

CRS Report for Congress

International Crises and Disasters: U.S. Humanitarian Assistance, Budget Trends, and Issues for Congress

December 21, 2006

Rhoda Margesson
Foreign Affairs Analyst
Foreign Affairs, Defense, and Trade Division



**Prepared for Members and
Committees of Congress**

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE 21 DEC 2006		2. REPORT TYPE N/A		3. DATES COVERED -	
4. TITLE AND SUBTITLE International Crises and Disasters: U.S. Humanitarian Assistance, Budget Trends, and Issues for Congress				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Congressional Research Service The Library of Congress 101 Independence Avenue, SE Washington, DC 20540-7500				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release, distribution unlimited					
13. SUPPLEMENTARY NOTES The original document contains color images.					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT SAR	18. NUMBER OF PAGES 20	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

International Crises and Disasters: U.S. Humanitarian Assistance, Budget Trends, and Issues for Congress

Summary

Humanitarian emergencies can emerge anywhere in the world, stemming from natural disasters or man-made conflicts. U.S. and international humanitarian assistance can have an important impact not only on the relief operation itself but on broader foreign policy issues. In the 110th Congress, humanitarian assistance is likely to enjoy continued bipartisan support, with key policy issues focused on budget priorities, levels of funding, and the types of other support available worldwide.

The President can provide emergency humanitarian assistance through several sources whose funding is authorized and appropriated by Congress. These are funds appropriated to the Office of Foreign Disaster Administration (OFDA) in the Agency for International Development (USAID); U.S. Department of Agriculture food aid programs under P.L. 480 Food for Peace and Section 416 (b) of the Agriculture Act of 1949; the State Department Emergency Refugee and Migration Account (ERMA) a contingency account that can contain as much as \$100 million for assistance to refugees fleeing persecution; and funds appropriated to the Department of Defense, Overseas Humanitarian and Disaster and Civic Aid (OHDACA).

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, the President can request other government agencies to assist within their capabilities. In FY2006 the United States contributed close to \$3 billion to disaster relief worldwide.

This report examines U.S. humanitarian assistance in international crises and disaster situations. It considers the sources of U.S. government aid (including the governmental response mechanism), budget trends in humanitarian assistance, and issues for Congress. It does not specifically address the creation of a new Director of Foreign Assistance position at the State Department or the broader restructuring of U.S. foreign aid programs that are currently under way.¹ The development of the FY2008 budget request will reportedly be a coordinated effort by joint State Department and USAID teams. While programmatic decision-making on refugee and humanitarian assistance may shift under the proposed foreign aid reform, it remains to be seen what affect this will have on existing procedures. This report will be updated as the restructuring initiatives evolve, or if in the meantime, the humanitarian response mechanism within the U.S. government changes.

¹ For background and information on this issue, see CRS Report RL33491, *Restructuring U.S. Foreign Aid: The Role of the Director of Foreign Assistance*, by Connie Veillette. See also [<http://www.state.gov/r/pa/prs/ps/2006/59398.htm>] and remarks by Secretary Rice at [<http://www.state.gov/secretary/rm/2006/59408.htm>]. Ambassador Randall L. Tobias is the first Director of Foreign Assistance and serves concurrently as the Administrator of USAID.

Contents

Introduction	1
Defining Humanitarian Assistance	2
Exemptions for Humanitarian Assistance	3
Budget Trends: A Thirty-Year Review of U.S. Humanitarian Assistance	3
Sources of U.S. Governmental Humanitarian Aid	6
United States Agency for International Development	6
Office of Foreign Disaster Assistance (OFDA)	6
Food for Peace (FFP)	7
Office of Military Affairs (OMA)	8
Other Funds	8
Office of Transition Initiatives (OTI)	8
Office of Conflict Management and Mitigation (CMM)	8
Department of State	9
Bureau of Population, Refugees and Migration (PRM)	9
Emergency Refugee and Migration Account (ERMA)	9
Department of Defense	9
The Role of Congress	10
Funding Sources and Oversight	10
Roles of the U.S. Government and Private Sector in Humanitarian Aid Delivery	11
International Humanitarian Assistance	11
Sources of Post-Disaster and Post-Conflict Assistance	13
Issues for the 110 th Congress	14
Competing Aid and Budget Priorities	14
Burdensharing and Donor Fatigue	15
Central Emergency Response Fund (CERF)	15
Transparency and Efficacy	16
Consequences of Humanitarian Assistance	16
Links to Broader Foreign Policy Goals	17

