures, and it describes the federal assistance that may be made available for a major incident, including in the absence of a Stafford Act declaration (i.e., a non-Stafford Act incident). For example, the Emergency Support Functions (ESFs)¹²⁹ described in the document and carried out by federal agencies may be activated for both Stafford Act and non-Stafford Act incidents, pursuant to HSPD-5.¹³⁰ In such situations, funding for ESF activities will come from “Federal-to-Federal support mechanisms” outlined in the plan and vary based on the incident.¹³¹

The most recent publicly available version of the NRF is in its 4th edition and was published in 2019. It explains that most incidents that require a coordinated national response will not result in a Stafford Act declaration. In this case, the NRF will serve as the foundational federal response doctrine, and the President may designate, or the federal agencies involved in the incident response may recognize, an agency to serve as the Lead Federal Agency (LFA).¹³² The LFA, which may or may not be FEMA, will use the National Incident Management System (NIMS) and the NRF to deliver assistance and coordinate the federal response.¹³³

¹²⁷ DHS/FEMA, *2010 FEMA Pub. 1*, p. 12.

¹²⁸ DHS, NRF 1st ed. The *National Response Framework* superseded the *National Response Plan*, which was released in 2004 (made publicly available in 2005). Per the announcement published in the *Federal Register*, “The National Response Plan standardizes Federal incident management actions by integrating existing and formerly distinct processes. Using the comprehensive framework of the NIMS, the National Response Plan provides the structure and mechanisms for the coordination of Federal support to State, local, and tribal incident managers and for exercising direct Federal authorities and responsibilities. It is applicable to all Federal departments and agencies that may be requested to provide assistance or conduct operations in the context of actual or potential incidents of national significance. The purpose of the National Response Plan is to establish a comprehensive, national, all-hazards approach to domestic incident management across a spectrum of activities including prevention, preparedness, response, and recovery.” U.S. Department of Homeland Security, “Publication and Release of the National Response Plan,” 70 *Federal Register* 6451-6452, February 7, 2005. U.S. Department of Homeland Security, *National Response Plan*, December 2004, <https://irp.fas.org/agency/dhs/nrp.pdf> (hereinafter DHS, NRP).

¹²⁹ Emergency Support Functions (ESFs), per FEMA's web page on the NRF, “describe federal coordinating structures that group resources and capabilities into functional areas most frequently needed in a national response.” FEMA, “National Response Framework,” <https://www.fema.gov/emergency-managers/national-preparedness/frameworks/response>.

¹³⁰ DHS, NRP, p. 11; DHS, NRF 1st ed., p. 60, <https://web.archive.org/web/20260319135700/https://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf> (hereinafter DHS, NRF 1st ed.).

¹³¹ DHS, NRP, p. 27; DHS, NRF 1st ed., p. 43.

¹³² DHS, NRF 4th ed., p. 22.

¹³³ DHS, NRF 4th ed., p. 22.

The 4th edition of the NRF also specifies FEMA's role in coordinating non-Stafford Act incidents, explaining that

During a non-Stafford Act response: ... When directed by the President or requested by an agency head, FEMA's incident management capabilities may be used on a reimbursable basis under the Economy Act to support an LFA in carrying out the aforementioned responsibilities. FEMA may adjust the scale of its support to ensure execution of its statutory responsibilities.¹³⁴

Additionally, under the NRF, FEMA is the coordinator of Emergency Support Function (ESF) #5—Information and Planning “for incidents requiring Federal coordination.”¹³⁵ FEMA's role involves:

- supporting federal partners with operational planning;
- information sharing to maintain situational awareness and a common operating picture;
- developing situational awareness products/reports;
- coordinating the development of hazard prediction products; and
- developing and maintaining an inventory of available federal resources.¹³⁶

There are other National Planning Frameworks in addition to the NRF—one for each of the five mission areas: prevention, protection, response, recovery, and mitigation.¹³⁷ The NRF is the focus herein because it is the authority most often cited when the DHS Secretary tasks FEMA with providing federal coordination support for non-Stafford Act incidents.

There are different ways that FEMA may become involved in an incident. In the case of an incident for which Stafford Act assistance is sought, a declaration process, which is established in statute and implementing regulations, is followed—regardless of whether it is ultimately authorized by the President. FEMA then has a defined role, per statute, regulations, and guidance. In the case of incidents for which Stafford Act assistance is not sought or is denied, FEMA may still become involved, but the request for such assistance does not involve a similar formalized declaration. However, HSPD-5 and the NRF describe general conditions when the DHS Secretary must coordinate the federal response, and briefly explain how FEMA may become involved:

The Secretary of Homeland Security is the principal federal official for domestic incident management. Pursuant to the Homeland Security Act of 2002, the Secretary is responsible for coordinating federal preparedness activities and operations within the United States to respond to and recover from terrorist attacks, major disasters, and other emergencies. The Secretary must coordinate the federal government's resources utilized in response to or recovery from terrorist attacks, major disasters, or other emergencies if and when any one of the following four conditions applies: (1) a federal agency acting under its own authority has requested the assistance of the Secretary; (2) the resources of state and local authorities are overwhelmed and federal assistance has been requested by the appropriate state and local authorities; (3) more than one federal agency has become substantially involved in

¹³⁴ DHS, NRF 4th ed., p. 47.

¹³⁵ FEMA, *ESF #5 Annex*. The ESF #5 Annex provides a structure for coordinating with federal agencies to support federal response operations.

¹³⁶ FEMA, *ESF #5 Annex*, p. 4.

¹³⁷ FEMA, “National Planning Frameworks,” web page, last updated March 21, 2023, <https://www.fema.gov/emergency-managers/national-preparedness/frameworks> (see “Frameworks for Each Mission Area”).

responding to the incident; or (4) the Secretary has been directed to assume responsibility for managing the domestic incident by the President.¹³⁸

Presidential Actions to Further Enhance Domestic Incident Response

On November 7, 2016, President Obama issued Presidential Policy Directive 44 (PPD-44)—Enhancing Domestic Incident Response, to help address the lack of clarity in federal agency roles and responsibilities for non-Stafford incident response.¹³⁹ PPD-44 explains that federal departments and agencies respond to incidents under their own authorities, acknowledging that roles and responsibilities may be unclear in the cases of incidents not declared pursuant to an established law (e.g., the Stafford Act).¹⁴⁰ PPD-44 sought to enhance non-Stafford domestic incident response by facilitating the timely identification of a Lead Federal Agency (LFA) and ensuring the availability of an “appropriate incident management capability.”¹⁴¹ PPD-44 does not apply to Stafford Act operations and is intended to be complementary to the above-described HSPD-5 and PPD-8, among other presidential directives.¹⁴² PPD-44 enables the President to designate an LFA, or allows federal agencies to recognize an agency as the LFA (without requiring presidential designation).¹⁴³

PPD-44 emphasizes FEMA’s incident management support capabilities and acknowledges that FEMA may limit involvement in domestic incidents to execute its statutory authority. It explains that the DHS Secretary, through FEMA,

maintains robust response capability and emergency management expertise to support lead Federal agencies during a response, and shall be prepared to support a lead Federal agency in managing an incident when requested by the head of a lead Federal agency or directed by the President. FEMA may adjust the scale of its support to ensure execution of its statutory responsibilities.¹⁴⁴

Under certain circumstances, an LFA may request support directly from FEMA; otherwise, the LFA may request such support from the DHS Secretary.¹⁴⁵

How Is FEMA Tasked with Supporting a Non-Stafford Act Incident?

The President and DHS Secretary have the authority to direct FEMA to provide support to the federal agencies with primary authority for directing response and providing assistance for incidents that do not meet the criteria for or do not warrant a presidential Stafford Act declaration (non-Stafford Act incidents)—as guided by Presidential Policy Directive-44 (PPD-44) and Homeland Security Presidential Directive-5 (HSPD-5), as well as the

¹³⁸ George W. Bush, Homeland Security Presidential Directive/HSPD-5—Management of Domestic Incidents, February 28, 2003, Policy 4, <https://www.govinfo.gov/content/pkg/PPP-2003-book1/pdf/PPP-2003-book1-doc-pg229.pdf>; see also DHS, Response and Recovery Federal Interagency Operational Plan, 2nd ed., March 2025, pp. 11-12 (footnote 5), https://www.fema.gov/sites/default/files/documents/fema_rd_response-recovery-fiop-npb-042025.pdf.

¹³⁹ PPD-44, pp. 2-3 (Purpose 2 and 3).

¹⁴⁰ Barack Obama, Presidential Policy Directive / PPD-44: Enhancing Domestic Incident Response, November 7, 2016, <https://www.hsdl.org/c/abstract/?docid=872547> (hereinafter PPD-44).

¹⁴¹ PPD-44, pp. 2-3 (Purpose 2 and 3). As discussed in more detail below, in 2022, FEMA requested funding for a non-Stafford Act National Incident Management Assistance Team (IMAT) “to provide incident management support to DHS and other Federal agencies under Presidential Policy Directive-44.”

¹⁴² PPD-44, p. 3 (Applicability 5 and 6).

¹⁴³ PPD-44, p. 4 (Policy 9 and 10).

¹⁴⁴ PPD-44, p. 5 (Policy 12).

¹⁴⁵ PPD-44, p. 5 (Policy 12).

