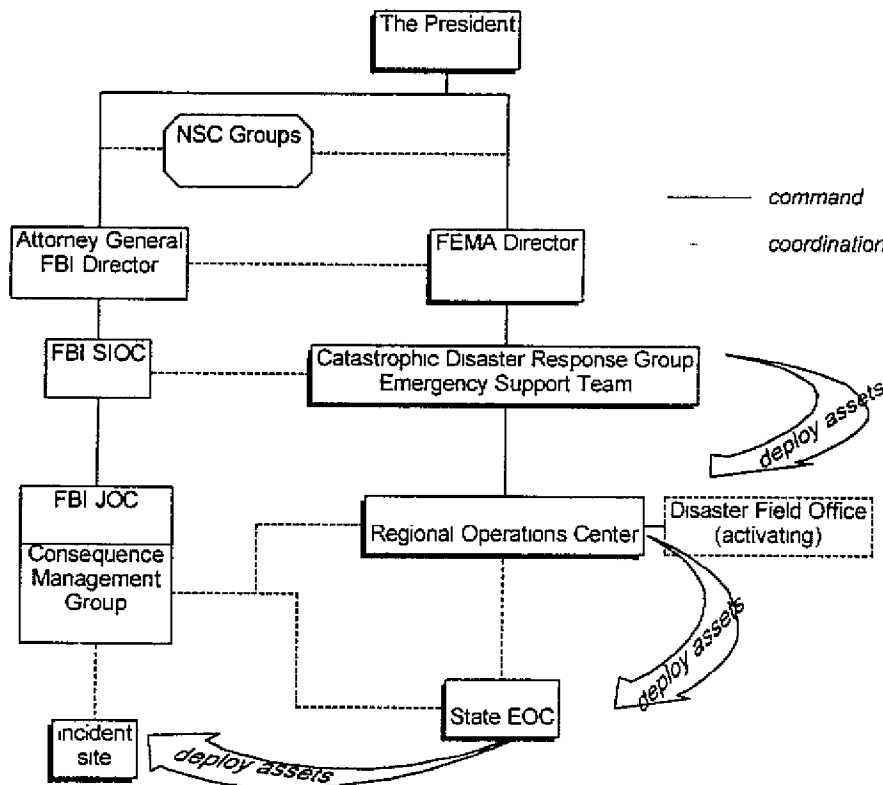


**2. Trans-Incident**

*(Situations involving a transition from a threat to an act of terrorism).*

If consequences become imminent or occur that cause the President to direct FEMA to implement a Federal consequence management response, then FEMA will initiate procedures to activate additional FRP structures (the EST, the CDRG, the ROC, and a Disaster Field Office (DFO) if necessary). Federal, State and local consequence management agencies will begin to disengage from the JOC (see Figure 6). The senior FEMA official and liaisons will remain at the JOC until the FBI and FEMA agree that a liaison presence is no longer required. FEMA will establish Joint Information Centers (JICs) in the field and Washington, DC, to serve as the primary Federal information centers on the consequence management response for the media, members of Congress, and foreign governments. FEMA JICs will establish coordination with the FBI Media component in the field and the FBI Headquarters National Press Office, which serve as the primary Federal information centers on the crisis management response.



**Figure 6 - Trans-Incident Consequence Management**

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**3. *Post-Incident***

*(Situations without warning).*

If an incident occurs without warning that produces major consequences and appears to be caused by an act of terrorism, then FEMA and the FBI will initiate consequence management and crisis management actions concurrently. FEMA will consult immediately with the White House and the Governor's office to determine if a Federal consequence management response is required. If the President directs FEMA to implement a Federal consequence management response, then FEMA will implement portions of this Annex and other FRP annexes as required. FEMA will support the FBI as required and will lead a concurrent Federal consequence management response.

