

# CRS Report for Congress

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## International Disasters: How the United States Responds

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### Summary

The President can provide and fund emergency humanitarian assistance through several sources authorized and appropriated by Congress. These are: funds appropriated to the Office of Foreign Disaster Administration (OFDA) in the Agency for International Development (FY2001 appropriations of \$299 million), U.S. Department of Agriculture food aid programs under P.L. 480 Food for Peace (FY2001 appropriations of \$837 million) and section 416 (b) of the Agriculture Act of 1949, the State Department Emergency Refugee and Migration Account, a contingency account which can contain as much as \$100 million for assistance to refugees fleeing persecution, and funds appropriated to the Department of Defense, Office of Humanitarian and Refugee Affairs (FY2001 appropriation of \$55.9 million). These funds are also available for some non-emergency programs. In addition, the President has the authority to draw down defense equipment and direct military personnel to respond to disasters and provide space available transportation on military aircraft and ships to private donors who wish to transport humanitarian goods and equipment in response to a disaster. Finally, he can request other government agencies to assist within their capabilities.

The United States has long been a leader in helping victims of foreign disasters. Congress has given the President broad authority in this area. P.L. 87-195, the Foreign Assistance Act of 1961 authorized the United States to participate in disaster relief efforts and gave the President great flexibility to respond to disasters.<sup>1</sup> In 1993, President Clinton designated the Administrator of the U.S. Agency for International Development (USAID) as the Special Coordinator for International Disaster Assistance. In this capacity the Administrator coordinates the U.S. disaster response to both natural disasters (such as floods) and man-made disasters (such as war, oil spills), calls upon federal agencies to provide assistance, contracts with and funds private voluntary agencies to provide humanitarian assistance, and coordinates the U.S. response with that of other countries.

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<sup>1</sup> Sec. 491-493 of P.L. 87-195, Foreign Assistance Act of 1961.

## Sources of U.S. Humanitarian Aid

A response to a disaster generally begins with the U.S. ambassador responding to a request from a government for assistance. The U.S. ambassador has use of up to \$25,000 available from USAID/OFDA to respond to the disaster. Generally, this money is released within 24 hours to the local Red Cross/ Red Crescent or a similar local disaster response organization or it may be used to buy relief supplies locally. In FY2000, one-third of disasters required only this cash contribution. The United States also begins working with the affected government, through the Ambassador, to determine what additional aid may be needed.

**USAID/OFDA.** The Office of Foreign Disaster Assistance (OFDA) is the office within USAID which is responsible for providing non-food humanitarian assistance in response to international crises and disasters. Currently part of the Bureau for Humanitarian Response in USAID, OFDA was established in 1964 to coordinate what had previously been an ad hoc U.S. response to international disasters. OFDA provides some assistance through its own personnel, but the bulk of its activities are carried out through private voluntary organizations, non-governmental agencies and international organizations. The most recent OFDA annual report covering FY1999 states that 76% of grants went to private and non-governmental agencies and 20% to U.N. and other international governmental agencies. Funding for USAID/OFDA is authorized and appropriated in the Foreign Assistance legislation. (FY2001 appropriation for the disaster assistance account is \$299 million, but this includes funding for disaster prevention.)

USAID/OFDA can respond immediately with cash, relief materials and personnel to any kind of disaster, whether man-made or natural. P.L. 87-195 authorizes the President to provide disaster assistance “notwithstanding any other provision of this or any other Act” which would otherwise prohibit or restrict aid to selected countries. The President also has the authority to set the terms and conditions of the aid provided. As a general rule, assistance provided by USAID/OFDA lasts about 90 days. Some USAID/OFDA personnel are located in various countries around the world and can move quickly to a disaster area. OFDA also has emergency response teams of experts (DARTS) which can be put together quickly to respond to different types of disasters. These groups may be sent to the area in anticipation of a disaster, such as a tropical storm or flood which has been predicted by the weather service. USAID/OFDA can provide assistance through grants to governmental and non-governmental agencies in the disaster area. USAID/OFDA can also purchase food in the disaster area markets, rent equipment and hire personnel locally in order to respond quickly to disaster needs.

