Chapter 1
Essentials of Disaster Policy in the U.S.

These are the fundamental definitions U.S. policy makers use in discussing presidential declarations.

MAJOR DISASTER means 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 the Stafford Act 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.

EMERGENCY "means" 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.

There is usually a $5 million federal spending cap on emergencies. Incidents which require more than $5 million in federal assistance ordinarily require a request for MAJOR DISASTER. EMERGENCY ACTIONS involve emergency work essential to save lives and protect property and public health and safety performed under Section 306 of the Disaster Relief Act of 1974 (U.S. Senate, Bipartisan Task Force on Funding Disaster Relief, 1995).

Disaster Frequency and Costs
Disasters and emergencies impose numerous kinds of costs on the individual, the society and the nation. Monetary or economic damages are an explicit part of disasters and emergencies, but disaster’s social and human costs may also be severe. From a social perspective, the loss of human life and the suffering resulting from loss of life, loss of home, security, etc., has the potential to be greater than economic loss. Moreover, environmental costs in terms of the loss of land and ecosystems in general, or more accurately the irreversible change in land and ecosystems (which may never truly be restored), are also part of the metric of disaster loss. In recent years, as the number and magnitude of disasters and emergencies has increased, these forms of disaster cost have risen as well.
Why the increase in disaster incidence and cost? Natural cycles, meteorological anomalies, plate tectonics associated with seismic and volcanic activity, El Nino Pacific currents, and even alleged "global warming's" impact on climate change and sea level rise have been a few of the factors challenging scientific investigation and prediction. Compounding natural factors are social factors.

(1) Increasing Population Density: The population of the U.S., like that of the entire world, increases every day. More people live in major metropolitan areas and are thus vulnerable to disaster events.

(2) Increased Settlement in High-Risk Areas: More people reside in coastal areas which are hurricane prone and in earthquake prone areas, because of favorable climates and the availability of work.

(3) Increased Technological Risks: Large-scale use of hazardous chemicals in production processes and aircraft that carry larger numbers of passengers are but two of dozens of high risk technologies that did not exist in prior centuries.

Likewise, development in flood plains, the destruction of wetlands, the over-farming of land, deforestation owing to development, the paving of roads and parking lots, etc., have all served to increase the run-off from heavy rainfall. In addition, heavy engineering of flood control works sometimes lulls communities into a false sense of security and encourages inappropriate risk-taking. Ever-expanding sewer systems raise the probability that sewage plants will be inundated by flood water and that systems will back-up, thus flooding basements and low-lying areas.

The 1990s have witnessed more human-caused disasters as well. Terror bombings such as that of New York’s World Trade Center in February 1993, killed six and injured hundreds. In April 1995 Oklahoma City’s Alfred P. Murrah Federal building was devastated by a terror bomb which killed 167 and injured 460. These disasters, along with natural disasters, demand more and better response capabilities, resources, and mitigation.

Common problems posed by disasters are many, and they often pose political and policy questions for elected officials.
Here are a few examples:

1. Where does liability reside? Were damaged structures more vulnerable than they should have been? Were land-use and development activities properly conducted?

2. Where is the greatest need and how should each government mobilize to address that need? Should damage assessment precede state or federal disaster declaration issuance or should assessment be made after-the-fact? If governments respond too slowly and methodically they are accused of "foot-dragging" and incompetence. If governments respond too swiftly without following established procedure, they will be accused of waste, political favoritism, and bias.

3. When is the disaster over? Localities, businesses, and individuals receiving disaster aid, or eligible to apply for disaster aid, never really want help to end. Many would prefer to receive generous government help years after the disaster incident. If government keeps the books open on a disaster too long, abuse and over-spending of taxpayer monies become more likely and problems of fairness ensue. If government closes the books on a disaster too soon, deserving disaster victims may be denied the help they need owing to application problems they may not be responsible for. Political representatives may complain in seeking satisfaction for aggrieved constituents.

**Terminology and Disaster**

Certain important terms must be understood and here are a few more essential terms shared by disaster sociologists and emergency managers:

**Hazard**: A condition with the potential for harm to the community or environment. Many use the terms "hazard" and "disaster agent" interchangeably. Hence, they refer to "the hurricane hazard" or even more broadly to "natural hazards" - which includes hurricanes, tornados, earthquakes and other natural phenomena that have the potential for harm. The hazard is the potential, the disaster is the actual event.

Americans tend to speak of three types of hazard:

1. **Natural Hazards**: Naturally caused events such as hurricanes, tornados, earthquakes, floods, volcanos and forest fires.
2. Technological Hazards: Typically human-related hazards such as nuclear power plant accidents, industrial plant explosions, aircraft crashes, dam breaks, mine cave-ins, pipeline explosions and hazardous material accidents.

3. Conflict Hazards: War, acts of terrorism, civil unrest, riots, and revolutions.

"Natural" disaster and "technological" disaster are neither neat nor mutually exclusive categories. Technological disasters are usually inferred to be human-caused (i.e., oil spills, hazardous materials accidents, certain structural failures, civil disorders, terrorism, etc.) However, natural disasters (i.e., earthquake, hurricane, tornado, flood, severe storms, drought, etc.) are sometimes made worse due to human activity of some sort (i.e., arson caused forest fires, snow induced structural collapse attributable to inferior roof design, housing development between a dune line and the ocean, poor agricultural techniques which can exacerbate drought or flood conditions, etc.).