National Response Framework (NRF) and the Response and Recovery Federal Interagency Operational Plan (FIOP), consistent with the Homeland Security Act of 2002 (HSA; P.L. 107-296).¹⁴⁶

- The **NRF** is always in effect and is the “foundational federal response doctrine” for both Stafford and non-Stafford Act incident response. It explains that, while most incidents will not result in a presidential Stafford Act declaration, many will still require a coordinated national response. “For such non-Stafford Act incidents where the Federal Government is involved, the President may designate, or the federal agencies involved may agree to recognize, an agency to serve as the Lead Federal Agency (LFA) for the response. The LFA typically activates the response structures appropriate to its authorities. The LFA employs NIMS [the National Incident Management System] and this Framework [the NRF] to coordinate the federal response.”¹⁴⁷ The NRF reiterates the key points made about FEMA in PPD-44 and HSPD-5, including noting, “When directed by the President or requested by an agency head, FEMA’s incident management capabilities may be used on a reimbursable basis under the Economy Act to support an LFA in carrying out the aforementioned responsibilities. FEMA may adjust the scale of its support to ensure execution of its statutory responsibilities.”¹⁴⁸
- **PPD-44** helps guide domestic incident response to non-Stafford Act incidents by identifying a lead federal agency (LFA) and ensuring the availability of an incident management capability to support federal response efforts.¹⁴⁹ PPD-44 establishes that the LFA designated by the President or recognized by the federal agencies involved in the response will identify a senior response official who will be responsible for ensuring unity of effort; strategic objectives, priorities, and planning; identifying response gaps; federal incident coordination, including with SLTT and private and nonprofit sector partners; communication; incident reporting, and serving as the spokesperson with affected parties and the public.¹⁵⁰ With regard to FEMA, PPD-44 states that,

The Secretary of Homeland Security, through the Federal Emergency Management Agency (FEMA), maintains robust response capability and emergency management expertise to support lead Federal agencies during a response, and shall be prepared to support a lead Federal agency in managing an incident when requested by the head of a lead Federal agency or directed by the President.¹⁵¹

Pursuant to PPD-44, there are some circumstances when LFAs can directly request support from FEMA, as identified by the Emergency Support Function Leadership Group (ESFLG) and the DHS Secretary; in other circumstances, they may request support from the DHS Secretary.¹⁵²

- **HSPD-5** establishes that “The Secretary of Homeland Security is the principal Federal official for domestic incident management. Pursuant to the Homeland Security Act of 2002, the Secretary is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. The Secretary shall coordinate the Federal Government’s resources utilized in response to or recovery from terrorist attacks, major disasters, or other emergencies if and when any one of the following four conditions applies: (1) a Federal department or agency acting under its own authority has requested the assistance of the Secretary; (2) the resources of State and local authorities are overwhelmed and Federal assistance has been requested by the appropriate State and local authorities; (3) more than one Federal department or agency has become substantially involved in responding to the incident; or (4) the Secretary has been directed to assume responsibility for managing the domestic incident by the President.”¹⁵³
- The **Response and Recovery FIOP** applies to federal agencies providing support under the NRF for Stafford and non-Stafford Act incidents, and it explains, “For incidents which require coordinated

¹⁴⁶ PPD-44.

¹⁴⁷ DHS, NRF 4th ed., p. 22.

¹⁴⁸ DHS, NRF 4th ed., p. 47.

¹⁴⁹ PPD-44 (see Purpose).

¹⁵⁰ PPD-44 (see Policy (11)).

¹⁵¹ PPD-44 (see Policy (12)).

¹⁵² PPD-44 (see Policy (12) and Tasking (18) and (21)).

¹⁵³ George W. Bush, Homeland Security Presidential Directive/HSPD-5—Enhancing Domestic Incident Response, February 28, 2003, <https://www.govinfo.gov/content/pkg/PPP-2003-book1/pdf/PPP-2003-book1-doc-pg229.pdf> (see Policy (4)).

federal support that do not receive a disaster declaration under the Stafford Act (non-Stafford Act incidents), federal response or assistance may be led or coordinated by various federal agencies pursuant to presidential directive and consistent with authorities”—referring to those detailed above.¹⁵⁴

Public Health Incident: 2014 Ebola Virus Disease Cluster¹⁵⁵

In 2014, an Ebola Virus Disease (Ebola) outbreak occurred in West Africa, and the United States sought to prevent potential spread of the virus in the United States.¹⁵⁶ On September 16, 2014, as part of a Senate hearing, Beth P. Bell, M.D., MPH, Director, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention (CDC), provided answers to questions posed by Senators, including noting the risk of an Ebola outbreak in the United States was low, but that CDC had detailed response plans, including plans to disseminate information and guidance about Ebola cases and emerging public health preparedness standards.¹⁵⁷ Then, on September 30, 2014, CDC confirmed the first case of Ebola in the United States (a man who arrived from Liberia on September 20, went to the hospital five days later and was treated for possible sinusitis and discharged; he returned on September 28 in an ambulance and tested positive for Ebola).¹⁵⁸ The United States was then engaged in domestic response for Ebola.¹⁵⁹

On October 17, 2014, President Barack Obama met with his national security and public health teams to coordinate the whole-of-government response to the Ebola outbreak. He received an update on the status of the individuals who may have come into contact with the Ebola patient in Dallas and discussed federal resources to be made available to state and local authorities.¹⁶⁰

¹⁵⁴ DHS, *Response and Recovery Federal Interagency Operational Plan*, Second Edition, March 2025, p. 11, http://fema.gov/sites/default/files/documents/fema_rd_response-recovery-fiop-npb-042025.pdf.

¹⁵⁵ Biological incidents have not historically received Stafford Act declarations, and the states affected by Ebola did not receive such declarations. The exceptions to this have been the coronavirus disease 2019 (COVID-19) pandemic, for which the states, territories, District of Columbia, and some Tribes received major disaster declarations, and West Nile Virus outbreak in New York and New Jersey, which received emergency declarations under the Stafford Act (FEMA, “Disaster Declarations for Past Biological Incidents in the United States,” last updated April 13, 2023, <https://www.fema.gov/cbrn-tools/key-planning-factors-bio/crosscutting-considerations/past-incidents-us>).

¹⁵⁶ Department of Homeland Security, Office of Inspector General, *DHS' Ebola Response Needs Better Coordination, Training, and Execution*, OIG-16-18, January 6, 2016, <https://www.oversight.gov/sites/default/files/documents/reports/2017-07/OIG-16-18-Jan16.pdf>.

¹⁵⁷ U.S. Congress, Senate Health, Education, Labor, and Pensions Committee, and Senate Appropriations Committee, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, *Ebola in West Africa: A Global Challenge and Public Health Threat*, 113th Cong., 2nd sess., September 16, 2014, S.Hrg. 113-869 (Washington: GPO, 2017), p. 93.

¹⁵⁸ U.S. Centers for Disease Control and Prevention, “Morbidity and Mortality Weekly Report (MMWR): Ebola Virus Disease Cluster in the United States—Dallas County, Texas, 2014,” November 14, 2014, <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm63e1114a5.htm>.

¹⁵⁹ For the U.S. Centers for Disease Control and Prevention’s history of Ebola outbreaks, see “Cases and Outbreaks of Ebola Disease by Year,” available at <https://www.cdc.gov/ebola/outbreaks/index.html>. See also Department of Homeland Security, Office of Inspector General, *DHS' Ebola Response Needs Better Coordination, Training, and Execution*, OIG-16-18, January 6, 2016, p. 1, <https://www.oversight.gov/sites/default/files/documents/reports/2017-07/OIG-16-18-Jan16.pdf>.

¹⁶⁰ White House Office of the Press Secretary, “Readout of the President’s Meeting on the Domestic Ebola Response,” October 17, 2014, last accessed April 25, 2025, <https://obamawhitehouse.archives.gov/the-press-office/2014/10/17/readout-president-s-meeting-domestic-ebola-response>.