Under the legislation governing disaster assistance, the President is authorized to borrow up to \$50 million in any fiscal year from any other section of the economic assistance part of the foreign aid program if funding within the USAID/OFDA budget is inadequate. Generally, this money is borrowed from programs already planned for countries within the region. USAID regional bureaus may also reprogram their projects within the disaster region in response to local needs, or they may transfer funds to USAID/OFDA to carry out disaster related programs. USAID/OFDA can also request the use of facilities, equipment, or personnel from other agencies as needed. For example, U.S. weather prediction facilities and satellites may be used to track storms, droughts, or floods. Center for Disease Control specialists are relied upon for identifying and

responding to outbreaks of disease. These borrowed funds may be repaid through passage by Congress of a supplemental appropriation.

**USAID/Food for Peace.** The USAID Administrator also administers Title II of P.L. 480, the Food For Peace program established in 1954.<sup>2</sup> P.L. 480 is authorized and appropriated in the Department of Agriculture legislation and was most recently reauthorized and amended in the Federal Agriculture Improvement and Reform Act of 1996. Title II provides food as grant aid which does not need to be repaid. (FY2001 appropriations of \$837 million) Title II is the primary disaster aid channel for food aid. In FY2000, the United States provided over \$471 million in emergency food including the costs of shipping. As of March 2001, Title II grants for FY2001 totaled \$281 million, according to the Department of Agriculture web site.<sup>3</sup> A Food Security Trust (P.L.105-385) can be used to provide emergency humanitarian food aid if emergency needs exceed what could be provided under regular Title II programming. The Food Security Trust is composed of stocks of wheat, rice, corn or sorghum. Funds of the Commodity Credit Corporation may be used to replenish the Trust.

The legislation gives the Administrator of USAID wide authority to provide food aid and contains a “notwithstanding clause” which allows food aid to be provided despite prohibitions in other legislation. Commodities may be made available for direct distribution to the needy, or for sale, barter, or other disposition, according to the determination of the Administrator.

The United States is by far the largest contributor of emergency food aid in disaster situations. In recent years, most emergency food aid has been provided to victims of complex disasters, people displaced by warfare and unable to grow or obtain food in their traditional way. These disasters often last many years. Food aid programs generally target the most vulnerable populations, including children, pregnant and nursing mothers, the elderly, sick and handicapped, and those identified as malnourished. Title II aid is provided through governments, intergovernmental and private voluntary agencies.

As with other USAID/OFDA aid, food aid may be prepositioned in regions which are vulnerable to disaster, or diverted from a less pressing food aid program in a nearby country which would be replenished later. Food aid which is not prepositioned or diverted from nearby countries may take several months to reach a disaster site. At least 75% of U.S. food aid tonnage must be shipped on U.S. flagged vessels.

**Section 416 (b)** of the Agricultural Act of 1949 provides for the donation of surplus U.S. agricultural commodities held by the Commodity Credit Corporation to needy countries, including those suffering from disasters. In FY2000, 3 million metric tons of wheat and wheat flour were donated under this program. It is managed by the Department of Agriculture.<sup>4</sup>

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<sup>2</sup> Authorized in section 201-207 of P.L. 83-480, the Agricultural Trade Development and Assistance Act of 1954, as amended.

<sup>3</sup> [<http://www.fas.usda.gov/excredits/quarterly/2000/mar-sum.html>].

<sup>4</sup> For more information on U.S. food aid programs, see IB98006, Agricultural Export and Food Aid (continued...)

