

# Insular Areas Support Annex

Draft: July 2004

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1 **Coordinating Agencies:** Department of Homeland Security, Emergency  
2 Preparedness and Response Directorate, Federal  
3 Emergency Management Agency  
4 Department of the Interior, Office of Insular Affairs  
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6 **Support Agencies:** U.S. Department of Agriculture  
7 Department of Commerce  
8 Department of Defense  
9 Department of Health and Human Services  
10 Department of Homeland Security  
11 Department of Housing and Urban Development  
12 Department of Justice  
13 Department of Labor  
14 Department of State  
15 Department of Transportation  
16 Department of Veterans Affairs  
17 General Services Administration  
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## 19 I. Introduction

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21 **A. Purpose:** This annex provides guidance to assist in the timely, coordinated  
22 response by Federal agencies to an Incident of National Significance in the U.S.  
23 insular areas. The term “insular areas” includes territories (American Samoa, the  
24 Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands)  
25 as well as independent nations that make up the former “World War II Trust  
26 Territories,” known as the freely associated states of the United States (the  
27 Republic of Palau, the Republic of the Marshall Islands, and the Federated  
28 States of Micronesia).  
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### 30 **B. Scope:**

- 31  
32 1. This annex applies to any Incident of National Significance occurring in the  
33 U.S. Insular areas or in nations said to be freely associated with the United  
34 States. However this annex does not supplant the use of any other annex  
35 that is designed to more directly instruct Federal agencies or departments on  
36 the response to a specific event and is meant to be read in conjunction with  
37 other annexes of the National Response Plan (NRP). The procedures in this  
38 annex may be implemented independently for incidents that can be managed  
39 without the need for Department of Homeland Security (DHS) coordination,  
40 or concurrently with the NRP for an Incident of National Significance.  
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42 2. This annex:
- 43 a. Outlines the Federal Government’s concept of operations for  
44 assisting in the response to incidents occurring in the U.S. insular  
45 areas or in nations said to be freely associated with the United  
46 States.  
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  - 48 b. Describes Federal policies and planning considerations on which this  
49 annex and Federal agency-specific plans are based.  
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  - 51 c. Specifies the responsibilities of Federal agencies that may have a  
52 significant roll in responding to incidents occurring in the U.S. insular  
53 areas or in nations said to be freely associated with the United  
54 States.  
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# Insular Areas Support Annex

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- d. Includes guidelines for incident notification, coordination and leadership of Federal activities, and coordination of public information and Congressional relations activities.

## 6 II. Policies

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- A. A response to incidents affecting land owned by the Federal Government should be coordinated with the agency responsible for managing that land to ensure that response activities are consistent with Federal statutes governing use and occupancy. In the case of insular area lands, the insular areas and freely associated states have a special relationship with the U.S. Government and Federal, State, local and tribal governments may have limited or no authority in specific insular areas and freely associated states. The Department of the Interior (DOI) provides liaison between the insular areas and freely associated states and Federal, State, territorial and local agencies.
  - B. DHS coordinates the Federal Government's Incidents of National Significance occurring in the U.S. insular areas or in nations said to be freely associated with the United States. C. The Stafford Act applies to the traditional U.S. insular areas of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands. In addition, the Stafford Act applies to the freely associated states through the Compacts of Free Association.

## 25 III. Concept of Operations

### 26 A. General

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- 1. The "Homeland" is defined by the Department of Homeland Security as inclusive of insular areas.
  - 2. There are unique factors involved in working with these areas that do not always follow the same regulatory framework as that of the States. The DOI's Office of Insular Affairs provides liaison for all NRP activities in the insular areas.
  - 3. Unique Factors
    - a. The Department of the Interior's Office of Insular Affairs serves as the Federal liaison with the U.S. insular areas. These areas are not States, and as a result, the island governments have powers that are different from those is expected of States.
    - b. The U.S. insular areas/territories include:
      - (1) American Samoa
- American Samoa is an "unincorporated" and "unorganized" territory of the United States. It is "unincorporated," because not all provisions of the U.S. Constitution apply. The Congress has not provided the territory with an organic act, which would organize the government much like a constitution would. Instead, the Congress gave plenary authority over the territory to the

## Insular Areas Support Annex

Draft: July 2004

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Secretary of the Interior, who in turn allowed American Samoa to draft its own constitution.

The Immigration and Nationality Act of 1952 did not include American Samoa, and therefore American Samoa controls its own immigration. American Samoans are U.S. nationals, not U.S. citizens.

(2) Guam

Currently, Guam is an "unincorporated," "organized" territory of the United States. It is "unincorporated" because not all provisions of the U.S. Constitution apply to the territory. Guam is an "organized" territory because the Congress provided the territory with an Organic Act in 1950 that organized the government much as a constitution would. The Guam Organic Act currently provides a republican form of government with locally elected executive and legislative branches and an appointed judicial branch. Guam also has an elected representative to Congress.

(3) U.S. Virgin Islands

The U.S. Virgin Islands, an "unincorporated" territory of the United States, was placed under the administration of the Secretary of the Interior pursuant to Executive Order 5566 in 1931.

(4) Commonwealth of the Northern Mariana Islands (CNMI)

In 1947, the Northern Mariana Islands became part of the post-World War II United Nations' Trust Territory of the Pacific Islands (TTPI). The United States became the TTPI's administering authority under the terms of a trusteeship agreement. In 1976, Congress approved the mutually negotiated Covenant to Establish a Commonwealth of the Northern Mariana Islands (CNMI) in Political Union with the United States. The CNMI Government adopted its own constitution in 1977, and the constitutional government took office in January 1978. The Covenant was fully implemented on November 3, 1986, pursuant to Presidential Proclamation No. 5564, which conferred U.S. citizenship on legally qualified CNMI residents.