During the consequence management response, the FBI provides a liaison to either the ROC Director or the Federal Coordinating Officer (FCO) in the field, and a liaison to the EST Director at FEMA Headquarters (see **Figure 7**). Issues arising from the response that affect multiple agency authorities and areas of expertise will be discussed by the ROC Director or FCO, in consultation with the FBI liaison, the on-scene decisionmakers of the Federal agencies supporting the technical operation, and the ESF Leaders, who are all working in consultation with local, State and other Federal representatives. While the ROC Director or FCO retains authority to make Federal consequence management decisions at all times, operational decisions are made cooperatively to the greatest extent possible. Meetings will continue to be scheduled until the FBI and FEMA agree that coordination is no longer required. Operational reports will continue to be exchanged, as described in the pre-incident phase. The FBI liaisons will remain at the EST and the ROC or DFO until FEMA and the FBI agree that a liaison presence is no longer required.

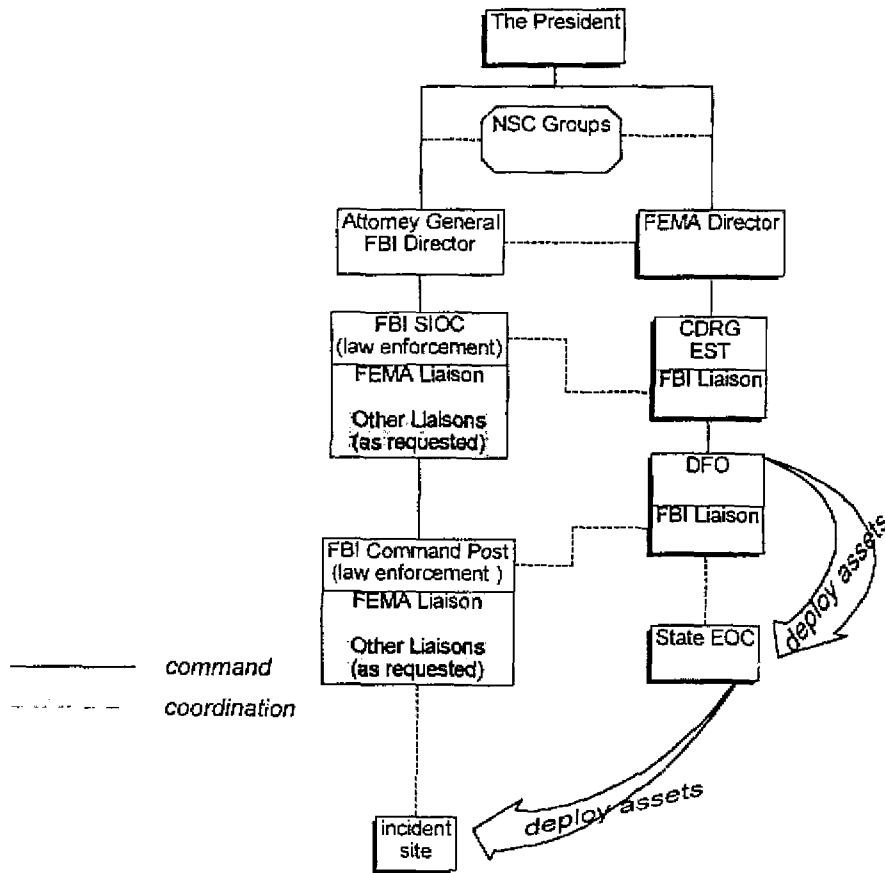


Figure 7 - Post-Incident Consequence Management

#### 4. Disengagement

If an act of terrorism does not occur, then the consequence management response disengages when the FEMA Director, in consultation with the FBI Director, directs FEMA Headquarters and the responsible Region(s) to issue a cancellation notification by standard procedure to appropriate FEMA officials and FRP agencies. FRP agencies disengage according to standard procedure.