Natural disaster and technological (man-made) disaster are sometimes useful designations, but human behavior can sometimes create conditions which convert relatively harmless natural events into disasters. Disaster risk and vulnerability are useful concepts to help make this connection.

The following points are illuminating:

- There are about 10,000 reported avalanche incidents annually.
- There are over 80,000 dams in the U.S., and more than 20,000 have been rated as hazardous, with 10,000 of these rated as "high-hazard."
- The 1994 Northridge earthquake resulted in 57 deaths and more than $20 billion in damages. Every U.S. state is at risk from earthquakes, with the risk running from minor, through moderate, to severe. Earthquakes pose a significant risk in 39 states.
- On average there are about 6,000 deaths, 30,000 injuries, and about $8 billion in damages annually in the U.S. caused by structural fires.
- Every state is at risk from flooding, and some 21,000 communities face significant flood risk. The 1993 Midwest Floods resulted in $15-20 billion in losses. Annual flood damage is on the order of $4 billion.
- In 1992, Hurricane Andrew resulted in $30 billion in damages in Florida and Louisiana. More than 50 million Americans live near hurricane-prone coastlines.
- The estimated annual loss from subsidence incidents exceeds $125 million annually. (A subsidence is a vertical displacement or downward movement of a generally level ground surface.)
• Every state is at risk from tornados. In February of each year, when tornado danger begins to increase, the center of maximum frequency lies over the central Gulf States. Then, during March, this center moves eastward to southern Atlantic states, where tornado frequency reaches a peak in April. During May, the center of maximum frequency moves to the southern Plains states and, in June, northward to the northern Plains and the Great Lakes areas and as far north of western New York state.

• The Mount St. Helens volcano in 1980 resulted in 60 deaths and $1.5 billion in damages. The nation’s most active volcano areas are in Hawaii and Alaska.

• Every state is at risk from wildfires, though California and the Northwest are especially vulnerable. More than 9,000 homes have been consumed by wildfire in the last decade. The record year for wildfire damage was 1996 when some 84,200 fires burned an estimated 5 million acres. The previous record was 1994 when 79,000 wildfires were reported (U.S. Senate, Bipartisan Task Force Report, 1995, Sec. 1, pp. 1-16).

The four phases of emergency management encompass:

1. MITIGATION - Deciding what to do where a risk to the health, safety and welfare of society has been determined to exist; and implementing a risk reduction program. It involves minimizing the potential adverse effects of hazard agents. It may also be any cost-effective measure that will reduce the potential for damage to a facility from a disaster event;

2. PREPAREDNESS - Developing a response plan and training first responders to save lives and reduce disaster damage, including identification of critical resources and the development of necessary agreements among responding agencies; both within the jurisdiction and with other jurisdictions;

3. RESPONSE - Providing emergency aid and assistance, reducing the probability of secondary damage, and minimizing problems for recovery operations; and

4. RECOVERY - Providing immediate support during the early recovery period necessary to return vital life support systems to minimum operational levels, and continuing to provide support until the community returns to normal (Petak, 1985, p. 3).

America has an ongoing system intended to guide the governmental response to all natural disasters. Under the U.S. system, the process works from the bottom up. It begins at the local level and follows a series of pre-specified steps up through the state and ultimately to the national government. Local, state, and national governments are supposed to share their emergency management responsibilities. The higher levels of government are not intended to supersede or replace the activities of the lower levels. All three levels of government are supposed to develop coordinated, integrated emergency management procedures, and they should all participate in the process of implementing disaster-relief policies.
The federal disaster relief funding spending percentages of recovery (73%), mitigation (22%) and combined preparedness and response (5%), are illuminating. These figures highlight the need to promote more mitigation, preparedness, and response. The U.S. Senate’s Bipartisan Task Force Report (1995) discloses that 54% of funding in the period measured has gone to grants for disaster victims and communities, as well as to payment of operating expenses of federal disaster response programs.

Despite the remarkable upturn in federal disaster spending, federal efforts are supposed to SUPPLEMENT the efforts of others. Most disasters do not involve the federal government. Local and state governments shoulder primary responsibility for managing emergencies. The federal role has increased since mid-century. Federal agencies, particularly FEMA, stimulate and guide emergency planning efforts, furnish substantial response and recovery funding, coordinate response efforts after (and sometimes before) a governor secures help from the president, and fund many disaster mitigation endeavors.

American governmental chief executives, despite what many people believe, cannot often exercise direct power, but must share power with others. Presidents and governors work as chief executives. They usually play a larger role in policy development than in the implementation of policy.

**PRESIDENTIAL SOURCES OF POWER**

**EMERGENCY POWERS**

These refer to the actions that the president may exercise on extraordinary occasions such as in the case of a rebellion, epidemic, labor strike, or disaster. Although no specific emergency powers were included in the Constitution, the president’s oath of office requires him to "preserve, protect, and defend" the Constitution, as well as uphold its provisions. Presidents may claim in times of crisis that the Constitution permits them to exercise powers usually granted to the legislative or judicial branches of government, fusing all governmental power in the executive branch for the duration of the crisis.

The principal authorization of emergency powers for the president resides in Article II, Section 3 of the Constitution which states in part that "he shall take care that the laws be faithfully executed," and Section 2 which grants him power as Commander-in-chief of the armed
forces. President Lincoln justified the actions he took after the outbreak of the Civil War by
claiming that the emergency made it necessary for him to exercise legislative powers until he
could call Congress back into session. President Franklin Roosevelt threatened that unless
Congress repealed a certain provision in a wartime economic measure, he would treat the law as
if it had been repealed for the duration of the emergency, in effect threatening Congress with the
loss of its legislative powers.