President Obama appointed a FEMA coordinator to “ensure all federal assistance is meeting the most urgent needs” on the ground in Dallas.¹⁶¹

FEMA's role included:

- hosting courses at the Center for Domestic Preparedness for nongovernmental organizations' health care workers deploying to affected countries in Africa, including Liberia, Sierra Leone, and Guinea;¹⁶²
- leading a planning effort for a scenario in which Ebola appeared in Mexico or Central America and could spread across the border into the United States—the effort involved the U.S. Agency for International Development (USAID), the U.S. Department of Health and Human Services (HHS), CDC, DHS, U.S. Customs and Border Protection (CBP), the U.S. Department of Defense (DOD), and others “to develop an integrated plan of foreign actions, port, and border actions and domestic preparations to address such a scenario”;¹⁶³
- developing a scalable unified coordination structure to support the response to a single or multiple Ebola Virus Disease event in one or multiple states, in coordination with CDC, the Secretary for Preparedness and Response (Administration for Strategic Preparedness and Response or ASPR) at HHS, and other federal partners;¹⁶⁴
- activating the Emergency Alert System (EAS), and, with USAID, leading the dissemination of public safety information regarding the spread of the disease and precautionary measures;¹⁶⁵
- providing incident management advice and support related to the Ebola response, and “collaborat[ing] with over a dozen Federal agencies, states, the private sector,

¹⁶¹ White House Office of the Press Secretary, “Readout of the President’s Meeting on the Domestic Ebola Response,” October 17, 2014, last accessed April 25, 2025, <https://obamawhitehouse.archives.gov/the-press-office/2014/10/17/readout-president-s-meeting-domestic-ebola-response>; White House Office of the Press Secretary, “FACT SHEET: The U.S. Government’s Response to Ebola at Home and Abroad,” October 22, 2014, last accessed April 24, 2025, <https://obamawhitehouse.archives.gov/the-press-office/2014/10/22/fact-sheet-us-government-s-response-ebola-home-and-abroad> (see “Ensuring Federal, State, and Local Coordination”); U.S. Congress, House Homeland Security Committee, *Defending Against Bioterrorism: How Vulnerable Is America?*, 114th Cong., 1st sess., November 3, 2015, Serial No. 114-41 (Washington: GPO, 2016), p. 37. During the hearing, Ranking Member Bennie G. Thompson noted, “Although the Ebola case was ultimately contained, the Ebola case has revealed gaps in our Federal biodefense infrastructure that we have known about for decades but have not meaningfully addressed. Most notably, we focused on determining who is in charge. Leadership appears to shift from personnel at the White House to the Centers for Disease Control to the National Institutes of Health ... despite the facts that HSPD-5, HSPD-10, the National Response Framework ... all provided relevant leadership structures that could have been activated at any point” (pp. 4-5).

¹⁶² U.S. Congress, Senate Health, Education, Labor, and Pensions Committee, and Senate Appropriations Committee, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, *Ebola in West Africa: A Global Challenge and Public Health Threat*, 113th Cong., 2nd sess., September 16, 2014, S.Hrg. 113-869 (Washington: GPO, 2017), p. 31.

¹⁶³ U.S. Congress, Senate Appropriations Committee, *U.S. Government Response: Fighting Ebola and Protecting America*, 113th Cong., 2nd sess., November 12, 2014, S.Hrg. 113-849 (Washington: GPO, 2017), pp. 90-91.

¹⁶⁴ U.S. Congress, Senate Homeland Security and Governmental Affairs Committee, *Preparedness and Response to Public Health Threats: How Ready Are We?*, 113th Cong., 2nd sess., November 19, 2014, S.Hrg. 113-760 (Washington: GPO, 2016), p. 106; U.S. Congress, House Energy and Commerce Committee, Oversight and Investigations Subcommittee, *Update on the U.S. Public Health Response to the Ebola Outbreak*, 113th Cong., 2nd sess., November 18, 2014, Serial No. 113-180 (Washington: GPO, 2015), p. 187.

¹⁶⁵ U.S. Congress, Senate Appropriations Committee, *U.S. Government Response: Fighting Ebola and Protecting America*, 113th Cong., 2nd sess., November 12, 2014, S.Hrg. 113-849 (Washington: GPO, 2017), p. 103.

- and other nations in combatting the spread of Ebola domestically and overseas”;¹⁶⁶ and
- assisting HHS in interagency planning and facilitating the implementation of Ebola screening at five airports.¹⁶⁷

Immigration: 2014, 2019, and 2021-2024 Migration Across the Southwest Border

In 2014, 2019, and 2021-2024, periods of high levels of migrant apprehensions occurred at the southwest border, precipitating a federal response.

2014 Migration Support

On May 12, 2014, DHS Secretary Jeh Johnson declared a “Level IV Condition of Readiness” within DHS, thereby enabling the department to use all of its resources to respond to the influx of unaccompanied child and other unauthorized migrants at the southwest border.¹⁶⁸ A few weeks later, on June 2, 2014, President Obama directed a broader government-wide response, including DHS and the Departments of Health and Human Services (HHS), Defense (DoD), Justice (DOJ), and State.¹⁶⁹ The President also directed Secretary Johnson to establish an interagency Unified Coordination Group.¹⁷⁰ Secretary Johnson appointed FEMA to coordinate the response (the release from the White House stated that the President and DHS Secretary designated FEMA to coordinate the federal response).¹⁷¹

FEMA’s role initially involved assisting with the identification of resources that the faith-based community could provide to support arriving migrants.¹⁷² FEMA was tasked by the President, acting through the DHS Secretary with supporting CBP and HHS’s Administration for Children and Families, Office of Refugee Resettlement (ORR), by coordinating the humanitarian aspect of the mission to build capacity to house and process unaccompanied children.¹⁷³ The President and

¹⁶⁶ FEMA, third edition of Publication 1, p. 26.

¹⁶⁷ Department of Homeland Security, Office of Inspector General, *DHS’ Ebola Response Needs Better Coordination, Training, and Execution*, OIG-16-18, January 6, 2016, pp. 1-2, <https://www.oversight.gov/sites/default/files/documents/reports/2017-07/OIG-16-18-Jan16.pdf>. The airports where DHS, in coordination with the CDC, began screening for Ebola were: (1) John F. Kennedy International Airport (JFK) in New York; (2) Washington-Dulles International Airport (IAD) in Virginia; (3) Newark Liberty International Airport (EWR) in New Jersey; (4) Chicago O’Hare International Airport (ORD) in Illinois; and (5) Hartsfield-Jackson Atlanta International Airport (ATL) in Georgia.

¹⁶⁸ DHS, “Statement by Secretary Johnson About the Situation Along the Southwest Border,” archived release, September 8, 2014, <https://www.dhs.gov/archive/news/2014/09/08/statement-secretary-johnson-about-situation-along-southwest-border> (hereinafter Statement by Secretary Johnson).

¹⁶⁹ Statement by Secretary Johnson; White House, “The Obama Administration’s Government-Wide Response to Influx of Central American Migrants at the Southwest Border,” release August 1, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/08/01/obama-administration-s-government-wide-response-influx-central-american-> (hereinafter Obama Administration’s Migrant Response Release).

¹⁷⁰ DHS, “Written testimony of PLCY Assistant Secretary and Chief Diplomatic Officer Alan Bersin for a Senate Committee on Homeland Security and Governmental Affairs hearing titled ‘Securing the Border: Understanding and Addressing the Root Causes of Central American Migration to the United States,’” archived release March 25, 2015, <https://www.dhs.gov/archive/news/2015/03/25/written-testimony-pley-assistant-secretary-senate-committee-homeland-security-and> (hereinafter Written testimony of Alan Bersin).

¹⁷¹ Statement by Secretary Johnson; Obama Administration’s Migrant Response Release.

¹⁷² U.S. Congress, Senate Homeland Security and Governmental Affairs Committee, *Challenges at the Border*, 113th Cong., 2nd sess., July 9 and 16, 2014, S.Hrg. 113–776 (Washington: GPO, 2014), p. 6 (Testimony of W. Craig Fugate, FEMA Administrator), <https://www.govinfo.gov/content/pkg/CHRG-113shrg91171/pdf/CHRG-113shrg91171.pdf> (hereinafter HSGAC, *Challenges at the Border*).

¹⁷³ HSGAC, *Challenges at the Border*, p. 6 (Testimony of W. Craig Fugate, FEMA Administrator).

DHS Secretary Johnson directed FEMA Administrator Craig Fugate to coordinate the federal response, at which point FEMA became the lead coordinating agency.¹⁷⁴ In his role as Federal Coordinating Officer, Administrator Fugate mobilized a Unified Coordination Group that included DHS and all of its components, as well as HHS, DOD, DOJ, Department of State, and the U.S. General Services Administration (GSA) to support the agencies with lead roles in addressing the immediate needs of unaccompanied children: CBP and HHS.¹⁷⁵

According to the Obama Administration, “FEMA assisted HHS and DoD to secure and operationalize temporary shelters for children.”¹⁷⁶ FEMA provided resources to improve care for those in CBP custody, to include “hygiene items, shower services, and many other things.”¹⁷⁷ FEMA also published an interagency “Incident Support Plan,” outlining the strategic and operational goals and objectives of all responding agencies.¹⁷⁸ Additionally, the Corporation for National and Community Service deployed members of FEMA Corps, a unit of the AmeriCorps NCCC (National Civilian Community Corps), to provide logistical and operational support in processing facilities near the border and in Washington, DC.¹⁷⁹

FEMA coordinated with other agencies to increase the federal government’s capacity to house and process unaccompanied children pursuant to its NRF authorities and interagency agreements.¹⁸⁰ In a hearing before the Senate Committee on Homeland Security and Governmental Affairs in 2014 on “Challenges at the Border,” FEMA Administrator Fugate explained FEMA’s authorities to provide support to the federal response, stating that

in the Homeland Security Act, the Post-Katrina Emergency Management Reform Act, you gave us authorities not only for Stafford Act-related disasters, but also designated the FEMA Administrator as the principal advisor to the Secretary of Homeland Security the National Security Council, and the President, as well as Congress, on emergency management matters. We took the approach, when asked to assist, that this was a humanitarian issue and that we have the ability to convene across all the agencies to work together. We have authorities within the national framework to set up and operate under interagency agreements, to transfer funds from one agency to another who may have capabilities, but not authorization or funding.¹⁸¹

2019 Migration Support

Years later, on January 8, 2019, President Trump addressed the nation from the Oval Office to discuss a second influx of migrants at the southwest border and potential “humanitarian and security crisis.”¹⁸² Citing large numbers of migrants and unaccompanied children at the border, on July 1, 2019, Congress enacted the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019 (P.L. 116-26), through which it appropriated \$30 million to FEMA to implement the Emergency Food and Shelter Program-

¹⁷⁴ Obama Administration’s Migrant Response Release; written testimony of Alan Bersin.

