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September 14, 2001

M-01-31

MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES

FROM: Mitchell E. Daniels, Jr.
Director

SUBJECT: Emergency Funding to Respond to the September 11th Terrorist Attacks

Today the Congress passed the "Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, FY 2001." The President will sign this bill into law shortly. In the aftermath of these unspeakable tragedies, the President and the Congress have shown their mutual commitment to ensuring that the Nation has the resources to respond to and recover from the attacks and to protect our national security.

The supplemental appropriations bill provides \$40 billion for "emergency expenses to respond to the terrorist attacks on the United States that occurred on September 11, 2001." Departments and agencies should continue to take all steps necessary to respond swiftly to urgent requirements and to alleviate human endangerment and suffering. All agency costs directly related to these terrorist attacks will be reimbursed. If you have any questions about the availability of funding, please consult your OMB contact.

The Congress has given us extraordinary authority and funding to address this crisis. It is incumbent on us to see that every dollar of these resources is used for the intended purposes and is fully accounted for. Attached for your information are guidelines that OMB will use in identifying and evaluating with you those areas where the funding enacted today should be targeted. These guidelines have been adapted, usually verbatim, from the procedures followed in response to previous emergencies, including Desert Storm, the Northridge earthquake, and the Northwest floods of 1997. A proposed activity is not expected to meet each of these guidelines but, if a request appears to violate one or more, it will be given very close scrutiny.

As the President stated on Tuesday, these attacks "will require our country to unite in steadfast determination and resolve." The emergency funding approved today will enable the government to express that resolve through swift and decisive action. If additional appropriations are required, the President will work with the Congress to ensure that all resources necessary to deal with these attacks are available.

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GUIDELINES/CRITERIA FOR EMERGENCY FUNDING REQUESTS RELATED TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Response and Recovery

1. The damage to be repaired must have been *directly* caused by the terrorist acts.
2. The absence of funding, and consequently a delay in damage repair, protection or other activities, would result in significant *economic loss/hardship, attack risk or human endangerment/suffering*, including the cost of enhanced security and relocation of employees to secure sites.
3. Any action ordered by the President to respond to the national security consequences of the events of September 11, 2001.
4. The *requirement is known*, i.e., not a speculative need.
5. The requirement is urgent, i.e., could not reasonably be handled at a later time.
6. The activity to be performed is an *appropriate Federal role* and reflects an appropriate sharing of responsibility among State, local, private, and Federal entities.
7. The level of funding is limited to the amount necessary to *restore* the entity/facility to current standards and requirements (e.g., damage to a 1950s building would be repaired using current building codes and standards and guidelines for counter-terrorism defense).
8. The requirement is *not competitive with or duplicative* of activities of other agencies with statutorily mandated disaster assistance programs such as SBA and FEMA
9. The requirement *cannot reasonably be met through the use of existing agency funds*, e.g., through reprogramming actions or the use of other emergency funds.

Preparedness and Mitigation

10. Funds should address *specific* deficiencies, encountered or identified to prevent events such as those that occurred on September 11, 2001, and may include expenditures for: law enforcement and investigative activities; general preparation and response (planning, training, equipment, and personnel); physical protection of government facilities and employees; physical protection of the national populace and infrastructure; and governmental awareness of potential threats.

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11. Funds can be used to enhance U.S. abilities to interdict terrorist threats.
12. The activity to be performed is an *appropriate Federal role* and reflects an appropriate sharing of responsibility among State, local, private, and Federal entities.
13. The requirement is urgent, i.e., could not reasonably be handled at a later time.
14. Activities are not competitive with or duplicative of activities of other agencies with statutorily mandated preparation programs such as DOD and FEMA.
15. The requirement *cannot reasonably be met through the use of existing agency funds*, e.g., through reprogramming actions or the use of other emergency funds.

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