Overall, emergencies have helped to develop the use of these otherwise dormant powers as
well as the novel application of ordinary powers. Although the National Emergency Powers Act
of 1976 sought to limit past emergency powers that had been granted to the president via
precedent, presidents still exercise vast emergency powers. Presidents retain the power to do
what they want under the rubric of emergency powers until they are checked by one of the other
branches of government. Checks and balances go a long way toward discouraging the president
from abusing use of presidential emergency (the Supreme Court may declare certain emergency
actions unconstitutional).

OTHER DIRECT SOURCES
1. Presidential personnel appointment powers of key departmental officials, as in
   Schedule C appointments, or in impaneling of special commissions and task force
   units. [Schedule C appointments fall outside federal civil service methods of
   recruitment and selection. Senior politically appointed federal executives need
   loyal staff help and Schedule C posts are often filled by workers who understand
   they are on temporary assignment, and they themselves may owe their appointment
to their political service or to some special expertise they possess.] The president’s
   appointed executives assume responsibility for both public management and
   promotion of their appointing president’s policy initiatives.

2. Role in executive budget formulation, preparation of president’s budget request for
   the next fiscal year.

3. President’s ability to screen agency legislative proposals and to review and assess
   proposed regulations of federal executive agencies.

4. President has significant powers to reorganize executive branch agencies, subject
   to possible overrulings by a majority vote of either the House of Representatives or
   the Senate.

5. President has some control over the information which executive agencies under
   his direction supply to the Congress. This is especially the case in the area of
   national security, national defense, intelligence matters, and other areas involving
   restricted data.

INDIRECT SOURCES
1. The strength of the United States as a political and economic force in the world.

2. The president's own leadership style and personality.

3. The president's ability to seize initiatives and to exercise emergency powers in crises.

4. The legitimacy of the institution of the presidency in persuading others to take some course of action.

5. The president can veto bills passed by the Congress.

Presidential Declarations of Major Disaster or Emergency

A PRESIDENTIAL DECLARATION of major disaster or emergency has far reaching consequences because it opens the door to federal assistance. The declaration specifies one or more political jurisdictions; it delineates exactly who is eligible for relief in the first place. The presidential declaration also contains an initial statement about the kinds of assistance that will be provided. This is extremely important because it determines whether disaster victims will receive direct cash grants, housing supplements, emergency medical care, etc. It also specifies whether or not state and local governments themselves are eligible to receive federal disaster assistance to replace or repair public facilities and infrastructure and certain non-profit facilities.

The presidential declaration is also vitally important to those directly affected by the disaster or emergency. It confers on them an "official" victim status needed to qualify for federal aid. To the general public, especially those not directly affected by the disaster, the president's declaration is a significant piece of information as well. At a rather basic level, it signifies that a major event has occurred, requiring the attention and resources of the federal government. In this manner, the content of the presidential declaration structures popular perceptions about the nature and scope of the disaster.

Declaration Process

Under customary procedure, the president must be asked by a governor to declare a major disaster or emergency. However, the Stafford Act of 1988 and preceding laws, empower the president to declare a major disaster or emergency before a governor asks for one or in the absence of a governor's request altogether. The term, "White House Package" conveys some useful information about the process and about the information the president may choose to
consider before deciding whether to "approve" or "turndown" a governor's request for a declaration.

WHITE HOUSE PACKAGE refers to the documents prepared for the President's action on a Governor's request for a major disaster or emergency declaration. The package includes the governor's request and contains a memorandum from the FEMA Director to the president which summarizes significant aspects of the event, presents statistics relative to damage and losses, outlines the contributions made by federal, state, local and private agencies, highlights unmet needs for which the governor seeks federal assistance, and presents a recommended course of action for the president. Based on the recommendation, the package also contains appropriate letters and announcements related to the action to be taken (either a declaration or a turndown).

A TURNDOWN is referred to as the action authorized by the president and signed by the FEMA Director which denies a governor's request for a major disaster or emergency declaration.

History demonstrates that since the first presidential disaster declaration was issued in 1953, until 1994, about 1 in every 3 governor requests have been turned down by the president. The record since 1988, following adoption of the Stafford Act, demonstrates that governors have about a 1 in 4 chance that their request will be denied. In other words, since 1988, the odds a governor's request will be approved by the president have risen. Certainly, the broader authority to judge what is or is not a disaster under the Stafford Act has provided presidents since 1988 with more latitude to approve unusual or "marginal" events as disasters or emergencies. This may be one reason for the higher governor request success rate since 1988.

Criteria and Declarations

In examining the issue of presidential declarations, it is important to recognize that the federal government has never developed or employed a set of objective criteria by which to approve or deny gubernatorial requests for presidential declarations of major disasters or emergencies. Governors, assisted by their state emergency managers, petition the president for declarations through FEMA region offices to FEMA headquarters, with the close involvement of the FEMA Director. Each governor knows that he or she must prove to FEMA and the president that the disaster or emergency, of whatever nature, is beyond the state's ability to adequately respond so that federal assistance is needed. However, it is difficult, if not impossible, for
FEMA officials to ascertain that an event warrants a presidential declaration unless Preliminary Damage Assessments (PDAs) are first conducted and analyzed or unless media coverage of the event makes it obvious a major disaster has occurred. Moreover, it is difficult to judge whether state and local areas can recover on their own if disaster damage has not yet been assessed.