¹⁷⁵ Written testimony of Alan Bersin.

¹⁷⁶ Obama Administration’s Migrant Response Release.

¹⁷⁷ HSGAC, *Challenges at the Border*, p. 8 (Testimony of R. Gil Kerlikowske, CBP Commissioner).

¹⁷⁸ HSGAC, *Challenges at the Border*, p. 105.

¹⁷⁹ Obama Administration’s Migrant Response Release.

¹⁸⁰ HSGAC, *Challenges at the Border*, pp. 6-7 (Testimony of W. Craig Fugate, FEMA Administrator).

¹⁸¹ HSGAC, *Challenges at the Border*, p. 32.

¹⁸² White House, “President Donald J. Trump’s Address to the Nation on the Crisis at the Border,” remarks, January 8, 2019, <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trumps-address-nation-crisis-border/>.

Humanitarian (EFSP-H) for humanitarian relief for migrants that DHS had processed and released.¹⁸³

In this instance, FEMA's role at the southwest border was limited to administering grant funding for state and local governments and nonprofit organizations. To that end, Congress authorized specific activities to be performed by FEMA in accordance with the enacted appropriations measure, P.L. 116-26.

2021-2024 Migration Support

On March 13, 2021, in response to an influx of migrants beginning in the spring of 2020, DHS Secretary Alejandro N. Mayorkas directed FEMA "to support a government-wide effort over the next 90 days to safely receive, shelter, and transfer unaccompanied children who make the dangerous journey to the U.S. southwest border."¹⁸⁴ FEMA "immediately integrated and co-located with HHS" to determine how to support and expand ORR's capacity to care for and take custody of unaccompanied children; FEMA deployed more than 100 employees to support HHS in identifying shelter locations, overseeing construction, and managing operations.¹⁸⁵ Further, DHS stood up an interagency "Movement Coordination Cell" to enable FEMA, HHS-ORR, CBP, and ICE to share information in support of the interagency approach to receiving, sheltering, and transferring unaccompanied children.¹⁸⁶

FEMA helped HHS establish emergency intake sites, identified bed space requirements, built bed capacity, and provided critical supplies to support the sheltering of approximately 27,000 unaccompanied children.¹⁸⁷ In a 2021 hearing before the House Committee on Homeland Security, FEMA Administrator Criswell was asked about FEMA's staff who were deployed to support federal operations at the Southwest Border, and the Administrator explained that they had fewer than 100 staff deployed to provide coordination support (and seven at the time of the hearing), and that HHS was reimbursing FEMA.¹⁸⁸ Through the EFSP-H¹⁸⁹ and the Shelter and

¹⁸³ For additional information on the Emergency Food and Shelter Program-Humanitarian (EFSP-H), and its successor program, the Shelter and Services Program (SSP), see CRS Report R47681, *FEMA Assistance for Migrants Through the Emergency Food and Shelter Program-Humanitarian (EFSP-H) and Shelter and Services Program (SSP)*, by Elizabeth M. Webster and Audrey Singer.

¹⁸⁴ DHS, "Homeland Security Secretary Mayorkas Directs FEMA to Support Response for Unaccompanied Children," archived release, March 13, 2021, <https://www.dhs.gov/archive/news/2021/03/13/homeland-security-secretary-mayorkas-directs-fema-support-response-unaccompanied>.

¹⁸⁵ U.S. Congress, Senate Homeland Security and Governmental Affairs Committee, *DHS Actions to Address Unaccompanied Minors at the Southern Border*, 116th Cong., 1st sess., May 13, 2021, S.Hrg. 117-426 (Washington: GPO, 2021), p. 54 (Testimony of Alejandro N. Mayorkas, DHS Secretary), <https://www.govinfo.gov/content/pkg/CHRG-117shrg45984/pdf/CHRG-117shrg45984.pdf> (hereinafter *DHS Actions at the Southern Border*).

¹⁸⁶ *DHS Actions at the Southern Border*, p. 55 (Testimony of Alejandro N. Mayorkas, DHS Secretary).

¹⁸⁷ *DHS Actions at the Southern Border*, p. 55 (Testimony of Alejandro N. Mayorkas, DHS Secretary); DHS Office of Inspector General, *FEMA Successfully Assisted HHS in Providing Shelter and Supplies to Unaccompanied Children from the Southwest Border*, OIG-22-35, March 31, 2022, <https://www.oig.dhs.gov/sites/default/files/assets/2022-04/OIG-22-35-Mar22.pdf>.

¹⁸⁸ U.S. Congress, House Homeland Security Committee, *Examining FEMA's Readiness to Meet Its Mission*, 117th Cong., 1st sess., June 29, 2021, H.Hrg. 117-21 (Washington: GPO, 2021), pp. 39-40, <https://www.congress.gov/117/chr/CHRG-117hrg45515/CHRG-117hrg45515.pdf>.

¹⁸⁹ Congress authorized and appropriated funding for the Emergency Food and Shelter Program-Humanitarian (EFSP-H) in FY2019, FY2021, and FY2022, and authorized the use of funding to implement the EFSP-H in FY2023 while its successor program, the Shelter and Services Program (SSP), was established. For additional information on the Emergency Food and Shelter Program-Humanitarian (EFSP-H) and Shelter and Services Program (SSP), see CRS Report R47681, *FEMA Assistance for Migrants Through the Emergency Food and Shelter Program-Humanitarian (EFSP-H) and Shelter and Services Program (SSP)*, by Elizabeth M. Webster and Audrey Singer.

Services Program (SSP; EFSP-H's successor program),¹⁹⁰ FEMA also provided funding to state and local governments and nonprofit organizations providing food, shelter, and supportive services to migrants crossing the southwest border and encountered by DHS.¹⁹¹

As noted by both Chairman Gary C. Peters and Senator Maggie Hassan during a Senate Homeland Security and Governmental Affairs Committee hearing on the Southern Border in 2021, FEMA's assistance was critical to expanding HHS's capacity to support unaccompanied children with intake and shelter facilities—including FEMA's response and contracting capabilities.¹⁹² FEMA also helped identify operational efficiencies.¹⁹³

Chemical Spill: 2023 Train Derailment in East Palestine, OH

On February 3, 2023, a Norfolk Southern train derailed in East Palestine, OH, when a bearing on a hopper car failed and overheated.¹⁹⁴ Approximately 50 of the 150 train cars were affected. According to the U.S. Environmental Protection Agency (EPA), 20 of the affected cars contained hazardous materials; some cars caught fire, and some cars spilled their loads into a ditch that feeds Sulphur Run, a stream that eventually empties into the Ohio River.¹⁹⁵ EPA tested the air, and the state of Ohio, with local health agencies and public water systems, tested the water. With regard to water, in February 2023, the sample results showed no water quality concerns for the Village of East Palestine's municipal well and East Palestine's public drinking water testing results confirmed no indication of risk to public water system customers.¹⁹⁶ The groundwater, surface water, and drinking water continue to be sampled quarterly as part of the site's long-term monitoring.¹⁹⁷ In November 2023, EPA reported that outdoor air monitoring and sampling results supported a determination that the air in East Palestine is safe to breathe.¹⁹⁸

Although the state of Ohio requested a Stafford Act declaration in July 2023, President Joseph R. Biden, Jr. ultimately denied the major disaster declaration request.¹⁹⁹ FEMA, however,

¹⁹⁰ The SSP was authorized and appropriated funding in FY2023 and FY2024.

¹⁹¹ In April 2022, DHS Secretary Mayorkas issued a memorandum detailing DHS's "Plan for Southwest Border Security and Preparedness," comprised of six "pillars" that described actions DHS and its component agencies were taking to prepare for and manage an increased number of migrant encounters. FEMA's role was mentioned in two pillars: "Border Security Pillar 1" described efforts to provide additional resources in support of the influx of migrants, including additional personnel, increased capacity to transport migrants, additional medical support, and facility expansions to increase CBP's holding capacity. FEMA was mentioned in the context of providing additional medical support—specifically, FEMA signed the interagency agreement related to the medical support plan. "Border Security Pillar 4" addressed "bolstering the capacity of non-governmental organizations (NGOs) to receive noncitizens after being processed by CBP, while awaiting the results of their immigration removal proceedings." Memorandum from Alejandro N. Mayorkas, Secretary of Homeland Security, to Interested Parties, regarding "DHS Plan for Southwest Border Security and Preparedness," April 26, 2022, https://www.dhs.gov/sites/default/files/2022-04/22_0426_dhs-plan-southwest-border-security-preparedness.pdf.

¹⁹² *DHS Actions at the Southern Border*, pp. 8, 12-13.

¹⁹³ *DHS Actions at the Southern Border*, p. 39.

¹⁹⁴ National Transportation Safety Board, "Failed Wheel Bearing Caused Norfolk Southern Train Derailment in East Palestine, Ohio," June 25, 2024, <https://www.nts.gov/news/press-releases/Pages/NR20240625.aspx>.

¹⁹⁵ U.S. Environmental Protection Agency, "East Palestine, Ohio Train Derailment: Background," last updated January 5, 2026, <https://www.epa.gov/east-palestine-oh-train-derailment/background>.