If an act of terrorism occurs that results in major consequences, then each FRP structure (the EST, the CDRG, the ROC, and the DFO if necessary) disengages at the appropriate time according to standard procedures. Following FRP disengagement, operations by individual Federal agencies or by multiple Federal agencies under other Federal plans may

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continue, in order to support the affected State and local governments with long-term hazard monitoring, environmental decontamination, and site restoration (clean-up).

***V. RESPONSIBILITIES***

***A. FBI***

PDD-39 clarifies and expands upon the responsibilities of the FBI as the Federal Lead Agency for crisis management. The FBI will:

- Appoint an FBI OSC to provide leadership and direction to the Federal crisis management response. The FBI OSC will convene meetings with decisionmakers representing FEMA, the Federal agencies involved in technical operations, and the State (as appropriate). These meetings will be held in order to formulate incident action plans, define priorities, review status, resolve conflicts, identify issues that require decisions from higher authorities, and evaluate the need for additional resources.
- Issue and track the status of crisis management actions assigned to Federal agencies. A common system should be used by the FBI and FEMA, in order to provide a capability to control, prioritize, and deconflict taskings to Federal agencies, several of which support crisis management and consequence management.
- Establish the primary Federal operations centers for crisis management in the field and Washington, DC.
- Establish the primary Federal centers for information on the crisis management response for the media, members of Congress, and foreign governments in the field and Washington, DC.
- Designate appropriate liaison and advisory personnel to support FEMA.
- Determine when a threat of an act of terrorism warrants consultation with the White House.
- Advise the White House, through the Attorney General, when the FBI requires assistance for a Federal crisis management response, in accordance with the PDD-39 Domestic Guidelines.

- Coordinate the Federal crisis management response with the lead State and local crisis management agencies.

### **B. FEMA**

PDD-39 clarifies and expands upon the responsibilities of FEMA as the Federal Lead Agency for consequence management. FEMA will:

- Appoint a ROC Director or FCO to provide leadership and direction to the Federal consequence management response. The ROC Director or FCO will convene meetings with decisionmakers representing the FBI, the Federal agencies involved in technical operations, and the State (as appropriate). These meetings will be held in order to formulate incident action plans, define priorities, review status, resolve conflicts, identify issues that require decisions from higher authorities, and evaluate the need for additional resources.
- Issue and track the status of consequence management actions assigned to Federal agencies. A common system should be used by the FBI and FEMA, in order to provide a capability to control, prioritize, deconflict, and (*as appropriate*) audit and reimburse taskings to Federal agencies, several of which support crisis management and consequence management.
- Establish the primary Federal operations centers for consequence management in the field and Washington, DC.
- Establish the primary Federal centers for information on the consequence management response for the media, members of Congress, and foreign governments in the field and Washington, DC.
- Designate appropriate liaison and advisory personnel to support the FBI.
- Determine when consequences are imminent that warrant consultation with the White House and the Governor's office.
- Consult with the White House and the Governor's office to determine if a Federal consequence management response is required and if FEMA is directed to use Stafford Act authorities. This process will involve appropriate notification and coordination with the FBI.

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- Coordinate the Federal consequence management response with the lead State and local consequence management agencies.

***C. Federal Agencies Supporting Technical Operations***

***1. Department of Defense***

As directed in PDD-39, the Department of Defense (DOD) will activate technical operations capabilities to support the Federal response to threats or acts of NBC/WMD terrorism. As required under the Constitution and laws of the United States, DOD will coordinate military operations within the United States with the appropriate civilian lead agency(ies) for the technical operations.