Furthermore, since enactment of the Disaster Relief Act of 1970, the definition of disaster has been expanded to include not only major disasters but also emergencies. In 1988, new categories of emergency were approved in law. Today the term "emergency" is used to define any event determined by the president to require federal assistance as stipulated by the Disaster Relief and Emergency Assistance Amendments of 1988. As noted previously, emergencies are usually of less magnitude and scope than major disasters and federal aid is capped at $5 million. Emergency designations, more than major disaster designations are likely to stretch the rule that states must lack the capacity to recover on their own to qualify for a presidential declaration. In times when state and local budgets are tight or in deficit, and some incident occurs, emergency offers a flexible category for help. FEMA records disclose that snowstorms, windstorms, minor flooding, and drought are the most common types of emergency declarations. Emergencies also allow politically subjective determinations to come into play.

Another important area in which politically subjective determinations come into play is with respect to marginal disasters. Marginal disasters are those events that are of far less than catastrophic, that are not matters of national security, and that are near or within the recovery capacity of the state or states in which they occur. Researcher Richard Sylves claims from his analysis of 42 years of presidential disaster declarations that there have been hundreds of marginal disasters, some granted a presidential declaration and some denied approval. Specific case examples indicate that there are definite losers in the competition for presidential declarations. For example, in 1980, Florida experienced flooding after a dam failure and was denied a declaration. In the same year Oklahoma, asked twice within a two-week period for a declaration to cover devastation from severe storms and flooding, but was denied both times.

The record of approvals and turn-downs raises questions about how gubernatorial requests for presidential declarations are considered, particularly for marginal disaster denials. Since there were no objective criteria governing approvals and turn-downs, only the president who received the request knows the reasoning in each case. FEMA, for example, does not keep records of
fatalities in disaster incidents. Consequently, it is not possible to ascertain from government records whether or not fatalities played a role in the president's decision. The FEMA Director may make recommendations to the president that a request be turned down because it does not fit within the Stafford Act's general criteria of eligibility, yet the ultimate decision resides with the president.

This invites political subjectivity into presidential decision-making. Governors also play the game by seeking presidential declarations for drought, crop failures, minor wildfires, small floods, beach erosion, and a wide range of other calamities that cannot be considered catastrophes, major disasters, or emergencies under the "beyond the capability of the state/local government to adequately respond." Table 2-A shows that for all the gubernatorial requests for presidential declarations (including major disasters, emergencies, and fire suppressions), about 66.2% are approved and 33.8% are turned down. This covers the entire time span of presidential declarations from May 1953 to May 1997. Those records of approvals and turn downs contain many possible candidates for marginal disaster declaration. Examining 1980 again, Missouri received $137,182 in federal aid under declaration #620 for severe storm and tornado damage. Maine was also granted $385,610 in emergency declaration #3082 for local fishing interests that were suffering under the effects of red tide induced toxic algae in their fishing grounds (Sylves and Waugh, 1996, p. 33).

Politics and Declarations

According to FEMA Director James Lee Witt, each event or incident is evaluated individually on its own merits. Criteria set forth in the Stafford Act for evaluation are:

1. The severity and magnitude of the incident;
2. The impact of the event; and
3. Whether the incident is beyond the capabilities of the State and affected local governments.

Overall, the process and criteria are purposely subjective to allow the President discretion to address a wide range of events and circumstances. FEMA Director Witt states that there are no definitive objective evaluators that could be used in the declaration process, although he recommends that FEMA endeavor to establish some. Without such objective criteria, governors and their state disaster officials have little to guide them in estimating whether to go ahead with a
request for presidential declaration of major disaster or emergency. They have little basis for concluding in advance whether their petition for a presidential declaration will be approved or denied. However, as long as a governor or other state officials know that the state can afford to shoulder the 25% share of the 75/25 federal aid formula contained in a presidential disaster declaration, they have an incentive to request a federal declaration. State officials logically minimize their own capacity and capability to address disaster in petitioning for federal help by crying poor.

Media Coverage and Electoral Issues

Over the past 20 or more years, presidents have taken a greater interest in disasters, particularly major ones. President Carter issued a presidential disaster declaration while over flying Washington state’s Mt. St. Helens volcanic eruption; President Reagan was photographed shoveling sand into a gunnysack on the banks of a flooding Mississippi River; President Bush was filmed commiserating with victims of the Loma Prieta earthquake in a heavily damaged San Francisco neighborhood; and, TV showed President Clinton at shelters and inspecting freeway damage in the days after the Northridge earthquake. Today, Americans expect their president to both dispatch federal disaster help and personally visit damaged areas. It is now customary for most of the president’s cabinet, especially officials heading disaster-relevant departments, to visit major disaster sites.