¹⁹⁶ EPA, "East Palestine, Ohio Train Derailment: Operational Updates," see February 19, 2023 (Drinking Water), and February 26, 2023 (Public Drinking Water Sampling), <https://www.epa.gov/east-palestine-oh-train-derailment/operational-updates> (hereinafter EPA, "East Palestine Updates").

¹⁹⁷ EPA, "East Palestine Updates," see Latest Update—January 2026.

¹⁹⁸ EPA, "East Palestine Updates," see Latest Update: November 3, 2023.

¹⁹⁹ FEMA, "OpenFEMA Dataset: Declaration Denials—v1," last data refresh April 21, 2025, <https://www.fema.gov/> (continued...)

supplemented federal efforts by the EPA, which was working with the Ohio EPA since the time of the derailment. FEMA support included:

- deploying a Senior Response Official and a Regional Incident Management Assistance Team (IMAT) to support ongoing operations, to include incident coordination and assessing potential long term recovery needs;²⁰⁰
- designating a Federal Disaster Recovery Coordinator to oversee the long-term recovery efforts, conduct a comprehensive unmet needs assessment that could qualify for federal assistance, and coordinate with federal, state, and local governments, and private and nonprofit entities to support community recovery;²⁰¹
- coordinating with the Governor of Ohio, the East Palestine emergency operations center, the Ohio Emergency Management Agency, and federal partners;²⁰²
- conducting door-to-door checks on families;²⁰³
- providing technical and operational assistance to EPA and federal partners, and the Ohio Emergency Management Agency, including related to incident management and community outreach,²⁰⁴ and

openfema-data-page/declaration-denials-v1 (declaration request number 23067). The state's Stafford Act declaration request was held open to evaluate whether there were needs not addressed by Norfolk Southern (White House Briefing Room, "FACT SHEET: President Biden Issues Executive Order to Protect People in East Palestine, Ohio and Nearby Communities, and Continue to Hold Norfolk Southern Accountable," September 20, 2023, <https://web.archive.org/web/20250118023306/https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/20/fact-sheet-president-biden-issues-executive-order-to-protect-people-in-east-palestine-ohio-and-nearby-communities-and-continue-to-hold-norfolk-southern-accountable/>). Ultimately, Norfolk Southern agreed to pay for the cleanup (Environmental Protection Agency, "United States Reaches Over \$310 Million Settlement with Norfolk Southern to Address Harms Caused by East Palestine Train Derailment," press release, May 23, 2024, <https://www.epa.gov/newsreleases/united-states-reaches-over-310-million-settlement-norfolk-southern-address-harms>).

²⁰⁰ FEMA, "Joint Statement from Ohio Governor DeWine and FEMA Regional Administrator Sivak," press release, HQ-23-024, February 17, 2023, <https://www.fema.gov/press-release/20230218/joint-statement-ohio-governor-dewine-and-fema-regional-administrator-sivak>.

²⁰¹ White House Briefing Room, "FACT SHEET: President Biden Issues Executive Order to Protect People in East Palestine, Ohio and Nearby Communities, and Continue to Hold Norfolk Southern Accountable," September 20, 2023, <https://web.archive.org/web/20250118023306/https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/20/fact-sheet-president-biden-issues-executive-order-to-protect-people-in-east-palestine-ohio-and-nearby-communities-and-continue-to-hold-norfolk-southern-accountable/>; FEMA, "Pursuant to President Biden's Executive Order, FEMA Designates Jim McPherson to Serve as Federal Disaster Recovery Coordinator," press release, R5-23-NR-031, September 21, 2023, <https://www.fema.gov/press-release/20250122/pursuant-president-bidens-executive-order-fema-designates-jim-mcpherson>; White House Briefing Room, "FACT SHEET: One Year After Train Derailment, Biden-Harris Administration Continues to Support People in East Palestine, Ohio and Nearby Communities and Hold Norfolk Southern Accountable," January 31, 2024, <https://web.archive.org/web/20250118020755/https://www.whitehouse.gov/briefing-room/statements-releases/2024/01/31/fact-sheet-one-year-after-train-derailment-biden-harris-administration-continues-to-support-people-in-east-palestine-ohio-and-nearby-communities-and-hold-norfolk-southern-accountable/>.

²⁰² White House Briefing Room, "FACT SHEET: Biden-Harris Administration Deploys Additional Federal Resources to East Palestine, Ohio," February 17, 2023, <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/02/17/fact-sheet-biden-harris-administration-deploys-additional-federal-resources-to-east-palestine-ohio/>.

²⁰³ White House Briefing Room, "FACT SHEET: President Biden Issues Executive Order to Protect People in East Palestine, Ohio and Nearby Communities, and Continue to Hold Norfolk Southern Accountable," September 20, 2023, <https://web.archive.org/web/20250118023306/https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/20/fact-sheet-president-biden-issues-executive-order-to-protect-people-in-east-palestine-ohio-and-nearby-communities-and-continue-to-hold-norfolk-southern-accountable/>.

²⁰⁴ White House Briefing Room, "FACT SHEET: One Year After Train Derailment, Biden-Harris Administration (continued...)"

- designating a Federal Disaster Recovery Coordinator to oversee the long-term recovery efforts.²⁰⁵

Case Study Takeaways About FEMA's Role

FEMA's role in coordinating the federal government's incident response has extended beyond the Stafford Act since the agency's establishment (e.g., the case study of the 1980 Heat Wave and Drought).²⁰⁶ Further, while Congress amended the Stafford Act definitions of *emergency* and *major disaster*, thus ensuring FEMA's Stafford Act authorities were not used to support certain incident types, Congress did not remove FEMA's authority to support the federal response outside of Stafford Act declared incidents. Over time, the number of Stafford Act-declared incidents has increased,²⁰⁷ and at the same time, FEMA has been consistently called upon to manage incident coordination outside of Stafford Act-declared incidents, including for high-profile incidents (e.g., 2014, 2019, and 2021-2024 Migration Across the Southwest Border, 2023 Train Derailment in East Palestine, OH).

Continues to Support People in East Palestine, Ohio and Nearby Communities and Hold Norfolk Southern Accountable," January 31, 2024, <https://web.archive.org/web/20250118020755/https://www.whitehouse.gov/briefing-room/statements-releases/2024/01/31/fact-sheet-one-year-after-train-derailment-biden-harris-administration-continues-to-support-people-in-east-palestine-ohio-and-nearby-communities-and-hold-norfolk-southern-accountable/>.

²⁰⁵ FEMA, "Pursuant to President Biden's Executive Order, FEMA Designates Jim McPherson to Serve as Federal Disaster Recovery Coordinator," press release, R5-23-NR-031, September 21, 2023, <https://www.fema.gov/press-release/20250122/pursuant-president-bidens-executive-order-fema-designates-jim-mcpherson>; White House Briefing Room, "FACT SHEET: One Year After Train Derailment, Biden-Harris Administration Continues to Support People in East Palestine, Ohio and Nearby Communities and Hold Norfolk Southern Accountable," January 31, 2024, <https://web.archive.org/web/20250118020755/https://www.whitehouse.gov/briefing-room/statements-releases/2024/01/31/fact-sheet-one-year-after-train-derailment-biden-harris-administration-continues-to-support-people-in-east-palestine-ohio-and-nearby-communities-and-hold-norfolk-southern-accountable/>.

²⁰⁶ FEMA is the lead agency for coordinating federal response efforts (GAO, *Federal Response Workforce Readiness*, p. 4).

²⁰⁷ Since the enactment of the Disaster Relief Act of 1950 (P.L. 81-875), the types and number of presidential declarations under the Stafford Act have increased. As indicated by Lacy Suiter in the hearing before the Senate Year 2000 Technology Problem Special Committee, at the time in 1998, that there were 31 open disasters that FEMA was dealing with. It is not clear how Mr. Suiter was defining "open disasters"; however, CRS's analysis of FEMA's declaration data made available in FEMA's OpenFEMA Datasets shows an upward trend in the number of disasters that have not been closed out (i.e., disasters that do not have a disaster closeout date, which FEMA defines as meaning "the date when all financial transactions for all programs are completed and the disaster is closed") (Based on CRS's interpretation of FEMA's OpenFEMA Dataset: FEMA Web Disaster Declarations—v1, retrieved from <https://www.fema.gov/openfema-data-page/fema-web-disaster-declarations-v1> on December 18, 2025, 1:45 PM EST; and FEMA, "OpenFEMA Frequently Asked Questions," <https://www.fema.gov/about/openfema/faq> ["What is the difference between the declaration date, incident begin date, disaster closeout date, incident end date?"]). Consistent with this trend, in 2025, the Government Accountability Office noted that FEMA reported having "710 open major disaster and emergency declarations still receiving some kind of federal support ... an increase from 495 open major disaster and emergency declarations just three years prior in July 2022" (GAO, *Disaster Assistance High-Risk Series: Federal Response Workforce Readiness*, GAO-25-108598, September 2, 2025, p. 11, <https://www.gao.gov/products/gao-25-108598> [hereinafter GAO, *Federal Response Workforce Readiness*]). Moreover, there has been an upward trend in the cost of disasters. As described by Ranking Member Rick Larsen in his opening statement during a hearing before the House Committee on Transportation and Infrastructure, on average, there was a billion-dollar disaster every four months in the 1980s, and in 2024, there was a billion-dollar disaster every three weeks (House T&I, *Expanded Use of FEMA Resources*, p. 6). The National Oceanic and Atmospheric Administration's (NOAA's) National Centers for Environmental Information historically published data on "Billion Dollar Weather and Climate Disasters," which tracked the upward trend in billion-dollar disasters over time (National Oceanic and Atmospheric Administration [NOAA], National Centers for Environmental Information [NCEI], "U.S. Billion-Dollar Weather and Climate Disasters," <https://www.ncei.noaa.gov/access/billions/>, last accessed February 24, 2026; for further information, see CRS In Focus IF12944, *Understanding NOAA's "Billion-Dollar Disasters"*, by Eva Lipiec).