**Department of State Emergency Refugee and Migration Account.** The Emergency Refugee and Migration Account (ERMA) is a fund which remains available until spent and is replenished as needed by Congress. P.L. 103-236 sets the maximum amount of money which can be in this account at \$100 million although appropriations have been made which exceed this amount. Established in 1962<sup>5</sup>, ERMA gives the President wide latitude in responding to refugee emergencies. Refugees are defined as those fleeing their homeland due to persecution on account of their religion, race, political opinion or social or ethnic group. The law contains a “notwithstanding clause” which waives prohibitions against providing aid contained in any other legislation. The legislation establishing ERMA places certain requirements on the President. He must publish a Presidential Determination in the Federal Register and keep the appropriate Congressional committees informed of drawdowns. Refugee emergencies lasting more than a year are incorporated into the regular budget of the Migration and Refugee Account (FY2001 appropriation of \$700 million). Both ERMA and the Migration and Refugee Account are authorized in the Department of State legislation and appropriated in the foreign operations legislation. The FY2001 Appropriation for ERMA is \$15 million. As of April 17, 2001, ERMA contains \$105 million, but some of this is already allocated.

Refugee funds are provided as cash grants to international governmental and non-governmental refugee agencies. These include U.N. agencies such as UNICEF and the U.N. High Commissioner for Refugees and private agencies such as the International Committee of the Red Cross and private or religious voluntary organizations such as Care, Doctors without Borders, and Catholic Relief Services.

**Department of Defense.** The Department of Defense can provide assistance in humanitarian emergencies under several provisions in law. DOD relies primarily on Title 10, Section 2551, which is general and allows the use of funds “for transport of humanitarian relief and for other humanitarian purposes” up to the amount of the appropriation provided by Congress every year. In FY2001, \$55.9 million was appropriated for this account which addresses humanitarian emergencies, civic action and demining programs, but more than half was earmarked by Congress for mine clearance programs. The Secretary of State determines that this provision should be used and requests the Defense Department to respond to a disaster with specific assistance such as helicopter transport, provision of temporary water supplies, or road and bridge repair. The Department of Defense response time depends upon what is being requested and how long it takes to get personnel and equipment to the site of the emergency. If possible, military personnel join the OFDA assessment team to help determine the type of aid which can be provided by the Department of Defense. Under this provision, the Defense Department generally limits its assistance to activities which stabilize the emergency situation, such as road or bridge repair, but not rebuilding, for example. The law requires an annual report to Congress on use of the funds.<sup>6</sup>

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<sup>4</sup> (...continued)  
Programs.

<sup>5</sup> Authorized in sections 2 and 3 of PL 87-510, the Migration and Refugee Assistance Act of 1962.

<sup>6</sup> Section 404 of Title 10, also authorizes the Department of Defense to provide disaster assistance outside the United States. This section requires an extensive report to Congress within 48 hours  
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Title 10 also contains a section which helps private voluntary agencies transport donated humanitarian goods to disaster sites. Section 402, the Denton program, named after former Member of Congress Jeremiah Denton, authorizes shipment of privately donated humanitarian goods on U.S. military aircraft on a space available basis. The donated goods must be certified as appropriate for the disaster by USAID's Office of Foreign Disaster Assistance and can be bumped from the transport if other U.S. government aid must be transported. On occasion, such as during the U.S. response to Hurricane Mitch in 1998, funds from the Title 10, section 2551 appropriation have been used to provide commercial shipment of donated goods.

Title 10 includes two other sections which are used to provide longer term humanitarian assistance, but are not normally useful in fast moving emergencies. Section 401 allows the use of U.S. military personnel to carry out humanitarian and civic activities as training exercises. This would include services such as medical care and road rebuilding. Section 2547 authorizes the donation of excess non-lethal supplies, such as trucks. Non-lethal excess property under Section 2547 can include any item other than weapons, ammunition, or other items designed to inflict harm. Both of these sections are used for later stage recovery programs or transition programs aimed at restoring a country to the development path.