List of Figures

Figure 1. Humanitarian Assistance Spending	5
--	---

International Crises and Disasters: U.S. Humanitarian Assistance, Budget Trends, and Issues for Congress

Introduction²

The United States is a major contributor to relief efforts in international crises and disaster situations. Key relief-related policy issues likely to be of concern to the 110th Congress include budget priorities, levels of funding, and the types and levels of support available from the international community. In FY2006, the U.S. government contributed close to \$3 billion to disaster relief worldwide.³ Congress has consistently supported humanitarian efforts as a means of responding to natural disasters (such as floods, earthquakes) and man-made crises (such as war) in the short term, taking the lead and promoting a U.S. presence.⁴

Humanitarian assistance generally receives bipartisan congressional support. Congress has given the President broad authority in this area. The Foreign Assistance Act of 1961 (P.L. 87-195), as amended, authorizes the United States to participate in disaster relief efforts and gives the President great flexibility to respond to disasters with a wide range of government-funded humanitarian assistance.⁵

² This report draws on an earlier report on the same topic, now out of print, by Lois McHugh.

³ Due to the unanticipated nature of many disasters, humanitarian aid budget allocations often increase throughout the year as demands arise. Countries that have or are experiencing a crisis or natural disaster receive U.S. aid through several key worldwide emergency humanitarian assistance accounts for disaster (International Disaster and Famine Assistance or IDFA); food relief (P.L. 480 Title II); and refugee programs (Emergency Refugee Migration Assistance or ERMA). These accounts are generally used to respond to emergency situations and are not integrated into long-term development strategies.

⁴ U.S. private contributions and efforts are also part of the overall response but not addressed in this report.

⁵ Sec. 491-493 of P.L. 87-195, Foreign Assistance Act of 1961, as amended.

In 1993, President Clinton designated for the first time the Administrator of the U.S. Agency for International Development (USAID) as the Special Coordinator for International Disaster Assistance.⁶ In this capacity the Administrator coordinates the U.S. government's response to both natural or man-made disasters. The Administrator also 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.⁷

Defining Humanitarian Assistance

The very nature of humanitarian emergencies — the need to respond quickly in order to save lives and provide relief — has resulted in a broad definition of humanitarian assistance, on both a policy and operational level. While humanitarian assistance is assumed to address urgent food, shelter, and medical needs, the agencies within the U.S. government providing this support expand or contract the definition in response to circumstances.

The legislation governing humanitarian or disaster assistance leaves the decision on the type of assistance required to the President. U.S. humanitarian assistance in disasters and international crises is broad, far reaching and covers many elements directly concerned with the provision of relief and strategies for strengthening how people survive over time.⁸ Congress broadly defines humanitarian activities in an effort to enable the U.S. response to be as flexible as possible to adapt to humanitarian needs. Assistance can include the provision of basic needs, child survival strategies, and assistance to refugees, but in practice the provision of humanitarian assistance is typically case and time specific.⁹

⁶ Sec. 493 of P.L. 87-195, Foreign Assistance Act of 1961, as amended.

⁷ Ambassador Randall L. Tobias was nominated by President Bush in January 2006 to serve concurrently as the Administrator of USAID and the first Director of Foreign Assistance. The Senate confirmed his appointment as USAID Administrator on March 29, 2006, and he was sworn in on March 31. As Director of Foreign Assistance, Ambassador Tobias holds the rank of Deputy Secretary of State and also reports to Secretary of State Condoleezza Rice. For more information, see [http://www.usaid.gov/about_usaid/bios/bio_rtobias.html].

⁸ A livelihood strategy considers the specific context and circumstances of the situation in designing effective programs that work with local abilities to cope with emergencies.

⁹ What is less clear is when an activity might be considered humanitarian as differentiated from post-conflict transition or reconstruction, and to what degree this distinction needs to remain flexible to adapt to changes in policy or operations on the ground. In an operational sense, humanitarian and other assistance is often provided on parallel tracks, and there is usually an overlap in activities in the transition from one phase to another.