The case studies examined herein help demonstrate the evolution of FEMA's role.²⁰⁸ In examining these case studies, CRS identified some common trends in FEMA's role over time. FEMA's role during non-Stafford incidents typically involves:

- leading federal incident coordination (1980 Heat Wave and Drought; 2001 Anthrax Attacks; 2014, 2019, and 2021-2024 Migration Across the Southwest Border; 2023 Train Derailment in East Palestine, OH);²⁰⁹
- serving as the President's representative (1996 TWA Flight 800 Explosion);²¹⁰
- supporting national preparedness and planning efforts (1998-1999 Y2K Planning; 2014 Ebola Epidemic);²¹¹
- providing technical assistance (2001 Anthrax Attacks);
- managing federal grants (2019, and 2021-2024 Migration Across the Southwest Border);²¹² and

²⁰⁸ GAO noted that "FEMA's disaster response role under the Stafford Act or the *National Response Framework*" has not changed (GAO, *Federal Response Workforce Readiness*, p. 12). For additional information and data on the increasing demands placed on FEMA, see CRS In Focus IF12834, *FEMA: Increased Demand and Capacity Strains*, by Erica A. Lee, Daniela E. Lacalle, and William L. Painter.

²⁰⁹ With regard to leading federal incident coordination, FEMA facilitates planning and coordination with other federal agencies for both Stafford Act and non-Stafford Act incidents, including supporting situational awareness and information sharing, developing plans to support incident activities, and leveraging the National Incident Management System and the Incident Command System to enable federal response agencies to perform their response activities and functions within the established structure for incident management (see FEMA, *Emergency Support Function #5—Information and Planning Annex*, June 2016, https://www.fema.gov/sites/default/files/2020-07/fema_ESF_5_Information-Planning.pdf [hereinafter FEMA, *ESF #5 Annex*]; the ESF #5 Annex provides a structure for coordinating with federal agencies to support federal response operations). Further, using the National Incident Management System (NIMS) as a guide, FEMA coordinates with other federal agencies, as well as state, local, territory, and tribal governments and the private and nonprofit sectors, to ensure they work together effectively to respond to domestic incidents, regardless of cause, size, or complexity. For example, FEMA's Incident Management Assistance Teams (IMATs) deploy to incidents to identify the federal assistance needed to support an affected state, territory, or tribe, and integrate FEMA's response capabilities (FEMA, NIMS, p. 33). Additionally, FEMA's National Response Coordination Center (NRCC), located at FEMA Headquarters, is a multiagency coordination center, from which staff coordinate federal support for major disasters and emergencies (FEMA, NIMS, p. 68).

²¹⁰ With regard to serving as the President's representative, the FEMA Administrator often plays a role in communicating with state partners, such as the governors from disaster-affected states, and often responds to the site of an incident to meet with officials and survivors from the disaster-affected areas to both gather and provide information. (As reported by *Politico*, "Public appearances by FEMA administrators, including meetings with governors and disaster survivors, have been a typical part of the nation's disaster response, reassuring the public of federal support and showcasing political unity." Thomas Frank, "FEMA Leader is a No-Show After Deadly Texas Flooding," *Politico*, July 10, 2025, <https://www.politico.com/news/2025/07/10/fema-leader-texas-flooding-00445902>.)

²¹¹ With regard to national preparedness and planning, as well as providing technical assistance, FEMA supports incident-specific planning, and additionally makes resources and support available to federal agencies, as well as state and local governments, and nonprofit and private organizations, including planning guidance and training resources. (See, for example, FEMA, *ESF #5 Annex*; FEMA, "Planning Guides," <https://www.fema.gov/emergency-managers/national-preparedness/plan>; FEMA, "Training and Education," <https://www.fema.gov/emergency-managers/national-preparedness/training>.)

²¹² With regard to managing federal grants, FEMA's Grant Programs Directorate administers a diverse set of grant programs on behalf of the whole of DHS, and the FEMA Administrator is responsible for supervising the grant programs that FEMA administers (6 U.S.C. §314(a)(12)); see also Grants.gov, "U.S. Department of Homeland Security," last accessed April 28, 2026, <https://www.grants.gov/learn-grants/grant-making-agencies/u-s-department-of-homeland-security-dhs> (see "Grant Program Highlights"). FEMA administers both disaster and non-disaster grants—FEMA currently administers all of the preparedness grant programs and activities. (For additional information on the evolution of DHS and the administration of the terrorism preparedness and all-hazards grant programs, see CRS Report R48828, *State and Local Homeland Security: DHS Preparedness Grants*, by Shawn Reese (see the "Appendix. Historical Development of Federal Preparedness Assistance").)

- participating on the National Response Team (1989 Exxon Valdez Oil Spill and 2010 Deepwater Horizon Spill).²¹³

Congressional Considerations

While FEMA may be best known for providing incident coordination and assistance for disaster response and recovery pursuant to presidential emergency and major disaster declarations under the Stafford Act, given the increasing scale, complexity, frequency, and number of incidents that FEMA is asked to support, FEMA's Stafford Act and non-Stafford Act roles have become the subject of increased congressional interest. Congress determines FEMA's authorities, provides funding for its activities, and oversees the agency. The following sections provide congressional considerations related to clarifying FEMA's role and responsibilities in supporting Stafford Act and non-Stafford Act incidents, and the authorities FEMA needs to perform its role, as well as FEMA's capacity to coordinate the federal response to non-Stafford Act incidents.

Clarifying FEMA's Role and Responsibilities

FEMA's role in supporting both Stafford Act and non-Stafford Act incidents is to coordinate and support the federal government's response operations. With regard to Stafford Act incidents,

FEMA leads and coordinates Federal response and assistance when the President declares a major disaster or emergency under the Stafford Act.²¹⁴

Additionally, as aforementioned, with regard to non-Stafford Act incidents, the President or DHS Secretary may task FEMA with coordinating the federal government's response, in support of a lead federal agency, and federal agency heads may request FEMA's incident management capabilities.²¹⁵

Congress could further expand or restrict FEMA's authorities and role in supporting both Stafford Act and non-Stafford Act incidents. For example, Congress could consider whether FEMA should be tasked with supporting non-Stafford Act incidents, and if the President and DHS Secretary should be able to task FEMA in this way, without congressional approval. Congress may also wish to consider whether FEMA's support of such incidents aligns with congressional intent for FEMA's mission. Depending on whether Congress views FEMA's participation in different incidents as the type of work the agency should be engaged in, Congress could consider maintaining or formally expanding FEMA's statutory mission and authorities, and could consider whether FEMA needs additional support, such as funding or authorities, to carry out its role. If Congress should wish to restrict FEMA's role, Congress could consider which authorities should be narrowed or revoked, consistent with congressional intent.

²¹³ With regard to its participation on the Federal Response Team, FEMA is one of the federal agencies included on the Team, which is chaired by EPA. Per the regulations, FEMA's role involves "provid[ing] guidance, policy and program advice, and technical assistance in hazardous materials, chemical, and radiological emergency preparedness activities (including planning, training, and exercising)." 40 C.F.R. 300.175(b)(3).

²¹⁴ FEMA, *NIMS*, p. 48.

²¹⁵ FEMA, *NRF*, p. 47.

FEMA's Capacity to Coordinate Non-Stafford Act Incident Response

As aforementioned, FEMA is the lead coordinating agency when the President declares an emergency or major disaster under the Stafford Act.²¹⁶ When there is a presidential Stafford Act declaration, FEMA may deploy and task its staff to support the response.²¹⁷ At the same time FEMA is working to support declared emergencies and major disasters, the agency may also be tasked with providing non-Stafford Act incident support.

On multiple occasions GAO has evaluated FEMA's workforce management practices and has regularly identified adequate staffing as a perennial challenge for the agency.²¹⁸ Strains on the federal incident management workforce include:

- the concurrent nature of catastrophic disasters (e.g., Hurricanes Helene and Milton affecting multiple states and occurring less than two weeks apart in the early fall of 2024);²¹⁹
- the high number of active declarations, resulting in staff deployments to support response to and recovery from other Stafford Act declared incidents;²²⁰
- FEMA staff being detailed to support other federal efforts (e.g., in 2025, DHS temporarily assigning FEMA staff to support hiring of Immigration and Customs Enforcement staff);²²¹ and
- federal workforce reductions and hiring restrictions (e.g., since January 2025, the Executive Branch has taken actions to reduce the size of the federal workforce, such as offering early retirement and deferred resignations, and directed a hiring freeze of civilian positions).²²²

²¹⁶ DHS, NRF 4th ed., pp. 43-44; see also GAO, *Federal Response Workforce Readiness*, p. 4.