Such visits have both political and administrative consequences. The Bush administration’s awkward handling of the Hurricane Andrew disaster in south Florida, despite the benefit of a presidential visit to the devastated areas, was alleged to have nearly cost Bush Florida’s electoral votes in the 1992 election. California, another state that has had a disproportionately large number of disasters and emergencies over the years, has 54 electoral votes (more than any other state), one fifth the total needed to win the presidency. These factors do not go unnoticed in the White House. How presidents manage disasters, and how responsive they are perceived to be to the needs of victims, has far-ranging political and electoral consequences. This underlines the importance of the role of the FEMA Director: how well the Director manages their agency’s response to disaster is of great political importance to the President and his staff (Sylves and Waugh, 1996, p. 27).
The Clinton administration, like others before, appreciates the role the news media have in covering disasters. Both Pres. Clinton and current FEMA Director James Lee Witt have emphasized post-disaster public relations, in part because they believe the President’s public image is at stake in disaster circumstances. The public requires reassurance that federal leaders are doing all they can to help disaster victims. How the FEMA Director and their staff manage the federal response, and how they portray this effort to the media, shapes public opinion of both the presidency and the agency. Major disasters customarily pull the nation together, encourage a centralization of authority, and often improve the president’s approval ratings in public opinion polls. For example, after the Northridge earthquake, President Clinton, usually accompanied by FEMA Director Witt, visited the damaged areas where he met with victims, emergency responders, and state and local officials. Such activity promotes public awareness of the disaster across the state, nation, and world. It underscores the legitimacy of the government’s response and it may convey a greater sense of urgency to responders and to those considering the offer of help.

White House Organization

The White House staff consists of key aides the president sees daily - the chief of staff, congressional liaison people, press secretary, national security advisor, and a few other political and administrative assistants. Actually there are about 600 people who work on the White House staff who the president rarely sees but who provide a wide range of services.

Most presidents rely heavily on their staffs for information, policy options, and analysis. Different presidents have different relations with, and means of organizing, their staffs. President Carter was a "detail man" who poured endlessly over memoranda and facts. President Reagan was the consummate "delegator" who entrusted tremendous responsibilities to his staff. President Bush fell somewhere between the Carter and Reagan extremes and was considerably more accessible than President Reagan. President Clinton, like Carter, is a detail man, but someone who has also run an open White House with fluid staffing (Lineberry, 1995, pp. 312-313).

In any disaster or emergency, many of these offices are likely to engage in facilitating the president’s work. Clearly, within the Political Offices, all units of the Communications office
would be tasked, especially the Press Secretary. Intergovernmental Affairs and Public Liaison would also be heavily involved.

Also helping the president, within the Policy Offices domain, the Domestic Policy Council and Cabinet Affairs would most likely take on emergency or disaster management duties. Support Services would probably call on Scheduling and Advance if the president were to make arrangements to visit the disaster area. Secret Service, Military and Medical may also play roles.

Remember that various White House offices and officials come and go with the passage of time and the change of president.

In the past, the White House staff and other administration officials have stepped in to fill post-disaster power vacuums. For example, President Bush assigned John Sununu, his White House Chief of Staff, the job of leading the federal government’s response to the Loma Prieta earthquake (in part because FEMA only had an acting Director at the time). Some three years later, Bush asked Transportation Secretary Andrew Card to lead federal response to Hurricane Andrew. President Bush also left the FEMA Directorship vacant for months, suggesting that he did not trust FEMA Directors to handle Executive Branch leadership in these circumstances. Rotating federal disaster leadership among disaster management inexperienced White House staffers and cabinet secretaries may produce inefficient and parochial outcomes.

This seems to have been addressed in the Clinton administration due to the unique relationship between the President and the current FEMA Director, James Lee Witt. Thus far, President Clinton seems to trust his former Arkansas emergency management director, Mr. Witt, with central federal emergency management responsibility.

President Clinton has added the FEMA Director as a participant in his Administration’s weekly Cabinet meetings. This has helped communicate to Cabinet officials that the President values emergency management and has facilitated the FEMA Director’s ability to coordinate government-wide support for disaster activities. This is crucial because, FEMA, relative to many bigger and more politically powerful federal departments and agencies must lead through its ability to maintain presidential confidence and through its capacity to supervise and mediate the coordination of a host of federal, state and local organizations.
Early Federal Disaster Relief Efforts

Even before the United States became an independent nation, public institutions were providing assistance to victims of natural disasters. For example, local officials helped Boston residents affected by a major earthquake in 1755. Overall, disaster relief was historically considered to be a local responsibility. In the event of a disaster, city and county officials were the ones expected to step in and help those in need. In addition, local government actions were often supplemented by the efforts of private relief agencies such as religious organizations and the American Red Cross. In general, however, there was no expectation that higher levels of government would become involved in disaster relief events.

State governments could be called in to help if local resources were inadequate but state-level organizations were for the most part ill-equipped, unprepared, and unwilling to intervene. They lacked the resources, expertise, and inclination to aid local efforts. The federal government played a role similar to that of the states, a very limited one. The federal government could be asked to step in when events exceeded local, private, and state capacities. The U.S. Congress then established the legal basis for federal intervention in 1803 when it granted special allowances to the victims of a natural disaster in Portsmouth, N.Y.

After setting this precedent, the federal government provided aid to victims of 128 disasters from 1803 to 1947. What is noteworthy is that in each case, specific legislation was passed to deal with each event. During this time, federal disaster was characterized by a lack of coordination and certainty. "There were no general policies or guidelines to shape governmental intervention, and it was never clear whether the federal government would intervene at all. Basically it responded to each disaster on a piece-meal, case-by-case basis. Furthermore, federal intervention was often politically motivated as elected officials pushed through relief proposals in order to alleviate specific disaster-related conditions in their own states and congressional districts" (Schneider, 1995, p. 19).

Aside from being motivated by CONSTITUENCY INTERESTS, governmental disaster activities were also characterized at this time as REACTIVE, with institutions providing relief only after disasters. In the 1920s and 1930s, however, some preventive measures were passed such as flood control structural mitigation. In effect, however, these early efforts were approved for political reasons, to create jobs and supply an influx of revenue in the areas where levees and
flood walls needed to be constructed and maintained. Moreover, highlighting structural solutions to disasters did not seek to prepare citizens and communities in the event of a disaster. This method of policy making continued apace into the New Deal program of President Franklin D. Roosevelt from 1933 to 1941.

