

# Stafford Act Assistance and Acts of Terrorism

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This insight provides a brief overview of Stafford Act declarations under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (hereinafter the Stafford Act—42 U.S.C. 5721 et seq.) and the types of assistance they could authorize in response to terrorist incidents. This report also provides examples of Stafford Act declarations that have been issued for previous terrorist attacks.

## Overview

The Stafford Act authorizes the President to issue two types of declarations that could provide federal assistance to states and localities in response to a terrorist attack: a "major disaster declaration" or an "emergency declaration."

## Major Disaster Declarations

Major disaster declarations authorize a wide range of federal assistance to states, local governments, tribal nations, individuals and households, and certain nonprofit organizations to recover from a catastrophic event. Major disaster declarations must be requested by the state governor or tribal leader. The Stafford Act defines a major disaster as:

any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, 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 chapter 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 ([P.L. 93-288](#), 42 U.S.C. §5122(2)).

The list of events that qualify for a major disaster declaration is specifically limited. Consequently, a terrorist incident that does not involve a fire or explosion (such as a mass shooting) may not meet the definition of a major disaster.

## Assistance Provided Under Major Disaster Declarations

Assistance generally takes three forms: Public Assistance (PA), Individual Assistance (IA) and Hazard Mitigation Assistance (HMA). PA addresses essential needs of the state or tribe but concentrates on repairing damage to infrastructure (public roads, building, etc.) IA represents help to families and individuals. IA can be in the form of temporary housing assistance and grants to address post-disaster needs (such as replacing clothing and furniture) as well as crisis counseling and disaster unemployment benefits. HMA provides the state with grant funding for mitigation projects. HMA does not necessarily need to mitigate risks from the type of disaster declared. Rather, HMA can be used for mitigation projects identified before the declaration was issued.

## Emergency Declarations

Emergency declarations are issued by the President to protect property and public health and safety and to lessen or avert the threat of a major disaster. Emergency declarations can be issued before an incident when a threat is detected (for example, before a hurricane makes landfall) to supplement and coordinate local and state efforts such as evacuations and the protection of public assets. The Stafford Act defines an emergency as:

any 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 ([P.L. 93-288](#), 42 U.S.C. §5122(1)).

In contrast to the proscribed definition of events that qualify as a major disaster, an emergency is defined more broadly—which arguably could make a wide range of terrorist incidents eligible for federal assistance.

While in most cases the state governor or tribal leader must request an emergency declaration, the President has the authority to issue an emergency declaration without a gubernatorial or tribal request under Section 501(b) of the Stafford Act when the President:

determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States can exercise exclusive or preeminent responsibility and authority ([P.L. 93-288](#), 42 U.S.C. §5191(b)).

## Assistance Provided Under Emergency Declarations

Emergency assistance can include two forms of PA; debris removal and emergency protective measures. However, permanent construction work for infrastructure repairs cannot be authorized under an emergency declaration. Most forms of IA can be made available through an emergency declaration. HMA assistance is not available under an emergency declaration.

## Selected Examples of Stafford Act Assistance for Terrorist Incidents

### Oklahoma City Bombing

An emergency declaration was issued by President Clinton to Oklahoma on April 26, 1995, in response to the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. The assistance included extensive crisis counseling assistance for the community as well as repairs to public infrastructure damaged by the blast.

### September 11<sup>th</sup> Terrorist Attacks

Major disaster declarations were issued by George W. Bush to New York and Virginia on September 11, 2001, in response to the September 11<sup>th</sup> terrorist attacks. The assistance included a large amount of infrastructure repair for southern Manhattan as well as a crisis counseling program, disaster unemployment benefits, and temporary rent and mortgage assistance.

### Boston Marathon Attacks

An emergency declaration was issued by President Obama to Massachusetts on April 17, 2013, in response to the

Boston Marathon bombing. The assistance included repayments to public agencies and nongovernmental organizations that aided the response efforts.

### Orlando Mass Shooting

On June 13, 2016, Florida Governor Rick Scott made a request to the President to issue an emergency declaration in response to the mass shooting at Pulse nightclub in Orlando, Florida on June 12, 2016. The governor's request is the first instance of a request being made for a mass shooting event. The President denied the request for assistance.

As of the date of publication, emergency declarations have not been issued for mass shootings. Federal assistance under the Stafford Act was not requested for the Virginia Tech, San Bernardino, or Sandy Hook shootings, among others.

### For More Information

See CRS reports R43784, [\*FEMA's Disaster Declaration Process: A Primer\*](#); and R42702, [\*Stafford Act Declarations 1953-2014: Trends, Analyses, and Implications for Congress\*](#), for a complete background and details about Stafford Act Declarations.