***2. Department of Energy***

As directed in PDD-39, the Department of Energy (DOE) will activate nuclear response capabilities to support the Federal response to threats or acts of nuclear/WMD terrorism. DOE may coordinate with individual agencies identified in the FRERP to use the structures, relationships, and capabilities described in the FRERP to support response operations. The FRERP does not require formal implementation. Under the FRERP:

- The Federal OSC under the FRERP will coordinate the FRERP response with the FEMA official (either the senior FEMA official at the JOC, the ROC Director or the FCO), who is responsible under PDD-39 for on-scene coordination of all Federal support to State and local governments (see **Figure 8**).
- The FRERP response may include onsite management, radiological monitoring and assessment, development of Federal protective action recommendations, and provision of information on the radiological response to the public, the White House and Members of Congress, and foreign governments. The Lead Federal Agency (LFA) of the FRERP will serve as the primary Federal source of information regarding onsite radiological conditions and offsite radiological effects.
- The LFA/FRERP will issue taskings that draw upon funding from the responding FRERP agencies.

### 3. *Department of Health and Human Services*

As directed in PDD-39, the Department of Health and Human Services (DHHS) will activate health and medical response capabilities to support the Federal response to threats or acts of NBC/WMD terrorism. DHHS may coordinate with individual agencies identified in the *DHHS Health and Medical Services Support Plan for the Federal Response to Acts of Chemical/Biological Terrorism*, to use the structures, relationships, and capabilities described in the DHHS plan to support response operations. If the DHHS plan is formally implemented:

- The DHHS on-scene representative will coordinate, through the ESF #8 Leader, the DHHS plan response with the FEMA official (either the senior FEMA official at the JOC, the ROC Director or the FCO), who is responsible under PDD-39 for on-scene coordination of all Federal support to State and local governments (see **Figure 8**).
- The DHHS plan response may include threat assessment, consultation, agent identification, epidemiological investigation, hazard detection and reduction, decontamination, public health support, medical support, and pharmaceutical support operations.
- DHHS will issue taskings that draw upon funding from the responding DHHS plan agencies.

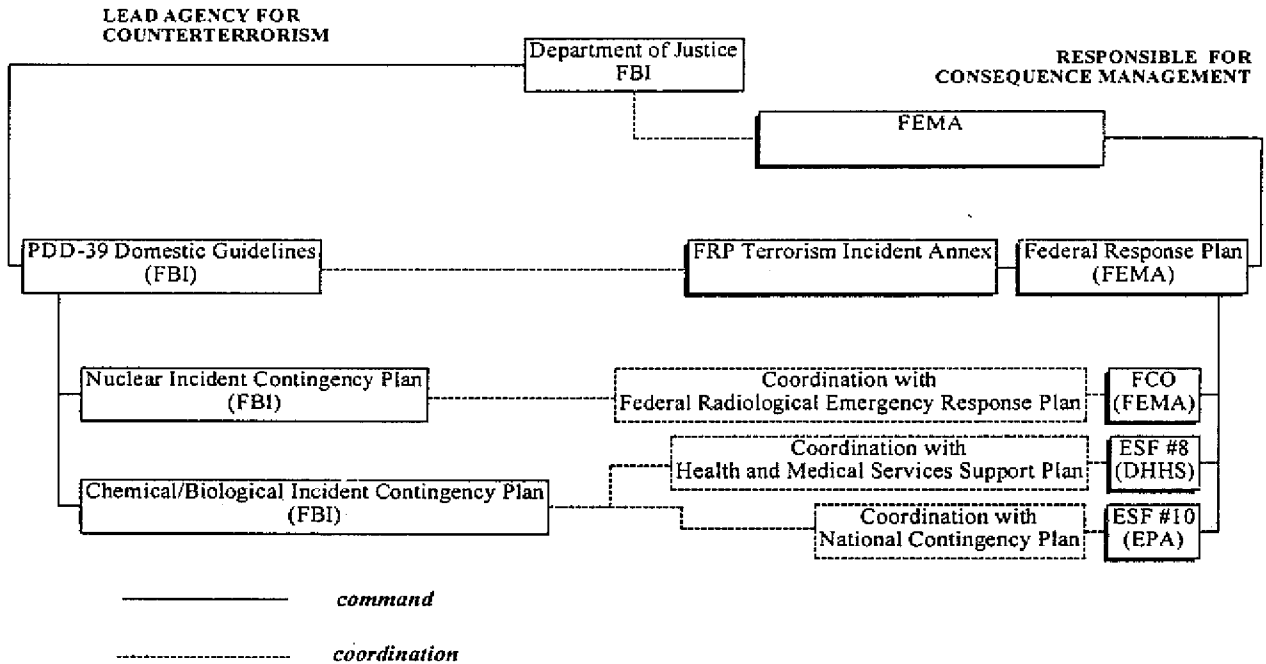
### 4. *Environmental Protection Agency*