Exemptions for Humanitarian Assistance

In general, humanitarian assistance is exempt from the regulations implementing various types of foreign aid sanctions.¹⁰ The Foreign Assistance Act of 1961, as amended (P.L. 87-195), allows 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, such as economic sanctions.

Budget Trends: A Thirty-Year Review of U.S. Humanitarian Assistance¹¹

The United States, consistently a large contributor to international disaster and humanitarian relief operations, has spent unprecedented amounts on global humanitarian emergencies, particularly in the last decade. The confluence of several natural disasters — Hurricane Mitch, which struck Central America in late 1998; the drought in Ethiopia and elsewhere in Africa since 2002; the Indian Ocean tsunami, which struck in December 2004, and the October 2005 earthquake in Pakistan — plus continuing conflicts around the world — Kosovo (1999), Liberia (until 2003), Afghanistan (2002), pre-war Iraq (2003), Haiti (2004), and Darfur (since 2003) — combined to push foreign aid spending on humanitarian crises to their highest levels in three decades.¹² The \$3.83 billion humanitarian aid budget for FY2003 was the largest since the late 1970s, and slightly higher than the \$3.73 billion funding level for FY2005. Resources for FY2006 (\$3 billion) are lower than the recent peak years, although they remain one of the largest totals over the past 30 years.

In this 30-year review, there were only two instances where humanitarian aid funding levels come close to recent totals. For FY1980-FY1981, large supplementals for Indochina and Soviet/East European refugee resettlements brought amounts to around \$2.8 billion. In FY1985 humanitarian relief spending exceeded \$2.75 billion,

¹⁰ The decision as to what is considered humanitarian versus non-humanitarian is often made on a case-by-case basis. For example, in the India-Pakistan situation in 1998, sanctions were applied following India’s nuclear tests; under the Pressler Amendment, all aid was cut off except for specific relief assistance programs.

¹¹ While there is no “official” definition of what constitutes U.S. humanitarian assistance, for the purposes of a trend analysis, this discussion is based on spending appropriated in the current Foreign Operations and Agriculture accounts for International Disaster and Famine Assistance, Transition Initiatives, Migration and Refugee Assistance, Emergency Migration and Refugee Assistance Fund, and title II of P.L. 480 food assistance. In addition, in selected years, Congress created special accounts for specific relief efforts, such as the Tsunami Recovery and Reconstruction Fund (2005) and Central America and the Caribbean Emergency Fund (1999). Figures do not include amounts funded outside the Foreign Affairs Budget Function 150, such as the Defense Department’s Overseas Humanitarian, Disaster, and Civic Action account provided in annual DOD appropriations, i.e., the 151 Budget Account. Data are expressed in FY2006 dollars taking in the effects of inflation over time. This section is based on CRS Report RL33262, *Foreign Policy Budget Trends: A Thirty-Year Review*, and was written by Larry Nowels.

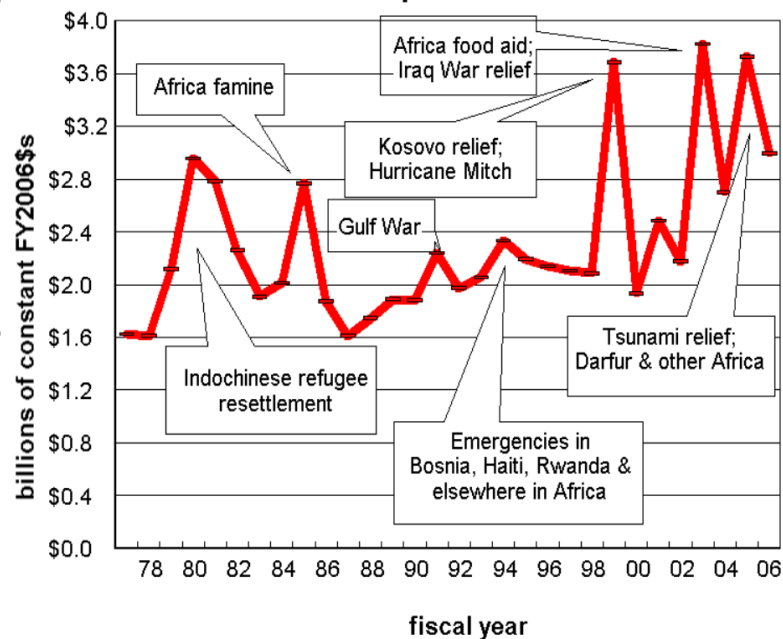
¹² Because many humanitarian emergencies continue well beyond the year in which they first arise, aid programs may be ongoing for several of these cases.