In 1950, however, Congress enacted legislation to deal with both military-related and natural disaster events through the passage of the Civil Defense Act of 1950 and the Disaster Relief Act of 1950.

**CIVIL DEFENSE ACT OF 1950**

Although federal civil defense programs had existed since 1916, civil defense against nuclear attack did not emerge as an issue until the Soviet Union detonated its first atomic bomb in 1949. In response to the start of the Cold War and the impending threat of a nuclear attack on the United States, Congress passed the Federal Civil Defense Act of 1950. At its inception, the act sought to respond to public and media fears concerning the possibility of nuclear threat. For example, the 1957 Gaither report declared that the American public was vulnerable to, and ill-prepared for, a Soviet ICBM nuclear attack. The civil defense programs set up under the act were initially designed to concentrate on plans to protect the population and government services from nuclear attack and subsequent radioactive fallout.

In keeping with these goals the program focused on EVACUATION PLANNING, SHELTERING, EMERGENCY WARNING OPERATIONS (such as the Emergency Broadcast System), and EVACUATION PLANS. As the Cold War and the arms race escalated, the construction of "fallout/bomb" shelters became an important part of this policy, reaching their peak during the Cuban Missile Crisis of 1962.

Moreover, a related program evolving from executive orders was "CONTINUITY OF GOVERNMENT," a secretive and often disputed program which attempts to safely evacuate and protect a select group of the nation’s leadership during nuclear threat. This was seen as essential to assure the public and the nation that legitimate government would be maintained even in the event of a nuclear attack.

The Civil Defense Act had two major effects on disaster policy. The law acknowledged for the first time that MAN-MADE HAZARDS had reached a stage in which they could be just...
if not more, destructive than natural hazards. This concept was later expanded to other man-made disasters such as oil spills and radioactive waste. More importantly, from a political perspective, is that civil defense against nuclear attack came to overshadow other traditional domains of disaster policy. Its mission, funding and general operations dominated the administrative agencies dealing with disaster-related issues for several decades. For example, by 1957 civil defense monies were the primary source of federal funds to subnational governments engaged in upgrading disaster and civil preparedness.

**DISASTER RELIEF ACT OF 1950**

Congress passed the first permanent statutes for federal disaster assistance in 1947 and 1950. The 1947 legislation provided surplus property and personnel as needed and its 1950 counterpart gave the president authority to determine what type of aid was required. These measures changed the nature of disaster relief in the United States. The Disaster Relief Act of 1950:

1. Clearly stated for the first time that federal resources could and should be used to supplement the efforts of others in the event of a disaster;
2. Made federal disaster assistance more accessible since it no longer required specific legislation but simply a Presidential decision; and
3. Specified a standard process by which localities and states could request assistance.

It should be noted that the Disaster Relief Act of 1950 was not intended or initially recognized as precedent-setting. It was originally passed as another limited response to a particular disaster event, flooding in the Midwest, that was not intended to go beyond earlier disaster legislation efforts. Previous measures that identified responsibilities of various federal agencies in disaster circumstances began to proliferate. Only later did Congressional leaders begin to see the act as precedent-setting and as an early, general, national level disaster policy model.

It set precedents by establishing a federal policy for providing emergency relief, laying out national governmental responsibility in disasters, and transforming the intergovernmental context of disasters. In effect, it set up a framework for government disaster assistance that continues today.

The main provisions of the 1950 Disaster Relief Act have continued to have a significant influence on all legislation in the disaster policy/funding area. Congress built on the 1950 Act by passing a number of laws through the 1970s which expanded the scope of federal government
responsibility with respect to disasters. In general, aid grew from being entirely GOVERNMENT-TO-GOVERNMENT to being government-to-government and INDIVIDUAL ASSISTANCE as well. Legislation incorporated new groups (such as farmers living in rural areas) and new forms of relief (such as temporary housing, unemployment insurance and small business loans). From a political standpoint, it is important to note that this shift in aid was done in a way that effectively doled out pieces of political power to a number of governmental agencies and departments, rather than consolidating that power in one unit. For example, when individual small business loans were enacted as an assistance program in 1953, the U.S. Small Business Administration (SBA) was put in charge of administering the program. Subsequent legislation expanded SBA’s responsibilities in the area of disaster loan assistance to the point that SBA’s disaster loans are currently the primary form of federal business assistance for non-farm private sector disaster losses.

Moreover, the basic governmental approach to disasters shifted away from an exclusive "STRUCTURAL" CONTROL emphasis to one which included a variety of "NON-STRUCTURAL" CONTROLS. Instead of merely initiating projects designed to build physical barriers, emphasis was placed on keeping people out of hazard-prone, high-risk areas through zoning laws, building codes, and land-use regulations. Thus, public policies forced people and lower levels of government to assume responsibility for where and how they lived. Such lifestyle-changing policies, however, often created disputes between levels of government and between the government and the public. At one end of the spectrum is a growing sentiment among federal, and some state, officials that their governments should not have to "BAIL OUT" communities that do not pro-actively protect themselves from known hazards through the use of zoning laws, building codes, and land-use restrictions. At the other end are resentful local officials and citizens who see such measures as unnecessarily burdensome. They argue that these measures invade their personal freedom and are financially costly to them. Local officials fear federal encroachment into areas they perceive as their traditional jurisdiction.