As directed in PDD-39, the Environmental Protection Agency (EPA) will activate environmental response capabilities to support the Federal response to acts of NBC/WMD terrorism. EPA may coordinate with individual agencies identified in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to use the structures, relationships, and capabilities of the National Response System as described in the NCP to support response operations. If the NCP is formally implemented:

- The On-Scene Coordinator under the NCP will coordinate, through the ESF #10 Leader, the NCP response with the FEMA official (either the senior FEMA official at the JOC, the ROC Director or the FCO), who is responsible under PDD-39 for on-scene coordination of all Federal support to State and local governments (see **Figure 8**).

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- The NCP response may include threat assessment, consultation, agent identification, hazard detection and reduction, environmental monitoring, decontamination, and long-term site restoration (environmental clean-up) operations.



*Figure 8 - Relationships Among Federal Plans to Implement PDD-39*

**VI. FUNDING GUIDELINES**

As stated in PDD-39, Federal agencies directed to participate in the resolution of terrorist incidents or conduct of counterterrorist operations bear the costs of their own participation, unless otherwise directed by the President. This does not preclude Federal agencies from reallocating funds from current agency operating budgets, accepting reimbursable work orders offered by other Federal agencies, and/or submitting requests for supplemental appropriation to the Office of Management and Budget for consideration.

If the President directs FEMA to use Stafford Act authorities, FEMA will issue mission assignments through the FRP to support consequence management. FEMA provides the following funding guidance to the FRP agencies:

***A. Special Events and the Stafford Act***

Commitments by individual agencies to take precautionary measures in anticipation of special events will not be reimbursed under the Stafford Act, unless mission-assigned by FEMA to support consequence management.

***B. Crisis Management / Law Enforcement and the Stafford Act***

Stafford Act authorities do not pertain to law enforcement functions. Law enforcement or crisis management actions will not be mission-assigned for reimbursement under the Stafford Act.<sup>5</sup>

***VII. REFERENCES (not otherwise referenced in the FRP)***

A. Presidential Decision Directive 39 (classified). An unclassified extract may be obtained from FEMA.

B. FBI Chemical/Biological Incident Contingency Plan (classified). An unclassified version may be obtained from the FBI.

C. FBI Nuclear Incident Contingency Plan (classified). An unclassified version may be obtained from the FBI.

D. PDD-39 Domestic Guidelines (classified).

E. DHHS Health and Medical Services Support Plan for the Federal Response to Acts of Chemical/Biological Terrorism.

***VIII. PRIMARY POINT OF CONTACT***

Inquiries concerning this Annex should be addressed to the Federal Emergency Management Agency, Response and Recovery Directorate, Operations and Planning Division, Planning and Coordination Branch.<sup>6,7</sup>

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***FOLLOW-ON PLANNING REQUIREMENTS***

- <sup>1</sup> FEMA will incorporate language into the FRP Basic Plan concerning the incident command system (ICS) and command structures.
- <sup>2</sup> FEMA will incorporate language into an FRP procedure and FEMA internal procedures for backup operations concerning support to multiple terrorism operations within a single State or in multiple States.
- <sup>3</sup> FEMA Headquarters will develop planning guidance for the FEMA Regions to incorporate language into the Regional Response Plans to explain that the senior FEMA official at the JOC has the authority to expedite activation of a Federal consequence management response. Following a Stafford Act declaration, Federal consequence management operations will transition from the JOC Consequence Management Group, supported by the ROC, to a DFO.
- <sup>4</sup> FEMA will incorporate language into the FRP Basic Plan concerning the Emergency Response Team - National.
- <sup>5</sup> FEMA will review and update language concerning Stafford Act declarations and mission assignments in the FRP Basic Plan, as follows:

FEMA can use limited pre-deployment authorities in advance of a Stafford Act declaration to “*lessen or avert the threat of a catastrophe*”, only if the President expresses intent to go forward with a declaration (Section 201). This authority is further interpreted by Congressional intent, to the effect that the President must determine that assistance under existing Federal programs is inadequate to meet the crisis before FEMA may directly intervene under the Stafford Act.

The Stafford Act authorizes the President to issue “*emergency*” and “*major disaster*” declarations (Section 501). Emergency declarations may be issued in response to a Governor’s request, or in response to those rare emergencies, including some acts of terrorism, for which the Federal Government is assigned in the laws of the United States the exclusive or preeminent responsibility and authority to respond. Major disaster declarations may be issued in response to a Governor’s request for any natural catastrophe or, regardless of cause, any fire, flood or explosion which has caused damage of sufficient severity and magnitude, as determined by the President, to warrant major disaster assistance under the Act.

If a Stafford Act declaration is provided, funding for consequence management may continue to be allocated from responding department and agency operating budgets, the Disaster Relief Fund, and supplemental appropriations.

Mission assignments are reimbursable work orders issued by FEMA to Federal agencies directing completion of a specific task. While the Stafford Act states that "*Federal agencies may* (emphasis added) *be reimbursed for expenditures under the Act*" from the Disaster Relief Fund (Section 304), it is FEMA policy to reimburse Federal agencies for work performed under mission assignments. Mission assignments issued to support consequence management will follow FEMA's "*Standard Operating Procedures for the Management of Mission Assignments (May 1994)*" or applicable superseding documentation.

<sup>6</sup> FEMA will update FRP Appendix A. The following acronyms and abbreviations used in the Annex will be incorporated:

DEST	Domestic Emergency Support Team
FBI OSC	FBI On-Scene Commander
JOC	Joint Operations Center
NBC	Nuclear, Biological, and Chemical
NSC	National Security Council
PDD-39	Presidential Decision Directive 39
SIOC	Strategic Information Operations Center
WMD	Weapons of Mass Destruction

<sup>7</sup> FEMA will incorporate these terms and definitions into the FRP Appendix B:

1. **Biological agents** are microorganisms or toxins from living organisms that have infectious or non-infectious properties which produce lethal or serious effects in plants and animals. (FBI)
2. **Chemical agents** are solids, liquids, or gases that have chemical properties that produce lethal or serious effects in plants and animals. (FBI)
3. **Limited consequences** are within State and local capabilities.
4. **Major consequences** exceed State and local capabilities, requiring a Federal response.

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5. **Nuclear weapons** release nuclear energy in an explosive manner as the result of nuclear chain reactions involving fission and/or fusion of atomic nuclei. (DOE)
6. **Significant threat.** *The confirmed presence of an explosive device or WMD capable of causing a significant destructive event, prior to actual injury or property loss.* (FBI)
7. **Technical operations** include operations to identify, assess, dismantle, transfer, dispose, and decontaminate personnel and property exposed to explosive ordnance or NBC/WMD material.
8. **Terrorist Incident.** *A violent act, or an act dangerous to human life, in violation of the criminal laws of the United States or of any State, to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.* (FBI)
9. **Weapon of Mass Destruction.** *(A) Any destructive device as defined in section 921 of this title, (which reads) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine or device similar to the above; (B) poison gas; (C) any weapon involving a disease organism; or (D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.* (18 U.S.C., Section 2332a)