



FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency
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FEMA INTERGOVERNMENTAL AFFAIRS ADVISORY Stafford Act Declaration Action Authorities March 21, 2012

Governors may seek an emergency or major disaster declaration by submitting a written request to the President through the Federal Emergency Management Agency (FEMA) as set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §§ 5121-5207). After the President has declared an emergency or major disaster, the State may make requests to adjust the declaration.

Some post-declaration actions must be made by Governors as required by law. Governors may designate a Governor’s Authorized Representative (GAR) to make certain requests on behalf of the State. Previously, GARs were only authorized to amend certain parts of the FEMA-State Agreement, request additional areas to be added to the declaration, request an extension of time to request additional assistance and/or areas, and appeal the denial of additional areas.

Upon review of FEMA’s regulations, FEMA has determined that a Governor may designate the GAR to make requests for the following: Federal/State cost share adjustments, adjustments to the incident period, and amendments to the incident type. This provides Governors more flexibility to delegate additional duties to the GAR. Governors, however, retain the authority and discretion to sign all requests related to Stafford Act declarations.

For your reference, FEMA has developed the following chart to clarify the authorities of a GAR with respect to making and signing requests related to Stafford Act declarations. The chart is a tool to help States determine which declaration actions Governors must initiate and which actions the GAR may undertake.

Stafford Act Declaration Action Authorities

Action	Governor	Governor’s Authorized Representative or Alternate
Request a Presidential Declaration	§401 and §501 of the Stafford Act	Governor only per §401 and §501 of the Stafford Act
Request an extension of time to request a declaration	44 CFR 206.35(a)& 44 CFR 206.36(a)	Governor only per 44 CFR 206.35(a) & 44 CFR 206.36(a)
Execute the FEMA-State Agreement	44 CFR 206.44(a)	Governor only per 44 CFR 206.44(a)
Execute Amendments to the FEMA-State Agreement	44 CFR 206.44(a)	Governor or GAR per 44 CFR 206.44(c) <i>except for amendments to Exhibit A: State Certification Officers</i> , see 44 CFR 206.41(c) & (d)
Action	Governor	Governor’s Authorized

		Representative or Alternate
Request additional assistance and areas	44 CFR 206.40(c)	Governor or GAR per 44 CFR 206.40(c)
Request an extension of time to request additional assistance and areas	44 CFR 206.40(d)	Governor or GAR per 44 CFR 206.40(d)
Request an adjustment of the cost share	44 CFR 206.47 provides the circumstances under which FEMA may recommend a Public Assistance cost share adjustment, without specifying requirements for a state cost share adjustment request.	Governor or GAR per 44 CFR 206.47 provides the circumstances under which FEMA may recommend a Public Assistance cost share adjustment, without specifying requirements for a state cost share adjustment request.
Request Amendment of (close, expand, reopen, etc) the incident period	There is no statute or regulation on requests to amend a declaration's incident period; however, 44 CFR 206.44(c) refers to amendments to the FEMA-State Agreement to include <i>inter alia</i> amending the incident period. Such modification would be triggered by an amendment to the declaration.	Governor or GAR. There is no statute or regulation on requests to amend a declaration's incident period; however, 44 CFR 206.44(c) refers to amendments to the FEMA-State Agreement to include <i>inter alia</i> amending the incident period. Such modification would be triggered by an amendment to the declaration.
Request Amendment of the incident type	There is no statute or regulation on requests to amend a declaration's incident type; however, 44 CFR 206.44(b) & (c) refer to the terms and conditions of the FEMA-State Agreement including the incident and modifications to those terms. Such modification would be triggered by an amendment to the declaration.	Governor or GAR. There is no statute or regulation regarding requests to amend a declaration's incident type; however, 44 CFR 206.44(b) & (c) refer to the terms and conditions of the FEMA-State Agreement including the incident, and modifications to those terms. Such modification would be triggered by an amendment to the declaration.
Request a State Share Loan	44 CFR 206.45(a)	Governor only per 44 CFR 206.45(a)
Appeal: Major Disaster or Emergency Declarations	44 CFR 206.46(a)	Governor only per 44 CFR 206.46(a)
Appeal: Partial denial of add on assistance or areas requested	44 CFR 206.46(b)	Governor or GAR per 44 CFR 206.46(b)
Appeal: Denial of advance of State share	44 CFR 206.46(c)	Governor only per 44 CFR 206.46(c)

If you have any further questions please feel free to contact FEMA's Intergovernmental Affairs Division at (202) 646-3444 or at FEMA-IGA@fema.dhs.gov.

FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

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