Finally, Section 506 (a) (1) of the Foreign Assistance Act of 1961 allows the draw down of military equipment up to a limit of \$100 million in any fiscal year if the President determines that an unforeseen emergency exists which requires immediate military assistance and the requirement cannot be met under any other provision. Before this provision can be used, the President must notify the Speaker of the House and the Senate Foreign Relations Committee in writing by issuing a Presidential Directive explaining and justifying the need for the equipment being used. This request is handled by the Department of State and the National Security Council.<sup>7</sup>

## **Post Disaster Assistance**

After the emergency is over, reconstruction or recovery aid is provided through other channels, such as the regular bilateral country development programs of USAID or in some cases, through the USAID Office of Transition Assistance (OTI), funded as part of the disaster response account. (FY2001 appropriation is \$50 million). USAID/OTI may be involved in providing assistance to countries that are in a stage of transition from man-made crisis to recovery. OTI focuses on areas such as demobilizing and reemploying military combatants, and furthering democratic governance such as supporting elections and building judicial systems. USAID/OFDA also includes disaster prevention within its budget. The Prevention, Mitigation, Preparedness, and Planning Division has helped countries and regions minimize the damage and loss of life in repeated natural disasters.

Food for Peace aid is also available for non-emergency humanitarian aid. Title II contains provisions for providing non-emergency development food aid. This program can

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<sup>6</sup> (...continued)  
and is not generally used.

<sup>7</sup> For more information on DOD humanitarian assistance, see CRS Report 95-976F, DOD Assistance in Foreign Humanitarian and Disaster Relief: the Current Congressional Controversy.

be used in the transition period after a disaster for reconstruction purposes. Titles III and section 416 (b) of the 1949 Agriculture act support longer term development aid.

Department of Defense humanitarian assistance for use in post emergency disaster situations includes sections 401 and 2547 of Title 10 which have already been discussed.

## **Paying for Disaster Assistance**

Disaster aid is one area of foreign assistance which is widely supported by Congress and the public. While other accounts confront difficult budget negotiations, OFDA, ERMA, and P.L. 480 requests are generally approved by Congress at the request level. At times, however, the amount of disaster assistance provided during a Fiscal Year exceeds the amount appropriated by Congress. Congress has provided the USAID Administrator with authority to borrow up to \$50 million from any other section of the economic assistance part of the foreign aid program. Congress is also generally supportive of supplemental appropriations which reimburse agencies for their expenditures, either to replenish the emergency accounts or other accounts which have been used to provide assistance. When there is difficulty in passing supplemental legislation, the debate is generally over non-disaster items, such as long term reconstruction aid for the devastated area, or non-germane amendments added to the legislation rather than to lack of support for disaster assistance funding itself.

In some cases, particularly when disasters occur during the appropriations process, Congressional amendments reimbursing a particular agency for a particular disaster may become part of the next year's appropriation for that agency. Language reimbursing the military services for expenditures related to the Mozambique floods of 2000 is included H.R. 4425, the Military Construction Appropriations bill for FY2001, for example. Debt relief, or at least a temporary moratorium on debt repayment has also become part of the U.S. and international response to disasters in heavily indebted developing countries. The Hurricane Mitch Supplemental, P.L. 106-31, provided debt forgiveness as well as aid. Industrialized countries participating in the Heavily Indebted Poor Country (HIPC) Trust Fund agreed to include special consideration for countries emerging from disaster in 1997. Both Congress and the Administration also encourage other countries to provide disaster assistance.

The use of Department of Defense funds and personnel continues to be controversial. Many in Congress hold that disaster assistance should be provided whenever possible with foreign assistance funds through non-governmental agencies. Senate Armed Services Committee report 106-292 on the FY2001 Military Construction Authorization bill (S. 2549) includes language restricting use of military training funds for non-training humanitarian aid and eliminating funds to provide commercial transport of privately donated humanitarian goods. It calls on the Department of State to provide funding for those activities which do not require military-unique capabilities or enhance the military mission. The House report on the same authorization bill (H.Rept. 106-616) expresses similar concerns.