largely due to a substantial U.S. response to a major famine in Africa. Assistance to populations affected by the Gulf War in 1991 and to victims of conflict in Bosnia, Haiti, and Rwanda in 1994 represented other “surge” years for humanitarian aid budgets.¹³

¹³ It should be noted that comparisons across disasters may be helpful in general terms, but the data cannot illustrate fully the complexities of each situation. The disasters themselves are not equivalent: the areas in which they occur differ dramatically in terrain, underlying economic conditions, and governmental capacity. Each U.S. agency has its own budget, with its own criteria, accounting detail, and regional specificity. Budgets may reflect regional support, a certain area, specific countries, or a combination thereof over time and with changing events. Authority, definitions, and categories of services are not necessarily equivalent across events. The fact that an urgent response to humanitarian crises is often required only compounds the problem of tracking humanitarian aid funding levels.

Note: Unless otherwise stated, figures are expressed in constant FY2006 dollars.

Figure 1. Humanitarian Assistance Spending



KEY TRENDS

- Due to the unforeseen and unpredictable nature of events requiring humanitarian relief, spending patterns have been highly erratic over the past 30 years.
- In general, however, resources committed for food, disaster, and refugee support have been growing for the past two decades. Amounts have been especially large in several years since FY1999.
- FY2006 appropriations for humanitarian aid programs, at \$3 billion, fell below recent years — FY1999, FY2003, and FY2005.
- For the entire 30-year period, FY2006 spending on humanitarian relief operations is nearly 30% higher than the \$2.32 billion annual average, but only slightly larger than the annual average since FY1999.

Sources of U.S. Governmental Humanitarian Aid

Categories of humanitarian assistance can be broken down into several main elements including, relief and rehabilitation, food assistance, refugee programs, and logistical and operational support. Three central parts of the U.S. government — USAID, the State Department, and the Department of Defense — provide humanitarian assistance and cover a mix of these activities as described below.¹⁴ USAID is the central U.S. agency charged with coordinating U.S. government and private sector foreign assistance.

United States Agency for International Development

Office of Foreign Disaster Assistance (OFDA). OFDA, within USAID's Bureau for Democracy, Conflict, and Humanitarian Assistance (DCHA), provides non-food humanitarian assistance during international crises and disasters and can respond immediately with relief materials and personnel, many of whom are often already in the field. OFDA was established in 1964 to coordinate what had previously been an *ad hoc* U.S. response to international disasters. It facilitates the U.S. government emergency assistance. OFDA provides some assistance through its own personnel, but the bulk of its activities are carried out through grants to U.N. agencies, other international organizations (IOs), international governmental and non-governmental organizations (NGOs), and private or religious voluntary organizations (PVOs). It also coordinates with the U.S. embassy or USAID mission in the affected country, the government of the country suffering the disaster, and other governments. Funding for USAID/OFDA is authorized and appropriated in the annual Foreign Operations legislation.

A response to a disaster generally begins with the U.S. ambassador or Chief of Mission responding to a request from the affected country's government for assistance. OFDA has use of up to \$50,000 (through Disaster Assistance Authority) immediately available, which it releases to the USAID mission or U.S. embassy, generally within 24 hours. This money is then provided to the local Red Cross/ Red Crescent or a similar local disaster response organization, or it may be used to buy relief supplies or hire personnel locally. The United States also begins working with the affected government through the Ambassador to determine what, if any, additional aid may be needed.

USAID/OFDA can respond immediately with cash, relief materials and personnel to any kind of disaster, whether man-made or natural. The President 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, although the agency may continue monitoring and mitigation projects for a longer period. Some

¹⁴ In addition, although not the focus of this report, other parts of the U.S. government that support humanitarian assistance include the USDA Forest Service, the USGS, the Department of Health and Human Services (DHSS), Centers for Disease Control and Prevention (CDC), the National Oceanic and Atmospheric Administration (NOAA), and the Environmental Protection Agency (EPA), which contribute technical assistance to OFDA as needed in response to humanitarian emergencies.