**DISASTER RELIEF ACT OF 1974**

Evolutionary change in government disaster policy continued into the 1970s and many of these changes were consolidated in the Disaster Relief Act of 1974 and the amendments soon after. The 1974 act was precedent-setting in its own right. Here are a few of its features.

1. Instituted the Individual and Family Grant (IFG) program which provided 75 percent of
the funding for state-administered programs providing cash help for furniture, clothes, and essential needs.

2. Institutionalized efforts to mitigate against, rather than simply respond to disaster events;

3. Mandated local, state, and federal agencies to develop strategies aimed at preventing disasters in the future; and

4. Stressed a multi-hazard approach to disasters, in which governmental efforts would be capable of handling all kinds of hazards, rather than being designed for particular disasters.

In establishing a new wave of federal policy, the federal government sought to focus on INDIVIDUAL ASSISTANCE PROGRAMS, MITIGATION EFFORTS, and MULTI-HAZARD APPROACHES. Although various laws provided temporary housing aid and other forms of individual assistance, the Individual and Family Grant program bridged the gap between public and individual assistance.

Mitigation efforts, were also institutionalized for the first time in the 1974 statute under the assumption that mitigation was a primary foundation for emergency management and would decrease costs and demands in subsequent disasters.

Finally, multi-hazard approaches to emergency management were emphasized in the testimony of government officials. They insisted that there was a great need to plan for disasters of all types. This multi-hazard or ALL-HAZARDS APPROACH to emergency management implicitly alleged that disaster policy up to 1974 was fragmented and pre-occupied with confronting individual disasters or types of disasters. This was most readily apparent in the division between civil defense programs and domestic emergency programs. Civil Defense programs seemed distinct from other emergency management programs and were viewed as part of the "national security structure."

By emphasizing a multi-hazard or all-hazards approach, the Disaster Relief Act of 1974 inaugurated a trend toward the diminution of civil defense issues, funding, and concerns in the realm of domestic emergency management.
ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT, P.L. 93-288 AS AMENDED

The principal federal authority for providing disaster relief today resides in the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Congress continued past disaster policy trends by enacting the Stafford Act as part of an effort to clarify inconsistencies in disaster laws of the past.

The law begins, "The Congress hereby finds and declares that,

1. because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and
2. because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity; special measures designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.

It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by -

1. revising and broadening the scope of existing disaster relief programs.
2. encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and by local governments;
3. achieving greater coordination and responsiveness of disaster preparedness and relief programs;
4. encouraging individuals, States, and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance;
5. encouraging hazard mitigation measures to reduce losses from disasters, including development of land use and construction regulations; and
6. providing Federal assistance programs for both public and private losses sustained in disasters."


The major provisions that the Stafford Act provided for were:
1. A refinement of the definition of an "emergency";

2. An expansion of the responsibilities and obligations of public institutions during emergencies;

3. Further emphasis on the importance of mitigation and preparedness activities;

4. The establishment of a process to guide when and how the government would become involved in disaster circumstances; and

5. A delineation on how response efforts would move from the local, to the state and up to the national level of government.

Overall, the Stafford Act authorizes the president to issue major disaster or emergency declarations, sets broad eligibility criteria, and specifies the type of assistance the president may authorize. The definition of "emergency" has been a politically charged issue. **EMERGENCY** refers to "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 protect property and public health and safety, or to lessen or avert the threat of catastrophe in any part of the United States." This refinement of emergency clearly affords the president a great deal of political subjectivity in determining what is or is not an emergency. In effect, this subjectivity often leaves governors guessing about whether they qualify for aid and whether they should seek a presidential declaration of emergency or not.

It is also important to note that the Stafford Act is merely an expansion of the first permanent authority conferred in the Disaster Relief Act of 1950 (P.L. 81-875). That law provides disaster assistance on a continuing basis without the need for congressional action. Several components of that 1950 measure continue to serve as a foundation for the Stafford Act’s authority including the following:

1. The President is given complete authority to determine that a major disaster (or emergency since 1974) has occurred and that federal aid is warranted;

2. The governor of the affected state must request federal assistance and provide assurances that state and local resources are committed;

3. Federal assistance supplements but does not supplant state or local resources;
4. The President is authorized to direct all federal agencies to provide needed assistance; and

5. The role of the voluntary sector and the need to coordinate federal efforts with those of relief organizations are recognized.

Since the passage of the Stafford Act, there have been no major legislative or statutory revisions in governmental policy, but there have been elaborations and additions. In the late 1980s, the Federal Emergency Management Agency (FEMA) began working on a new set of guidelines and directives in response to criticism. The Federal Response Plan of 1992 was the outcome. It represents a cooperative agreement between 26 federal agencies and the American Red Cross. In effect, the Federal Response Plan specifies national government’s roles and responsibilities in responding to a disaster or emergency. The Federal Response Plan:

1. Serves as a blueprint to coordinate and mobilize resources in disasters and emergencies;

2. Provides greater detail concerning the roles and activities of different federal agencies during large-scale natural disasters;

3. Groups together the different types of emergency assistance available to public organization and private citizens and identifies a lead agency for each of these types of assistance; and

4. Specifies a process in which the resources of the federal government can be deployed more quickly and efficiently.

**DISASTER LAWS AND POLICY AS A FUNCTION OF GREATER TRENDS**

In examining disaster laws and policy one needs to understand that they reflect greater overall trends in politics and policy making in the United States. Although disasters and emergencies represent unique events, government’s involvement in them is similar to the way it has approached many other policy issues. This is true with respect to the nature of events as well as the governmental actions that have been designed to deal with them.