(5) Freely Associated States

In 1986, the United States and the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) entered into the Compact of Free Association.

The Compact was a continuation of U.S. rights and obligations first embodied in a U.N. trusteeship agreement that made the United States the

Administering Authority of the Trust Territory of the Pacific Islands. The goal of the Compact was to develop economic self-sufficiency for the islands and to assure certain national security rights for all the parties.

**B. Organization**

**1. Domestic**

- a. Domestic incidents could occur on any of the U.S. insular areas: Guam, the Commonwealth of the Northern Mariana Islands (CNMI), American Samoa, or the U.S. Virgin Islands.
- b. For an Incident of National Significance, DHS coordinates the overall Federal response as provided in the base plan, utilizing the Emergency Support Function (ESF) structure. The primary agency is part of the Unified Command as defined by the National Incident Management System and coordinates Federal support to the onsite portion of the response.
- c. For incidents that can be managed without the need for DHS coordination, the primary agency can coordinate the Federal response utilizing the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), agency-specific plans, or this annex, as appropriate.

**2. International**

- a. International incidents could occur on any of the other insular areas: namely the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, also known as the freely associated states. These international areas are still connected to the United States through Federal law recently amended and extended known as the "Compacts of Free Association" (Compacts). The Compacts set out the relationship these independent nations have enjoyed with the United States since 1985. Although these nations are said to be freely associated with the United States, they are still foreign nations.
- b. The Federal field response to any disaster in the freely associated states is also coordinated by DHS as the coordinator of overall Federal response as provided in the base plan, utilizing the ESF structure. The primary agency is part of the Unified Command as defined by the National Incident Management System.
- c. During an Incident of National Significance, primary agency staff will co-locate in the DHS Joint Field Office (JFO) or, if located in a separate facility, have representation in the JFO. The Federal response may also include the activation of regional or field office Emergency Operations Centers (EOCs).

**C. Notification Procedures**

- 1. The territory's executive branch, primarily the Director of Civil Defense, the Director of Territorial Security, or the Director of Territorial Transportation Security, generally is the first to become aware of an

# Insular Areas Support Annex

Draft: July 2004

1 incident and is responsible for notifying Territorial authorities (the  
2 Governor and local law enforcement) and the primary agency, the DOI's  
3 of Insular Affairs.

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5 2. If any Federal agency receives notification of an Incident of National  
6 Significance from any source other than the primary agency, that agency  
7 will notify the primary agency.

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9 3. The primary agency provides notification of a natural disaster or terrorist  
10 event to the Homeland Security Operations Center and other Federal  
11 agencies participating in this annex.

## 12 D. Actions

13 A summary of major response functions is provided in Table 1, followed by  
14 identification of the agencies responsible for each function.

15 **Table1.—Incident of National Significance Response Functions**

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<i>Response Function</i>	<i>Responsible Agency</i>
Maintain cognizance of the Federal response; coordinate and manage Federal onsite actions.	DHS DOI/DOS Other Departments/Agencies as appropriate
Coordinate Federal offsite monitoring, assessments and phases of response.	DHS DOI/DOS Other Departments/Agencies as appropriate
Develop Federal protective action recommendations and provide advice and assistance to territorial or freely associated state governments.	Primary Agency, Other Departments/Agencies as appropriate
Coordinate Federal offsite resource support.	DHS/EPR/FEMA/ DOI Other Departments/Agencies as appropriate
Coordinate release of Federal information to the public, Congress and the White House.	DHS and DOI/DOS
Coordinate international aspects and make required international notifications.	DOS, DHS and Primary Agency, as appropriate

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21 1. Onsite Management. The primary agency oversees the onsite response,  
22 monitor, and support, and serves as the principal Federal source of  
23 information about onsite conditions.

24  
25 2. Coordination of State and Local Support

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27 a. When responding to an Incident of National Significance,  
28 DHS/EPR/FEMA and the primary agency coordinate Federal  
29 response actions and coordinate Federal assistance using the  
30 structure of the NRP.

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32 b. DOI provides liaison between the insular areas, the freely  
33 associated states, State, and local agencies for coordination of

## Insular Areas Support Annex

Draft: July 2004

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1 response and protective action efforts, and advises and assists  
2 DHS/EPR/FEMA on economic, social, and political matters in the  
3 United States.

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5 3. Public Information Coordination. Communication with the public should  
6 be accomplished in accordance with the Public Affairs Support Annex  
7 and ESF #15.  
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9 **IV. Responsibilities: Annex Coordinator: DHS/EPR/FEMA**

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11 A. Serves as the Coordinator for this annex.  
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13 B. Coordinates the provision and monitors the status of nonradiological (i.e., not  
14 related to radiological monitoring and assessment) Federal resources and  
15 assistance to affected territorial or freely associated state governments. The  
16 Federal nonradiological resource and assistance coordination function will be  
17 performed at the Joint Field Office (JFO).  
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19 C. Keeps the primary agencies informed of requests for assistance from the  
20 territorial or freely associated state and the status of the Federal response.  
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22  
23 D. Establishes and maintains a source of integrated, coordinated information  
24 about the status of all resource support activities.  
25  
26 E. Provides other nonradiological support to Federal agencies responding to the  
27 emergency.  
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