²¹⁷ FEMA may also task other federal agencies through Mission Assignments (6 U.S.C. §§741(4), 753(c) DHS, NRF 4th ed., p. 22).

²¹⁸ GAO, *Federal Response Workforce Readiness*; GAO, *FEMA Disaster Workforce: Actions Needed to Improve Hiring Data and Address Staffing Gaps*, GAO-23-105663, May 2, 2023, <https://www.gao.gov/products/gao-23-105663> (hereinafter GAO, *Improve Hiring Data and Address Staffing Gaps*); GAO, *FEMA Workforce: Long-Standing and New Challenges Could Affect Mission Success*, GAO-22-105631, February 20, 2022, <https://www.gao.gov/products/gao-22-105631>.

²¹⁹ The declarations for Hurricanes Helene and Milton included Florida Hurricane Helene (DR-4828-FL), <https://www.fema.gov/disaster/4828>; North Carolina Tropical Storm Helene (DR-4827-NC), <https://www.fema.gov/disaster/4827>; South Carolina Hurricane Helene (DR-4829-SC), <https://www.fema.gov/disaster/4829>; Georgia Hurricane Helene (DR-4830-GA), <https://www.fema.gov/disaster/4830>; Virginia Tropical Storm Helene (DR-4831-VA), <https://www.fema.gov/disaster/4831>; Tennessee Tropical Storm Helene (DR-4832-TN), <https://www.fema.gov/disaster/4832>; West Virginia Post-Tropical Storm Helene (DR-4851-WV), <https://www.fema.gov/disaster/4851>; Kentucky Remnants of Hurricane Helene (DR-4848-KY), <https://www.fema.gov/disaster/4848>; Florida Hurricane Milton (DR-4834-FL), <https://www.fema.gov/disaster/4834>; and Seminole Tribe of Florida Hurricane Milton (DR-4844), <https://www.fema.gov/disaster/4844>.

²²⁰ GAO, *Federal Response Workforce Readiness*, pp. 7-8.

²²¹ Media articles, to include Brianna Sacks, "Dozens of FEMA Staffers Involuntarily Reassigned to Support Deportations," *Washington Post*, August 6, 2025, <https://www.washingtonpost.com/climate-environment/2025/08/06/fema-ice-mass-deportations-dhs/>, reported on DHS temporarily reassigning FEMA employees to Immigration and Customs Enforcement (ICE) to support vetting and processing of new ICE hires.

²²² GAO, *Federal Response Workforce Readiness*, p. 12; White House Memorandum, "Hiring Freeze," 90 *Federal Register* 8247-8248, January 20, 2025, <https://www.govinfo.gov/content/pkg/FR-2025-01-28/pdf/2025-01905.pdf>; White House Memorandum, "Extension of Hiring Freeze," April 17, 2025, <https://www.whitehouse.gov/presidential-actions/2025/04/extension-of-hiring-freeze/>; and White House Memorandum, "Ensuring Accountability and (continued...)"

Limited staff availability affects FEMA's overall capacity, including its ability to respond to non-Stafford Act incidents. As explained by GAO,

the agency [FEMA] started the 2025 hurricane season on June 1 with 12 percent of its incident management workforce available to respond to disasters. At the same time, the agency had 710 open major disaster and emergency declarations still receiving some kind of federal support, 91 with support in the field. This is an increase from 495 open major disaster and emergency declarations just three years prior in July 2022. When new disasters hit and these staff are redeployed to respond to them, it diverts resources and potentially delays efforts on open disasters.²²³

Another challenge—beyond the number of available response staff—relates to expertise. The Executive Branch's recent actions to cut staff have resulted in an exodus of highly qualified and experienced FEMA leadership. As reported by GAO, "the senior leaders who departed in recent months generally had experience managing complicated disasters," as well as large amounts of disaster funding obligations.²²⁴

DHS's FY2025 budget request for FEMA described workforce needs and impacts, including those related to the impacts of the COVID-19 pandemic, comparatively "historic disaster activity," and other non-Stafford Act missions, including its Southwest Border operations, stating

This sustained strain and seven years of historic activity threatens staff burnout, subject matter expert attrition, and imperils readiness against future disasters as well as negative impacts on steady-state roles.²²⁵

Historically, FEMA has been able to coordinate and support the federal response to both Stafford and non-Stafford incidents. However, the staffing challenges and changes FEMA faces could affect the agency's capacity for supporting federal response efforts, and FEMA may have to prioritize incidents falling within its statutory mission and responsibilities.²²⁶ Congress may wish to evaluate FEMA's ability to adequately perform its mission and fulfill its statutory responsibilities, and consider the sufficiency of FEMA's resources and authorities to augment its staff (e.g., FEMA's surge capacity force, statutory hiring authorities and flexibilities).²²⁷ Although the National Response Framework allows FEMA to "adjust the scale of its support [to non-Stafford Act incidents] to ensure execution of its statutory responsibilities," Congress may wish to

Prioritizing Public Safety in Federal Hiring," July 7, 2025, <https://www.whitehouse.gov/presidential-actions/2025/07/ensuring-accountability-and-prioritizing-public-safety-in-federal-hiring/>.

²²³ GAO, *Federal Response Workforce Readiness*, p. 11. GAO notes in its report that FEMA is not the only federal agency facing workforce capacity challenges, nothing other responding agencies like the U.S. Army Corps of Engineers and the Environmental Protection Agency also face such challenges.

²²⁴ GAO, *Federal Response Workforce Readiness*, pp. 13-14.

²²⁵ DHS, *Federal Emergency Management Agency Budget Overview: Fiscal Year 2025 Congressional Justification*, FEMA-O&S-51, https://www.dhs.gov/sites/default/files/2024-04/2024_0320_federal_emergency_management_agency.pdf.

²²⁶ For example, there is a statutory limitation on the DHS Secretary's ability to task FEMA—the DHS Secretary is prohibited from impairing FEMA's capacity to perform its mission and may not "substantially or significantly reduce ... the authorities, responsibilities, or functions of the Agency [FEMA] or the capability of the Agency [FEMA] to perform those missions, authorities, responsibilities ..." (6 U.S.C. §316(c)(1)). In addition, "No asset, function, or mission of the Agency [FEMA] may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department [of Homeland Security] ... except for details or assignments that do not reduce the capability of the Agency [FEMA] to perform its missions" (6 U.S.C. §316(c)(2)).

²²⁷ GAO, *Improve Hiring Data and Address Staffing Gaps*, pp. 4-6 and 10-14 (Figure 1 provides a summary of the FEMA employee types). FEMA is authorized to appoint temporary personnel to perform services related to responding to emergencies and major disasters under the Stafford Act (42 U.S.C. §5149(b)).

evaluate whether FEMA has the assets, workforce, and funding to be tasked in this way.²²⁸ Further, Congress could consider restricting FEMA's role in non-Stafford Act incidents, including by defining the process by which FEMA may be tasked with coordinating such efforts, or FEMA's authorities and responsibilities related to such incidents.

Conclusion

What has changed—perhaps more than FEMA's role itself—is the scale, complexity, frequency, and number of incidents that FEMA has been called upon to support.²²⁹ For example, FEMA was called upon to manage the federal response to the COVID-19 pandemic (2020) at the same time the agency was supporting the response to and recovery from natural hazards, such as hurricanes and severe storms, and other non-Stafford Act incidents like the migration at the Southwest Border and the train derailment in East Palestine, OH. COVID-19 was the first incident for which a President has issued a unilateral, nationwide Stafford Act emergency declaration and it was the first infectious disease incident for which a President approved a major disaster declaration under the Stafford Act—major disasters were declared for all 50 states, the District of Columbia, five U.S. territories, and three Tribal Nations. The complexity, scale, and duration of the COVID-19 declarations necessitated the unprecedented use of FEMA's resources and capabilities.²³⁰ Additionally, the number of declared Stafford Act emergencies and major disasters, and the cost of incidents, has increased over time.²³¹ FEMA has also continually been called upon to support non-Stafford Act incidents.²³² Thus, while FEMA's fundamental mission and role as a coordinating entity may not have changed much since its establishment, FEMA has consistently been called upon to support an increasing number of incidents.²³³

FEMA was established to provide a single coordinating entity for federal disaster response efforts. Whether or not FEMA continues to serve in this role, there may continue to be a need for such an entity given the dispersed nature of the federal approach to disaster response and

²²⁸ FEMA, *NRF*, p. 47.

²²⁹ GAO noted that “FEMA’s disaster response role under the Stafford Act or the *National Response Framework*” has not changed (GAO, *Federal Response Workforce Readiness*, p. 12). See also FEMA’s *2022-2026 FEMA Strategic Plan: Building the FEMA our Nation Needs and Deserves*, discusses FEMA’s “expanding mission.” It is available via the Internet Archive at https://web.archive.org/web/20250203231738/https://www.fema.gov/sites/default/files/documents/fema_2022-2026-strategic-plan.pdf. See also House T&I, *Expanded Use of FEMA Resources*, p. 9. For additional information and data on the increasing demands placed on FEMA, see CRS In Focus IF12834, *FEMA: Increased Demand and Capacity Strains*, by Erica A. Lee, Daniela E. Lacalle, and William L. Painter.