USAID/OFDA personnel are located in various countries around the world and can move quickly to a disaster area. OFDA also has Disaster Assistance Response Teams (DARTS), experts who can be brought 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 that has been predicted by the weather service. Once a DART is deployed, a Washington, DC-based Response Management Team (RMT) is also activated.

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. These borrowed funds may be repaid through passage by Congress of a supplemental appropriation. 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. Centers for Disease Control and Prevention (HHS) specialists are relied upon for identifying and responding to outbreaks of disease.

Food for Peace (FFP). The USAID Administrator also administers Title II of P.L. 480, the Food For Peace program established in 1954.¹⁵ P.L. 480 is authorized and appropriated in the U.S. Department of Agriculture (USDA) 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 that does not need to be repaid. Title II is the primary disaster aid channel for U.S. food aid. 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 USAID Administrator wide authority to provide food aid and contains a “notwithstanding clause” that 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 international contributor of emergency food aid in disaster situations. In recent years, most emergency food aid has been provided to victims of complex humanitarian emergencies, helping people displaced by warfare and unable to grow or obtain food in their traditional way. Crisis conditions often last many years. Food aid programs generally target the most

¹⁵ Authorized in Section 201-207 of P.L. 83-480, the Agricultural Trade Development and Assistance Act of 1954, as amended.

vulnerable populations, including children, pregnant and nursing mothers, the elderly, sick and handicapped, and those identified as malnourished. Title II grant food aid is mostly provided for humanitarian relief but may also be used for development-oriented purposes through governments, intergovernmental entities, PVOs, and multilateral organizations, such as the World Food Program (WFP).

As with other USAID/OFDA aid, food aid may be prepositioned in regions that are vulnerable to disaster, or diverted from a less pressing food aid program in a nearby country that would be replenished later. Food aid that 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. This program is managed by the USDA.

Office of Military Affairs (OMA). Also placed within the DCHA, the OMA was established in October 2005 as an operational link to improve USAID's coordination of humanitarian assistance with the U.S. military. Senior USAID staff are assigned to the five geographic Combatant Commands and help assess development needs. Joint exercises with the military are planned for ongoing training in preparation for future disasters. Training for both the military's civil affairs officers and USAID workers is also intended to increase knowledge and cooperation, and capacity at the operational level. The OMA is also a contact point between NGOs and the military, and allows each to benefit from the others operational experience while at the same time contributing to the administration and delivery of humanitarian assistance.¹⁶

Other Funds. There are three funds that can be used for disaster assistance and that are focused on specific issues — Displaced Children and Orphans Fund (DCOF), the Leahy War Victims Fund (LWVF), and the Victims Torture Fund (VOT). They are coordinated by DCHA through funds reserved by Congress each year.

Office of Transition Initiatives (OTI). OTI provides post-disaster transition assistance, which includes mainly short-term peace and democratization projects with some attention to humanitarian elements (e.g. community projects such as housing, electricity, water) but not emergency relief.¹⁷

Office of Conflict Management and Mitigation (CMM). CMM also provides transition assistance towards development through early intervention in the causes and consequences of conflict.

¹⁶ For more information, see [http://www.usaid.gov/policy/budget/cbj2007/cent_progs/central_dcha_oma.html]. See also [<http://usinfo.state.gov/journals/itps/1104/ijpe/ijpe1104.htm>].

¹⁷ Other departments within USAID may provide some form of humanitarian assistance but it is unclear how much because humanitarian activities may be a part but not the central focus of the program, such as women's health, child survival, trauma counseling and social welfare, and demining, activities that may be considered by some to be humanitarian.

Department of State

Bureau of Population, Refugees and Migration (PRM). PRM deals with problems of refugees worldwide, conflict victims, and populations of concern to the U.N. High Commissioner for Refugees (UNHCR), often including Internally Displaced Persons (IDPs). Humanitarian assistance includes a range of services from basic needs to community services to tolerance building and dialogue initiatives. Key issues include protection (refugee, asylum issues, identification, returns, tracing activities) and quick impact, small community projects.

Refugee funds are provided as cash grants to international governmental and NGO refugee organizations. These include U.N. agencies such as UNHCR and the United Nations Children's Fund (UNICEF), and international organizations such as the International Committee of the Red Cross (ICRC), and NGOs, such as CARE, Doctors without Borders, and Catholic Relief Services (CRS).