One could easily make the case that government’s increased involvement in disasters is
nothing more than a manifestation of a larger trend towards GREATER PUBLIC SECTOR RESPONSIBILITIES. The U.S. has undergone a tremendous growth in terms of the size and scope of government. For example, in 1992 public expenditures were approximately $2.5 trillion, while in 1942 they had been only about $47 billion. In addition to spending more money, the government has also chosen to address more issues and problems while allocating more money to them.

Another similarity that disaster policy has with other public activities is the trend toward GREATER INVOLVEMENT BY THE NATIONAL GOVERNMENT relative to the state and local levels. As mentioned previously, the federal government began to play a more active role in disaster policy during the 1930s and enacted legislation in 1950 which established a basic framework for disaster policy under which the federal government was allowed to direct and coordinate efforts in the event of severe disasters. That function, and role of the federal government, was expanded through the 1970s and in 1979, FEMA was established to consolidate and coordinate those actions. The creation of this new administrative unit was a clear sign that the issue of disasters had become a permanent addition to the federal government’s policy agenda.

The history of government involvement in disasters also reveals the REACTIVE NATURE OF POLICY-MAKING in this policy domain. Major disasters have often served as stimulants of change and reform in disaster policy. Although this was evident in the early history of disaster policy when aid was tied to specific legislation and done in a piece-meal fashion, it continues today. Policy expansion and clarification often continues to take place after severe disasters. This makes sense when disasters are viewed from the perspective of crises. Major disasters call for an immediate public sector response since the public wants something done immediately. In the same manner, however, these events do not sustain long-term public or governmental interest and involvement. Once action has been taken or normalcy returns, the public and government tend to move on to other matters.

Finally, the basic government approach to disaster policy is EVOLUTIONARY. At first the government was strictly reactive with respect to its policies; it took action after a disaster occurred and the extent of its action was limited and arbitrary. Current policies place more emphasis on pro-activeness, often through mitigation and preparedness measures. This change
has been one that has occurred over the course of many years. Similar to other public policy areas, the government finds it difficult to shift its focus in disaster-relief activities.

Nevertheless, ever-present INCREMENTAL decision making also continues. Past policies become entrenched and they provide the foundation for future government activity. Incrementalism is a pervasive, limiting force in governmental disaster-relief policy making. Moreover, public sentiment may deter public officials from pursuing alternative policies, those that stress more preventive strategies. People may not want the government to enact stronger and more effective building codes and zoning laws if they are believed costly or likely to inhibit lifestyles, as might occur when government prohibits development in hazard-prone areas.

There has been a shift at all levels in how the government approaches the issue of disasters. This is because policy makers and policy executors have come to agree that it is more cost-effective to prevent a disaster than to deal with its consequences. Although mitigation and preparedness programs cost money and time, they may be very cost-effective. For example, the establishment of stricter building codes and regulations in disaster-prone areas has saved millions of dollars in property losses while warning and evacuation procedures have served to prevent the loss of human life. Another reason for the shift in government approach to disaster policy is the result of changes in the definition of what is a disaster. Man-made events such as oil spills [e.g., the Exxon Valdez spill], toxic-waste dangers (e.g., Love Canal), and chemical plant releases (e.g., the Union Carbide plant in Bhopal, India) reveal that humans are now capable of causing calamities comparable to natural disasters. As a result modern relief efforts have to anticipate these new disasters as well as the traditional ones and this has placed new demands on those charged with the responsibility for dealing with disasters.

In effect, disasters which used to cost millions of dollars and affected only a few thousand victims now commonly cost many billions of dollars and affect hundreds of thousands of victims. For example, as a result of the Northridge earthquake of 1994 in the Los Angeles, California area, some 670,000 individuals and families registered for disaster assistance.

In 1994 the federal cost of disaster relief was $4.4 billion. In that year there were 16,272 locally declared disasters. Of this total, 299 became state declared emergencies, and 37 federally declared (generally, 2-3% of local disasters that require significant assistance by a state or
declared emergencies by the governor.) In Fiscal Year 1995 there were 28 presidentially declared disasters, the federal cost of which was over $3 billion. The trend continues. During just the first six months of 1996, 43 major disaster declarations were issued (compared to a year like 1978, when there were "just" 9 declarations.)

After a Presidential Disaster Declaration has been issued several types of federal disaster assistance become available. Under disaster or emergency circumstances, states receive from FEMA a match supported subsidy (75/25) to provide supplemental assistance to individuals and families adversely affected. This is defined as INDIVIDUAL ASSISTANCE. While some forms of individual assistance such as temporary housing are managed exclusively by FEMA, others such as loans to businesses and farm loans are managed by the Small Business Administration (SBA) and the U.S. Department of Agriculture (USDA) respectively. FEMA also provides PUBLIC ASSISTANCE to state and local governments or certain private, not-for-profit organizations, on a 75/25 cost sharing basis, to help restore public services and to provide infrastructure support. (Note, that the president has the authority in law to increase the federal share of the match beyond 75 percent, and up to 100 percent, when he determines this to be necessary.) The agency is also is empowered to fund the Hazard Mitigation Assistance program. This helps state, local and other eligible parties lessen or avert the threat of future disasters through funding projects aimed at reducing or eliminating future disaster vulnerability.

Appendices 1, 2 and 3 are provided in order to convey more information about federal, state and local emergency management respectively.