²³⁰ For additional information on FEMA’s role supporting the COVID-19 pandemic response and recovery, see CRS Report R47048, *FEMA’s Role in the COVID-19 Federal Pandemic Response*, coordinated by Erica A. Lee. See also GAO, *FEMA Disaster Workforce: Actions Needed to Improve Hiring Data and Address Staffing Gaps*, GAO-23-105663, May 2, 2023, p. 2, <https://www.gao.gov/assets/gao-23-105663.pdf>.

²³¹ For additional information on the increasing number of Stafford Act incidents, and the increase in funding obligations to pay for the cost of disasters, see CRS In Focus IF12834, *FEMA: Increased Demand and Capacity Strains*, by Erica A. Lee, Daniela E. Lacalle, and William L. Painter.

²³² CRS has requested information from FEMA on the number of non-Stafford Act incidents the agency has supported since FEMA’s establishment.

²³³ This report does not consider how changes in FEMA’s staffing levels, assistance programs, and bureaucratic requirements, among other factors, affected the agency’s capacity to manage and support newly declared and open Stafford and non-Stafford Act declared incidents.

recovery,²³⁴ and the continued rise in Stafford Act and non-Stafford Act incidents.²³⁵ Congress has the ability to determine the bounds of FEMA's mission, role, and authorities, including whether and how FEMA's coordination capabilities should be tasked.

²³⁴ DHS, NRF 4th ed.; DHS, National Disaster Recovery Framework, 3rd ed. Amended, December 10, 2024, https://www.fema.gov/sites/default/files/documents/fema_national-disaster-recovery-framework-third-edition_05062025_0.pdf; see also GAO, *Disaster Recovery: Actions Needed to Improve the Federal Approach*, GAO-23-104956, November 15, 2022, <https://www.gao.gov/products/gao-23-104956>.

²³⁵ For information on the increasing number of Stafford Act incidents, see CRS In Focus IF12834, *FEMA: Increased Demand and Capacity Strains*, by Erica A. Lee, Daniela E. Lacalle, and William L. Painter; for information on immigration policy, see CRS Report R45020, *Primer on U.S. Immigration Policy*, by Holly Straut-Eppsteiner; for information on climate change policy, see CRS Report R46947, *U.S. Climate Change Policy*, coordinated by Richard K. Lattanzio.

Appendix A. Acronyms, Key Concepts, and Resources

Acronyms

The following acronyms are used in this report:

- **AAR:** After-Action Report
- **ASPR:** Administration for Strategic Preparedness and Response
- **CBP:** Customs and Border Protection
- **CDC:** Centers for Disease Control and Prevention
- **CSA:** Community Services Administration
- **COVID-19:** Coronavirus Disease 2019
- **DHS:** Department of Homeland Security
- **DOD:** Department of Defense
- **DRRA:** Disaster Recovery Reform Act of 2018 (Division D of P.L. 115-254)
- **EAS:** Emergency Alert System
- **EFSP-H:** Emergency Food and Shelter Program-Humanitarian
- **EO:** Executive Order
- **EPA:** Environmental Protection Agency
- **ESF:** Emergency Support Function
- **FBI:** Federal Bureau of Investigation
- **FEMA:** Federal Emergency Management Agency
- **FIOP:** Federal Interagency Operational Plan
- **FRP:** Federal Response Plan
- **GAO:** Government Accountability Office
- **GSA:** General Services Administration
- **HHS:** Department of Health and Human Services
- **HSA:** Homeland Security Act of 2002 (P.L. 107-296)
- **HSPD:** Homeland Security Presidential Directive
- **HUD:** Department of Housing and Urban Development
- **ICP:** Incident Command Post
- **IMAT:** Incident Management Assistance Team
- **LFA:** Lead Federal Agency
- **NCCC:** National Civilian Community Corps
- **NCP:** National Contingency Plan
- **NIMS:** National Incident Management System
- **NFIP:** National Flood Insurance Program
- **NPG:** National Preparedness Goal

- **NPS:** National Preparedness System
- **NRF:** National Response Framework
- **NRP:** National Response Plan
- **NTSB:** National Transportation Safety Board
- **ORR:** Office of Refugee Resettlement
- **PKEMRA:** Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295)
- **PPD:** Presidential Policy Directive
- **SLTT:** state, local, tribal, and territorial governments
- **SRIA:** Sandy Recovery Improvement Act of 2013 (Division B of P.L. 113-2)
- **SSP:** Shelter and Services Program
- **Stafford Act:** Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, as amended)
- **UAC:** Unified Area Command
- **USAID:** U.S. Agency International Development
- **USDA:** Department of Agriculture

Key Domestic Preparedness Concepts

The Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA; Title VI of P.L. 109-295) defines several key domestic preparedness concepts, including the following.

- **Emergency Management** is defined as “The governmental function that coordinates and integrates all activities necessary to build, sustain and improve the capability to prepare for, protect against, respond to, recover from, or mitigate against threatened or actual natural disasters, acts of terrorism or other man-made disasters” (6 U.S.C. §701(7)).
- The **National Incident Management System (NIMS)** is defined as “a system to enable effective, efficient, and collaborative incident management” (6 U.S.C. §701(12)). It provides a consistent approach for the whole community to work together and manage incidents involving all threats and hazards—regardless of cause, size, location, or complexity—in order to reduce loss of life, property, and harm to the environment (FEMA, National Incident Management System, 3rd ed., October 2017).
- The **National Preparedness Goal (NPG)** defines what it means to be prepared—it is “A secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk” (FEMA, “National Preparedness Goal,” web page; established by Section 643 of PKEMRA).
- The **National Preparedness System (NPS)** is the approach to meeting the NPG and it establishes methods for achieving the United States’ desired level of preparedness through the identification of core capabilities. The NPS is an integrated set of guidance, policies, programs, and processes that embody the strategic vision and planning of the federal government, with input from the whole community, as it relates to preparing the nation for all hazards (FEMA, “National Preparedness,” web page; established by Section 644 of PKEMRA).

Additional Homeland Security and Emergency Management Resources

The following selected resources provided additional background information on FEMA's roles:

- For information on various FEMA authorities or capabilities, see CRS's resources on "Homeland Security & Emergency Management," available at <https://www.crs.gov/research/issue-areas/homeland-security-and-emergency-management>.
- For information on the NFIP, see CRS Report R44593, *Introduction to the National Flood Insurance Program (NFIP)*, by Diane P. Horn and Baird Webel.
- For information on FEMA's Stafford Act assistance programs, see CRS Report WMR10001, *CRS Guide to Federal Emergency Management*, by Lauren R. Stienstra et al.
- For information on FEMA's preparedness grants, see CRS Report R48828, *State and Local Homeland Security: DHS Preparedness Grants*, by Shawn Reese.

Appendix B. Selected FEMA Authorities

FEMA primarily serves in a coordination role. FEMA leads and coordinates the federal response to Stafford Act-declared incidents, and FEMA can be called upon to coordinate the federal response to non-Stafford Act incidents.

Selected FEMA authorities referenced in this report and related to FEMA's coordination role are listed below. FEMA's authorities are in support of its primary mission

to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.²³⁶

Federal Coordination

- Administer and implement the National Response Plan, and coordinate with the Emergency Support Function (6 U.S.C. §314(a)(13)); and
- Maintain and operate the National Response Coordination Center (6 U.S.C. §314(a)(17)).

National Preparedness

- Provide funding, training, exercises, technical assistance, planning, and other assistance to build capabilities necessary to respond to a natural disaster, act of terrorism, or other man-made disaster (6 U.S.C. §313(b)(2)(G));
- The FEMA Administrator builds a comprehensive national incident management system (6 U.S.C. §314(a)(5)); and
- The FEMA Administrator assists the President with carrying out the national preparedness goal and national preparedness system (6 U.S.C. §314(a)(19)).

Federal Emergency Management

- Lead the Nation's preparedness, protection, response, recovery, and mitigation efforts (6 U.S.C. §313(b)(2)(A));
- Build a national system of emergency management to respond to natural disasters, acts of terrorism, or other human-caused disasters (6 U.S.C. §313(b)(2)(B));
- Develop a federal response capability to deliver assistance following a natural disaster, act of terrorism, or other human-caused disaster (6 U.S.C. §313(b)(2)(C));
- Provide technical assistance to help states develop plans for preparedness, mitigation, response, and recovery (42 U.S.C. §5131(b));
- Identify assistance needed in the disaster-affected area and coordinate the administration of relief, including with disaster assistance organizations (42 U.S.C. §5143(b));

²³⁶ 6 U.S.C. §313(b)(1)

- Preposition federal response assets, issue mission assignments to other federal agencies, and reimburse federal agencies for services or supplies furnished under the authority of the Stafford Act (42 U.S.C. §5147); and
- Provide federal disaster assistance pursuant to a presidential emergency declaration or major disaster declaration under the Stafford Act (42 U.S.C. §§5121 et seq.).

The above-listed authorities are not comprehensive. For example, other FEMA responsibilities and authorities relate to administering the FEMA preparedness and other federal assistance grant programs; managing the National Flood Insurance Program; supporting planning efforts, including for federal continuity of operations and continuity of government, and radiological preparedness; and supporting emergency communications and public alert and warning systems.

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