Emergency Refugee and Migration Account (ERMA). ERMA is a contingency fund that remains available until spent and is replenished as needed by Congress. P.L. 103-236 sets the maximum amount of money that can be in this account at \$100 million although appropriations have been made that exceed this amount. Established in 1962¹⁸, 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" that waives prohibitions against providing aid contained in any other legislation. The legislation establishing ERMA places certain requirements on the President. The President 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 (MRA) through the Bureau of Population, Migration and Refugees (PRM). Both ERMA and MRA are authorized in the Department of State legislation and appropriated in the foreign operations legislation.

Department of Defense

The Department of Defense (DOD) provides support to stabilize emergency situations, including the transport and provision of food, shelter and supplies, logistical support, search and rescue, medical evacuations, and refugee assistance. This includes the provision of 2,300 calorie low-cost humanitarian daily rations to alleviate hunger after foreign disasters. The incremental costs for all DOD humanitarian assistance for both natural and man-made disasters is funded through the Overseas Humanitarian, Disaster, and Civic Action (OHDACA) account in annual DOD appropriations.

DOD provides assistance in humanitarian emergencies under several provisions in law. The primary authority is Title 10, Section 2561 (formerly Section 2551),

¹⁸ Authorized in Sections 2 and 3 of P.L. 87-510, the Migration and Refugee Assistance Act of 1962.

which allows the use of appropriated funds for humanitarian assistance “for the purpose of providing transportation of humanitarian relief and for other humanitarian purposes worldwide.”¹⁹ The Secretary of State determines that this provision should be used and requests DOD to respond to a disaster with specific assistance such as helicopter transport, provision of temporary water supplies, or road and bridge repair. DOD 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 USAID’s OFDA assessment team to help determine the type of aid that can be provided by DOD. Under this provision, DOD generally limits its service activities to those that stabilize the emergency situation, such as road or bridge repair, but generally does not undertake projects that include rebuilding. The law requires an annual report to Congress on the use of funds.

Title 10 also contains a section that 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 OFDA and can be bumped from the transport if other U.S. government aid must be transported. Donated goods can also be shipped on commercial vessels, using Section 2561 funds.

Section 506 (a) (1) of the Foreign Assistance Act of 1961 allows the draw down of military equipment to a limit of \$100 million in any fiscal year if the President determines that an unforeseen emergency exists that 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.

The Role of Congress

Funding Sources and Oversight

OFDA, ERMA, and P.L. 480 requests are generally approved by Congress at the requested level. At times, however, the amount of disaster assistance provided during a Fiscal Year exceeds the amount appropriated by Congress. Congress has provided the President with the authority to borrow up to \$50 million from economic assistance accounts in the foreign aid program. In some cases, particularly when disasters occur during the appropriations process, Congressional amendments reimbursing a particular agency for a specific disaster may become part of the next year’s appropriation for that agency.

¹⁹ Section 404 of Title 10 also authorizes DOD to provide foreign disaster assistance. It is not generally used because it is considered to be somewhat cumbersome and requires an expansive report to Congress.

Congress is also generally supportive of supplemental appropriations that reimburse agencies for their expenditures, either to replenish the emergency accounts or other accounts that 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 opposition to disaster assistance funding itself.

Roles of the U.S. Government and Private Sector in Humanitarian Aid Delivery²⁰

Most development and humanitarian assistance activities are not directly implemented by U.S. government personnel but by private sector entities, either non-profit or commercial. Generally speaking, government foreign service and civil servants determine the direction and priorities of the aid program, allocate funds while keeping within congressional requirements, ensure that appropriate projects are in place to meet aid objectives, select implementors, and monitor the implementation of those projects for effectiveness and financial accountability. At one time, USAID professionals played a larger role in implementing aid programs, but the affect of budget cuts on personnel and the emergence of private sector alternatives over the past thirty years has led to a shift in responsibilities. Private sector aid implementors, usually employed as contractors or grantees, may be individual “personal service contractors,” consulting firms, non-profit NGOs, universities, or charitable PVOs. These currently carry out the vast array of aid projects in all sectors.

International Humanitarian Assistance

The complex humanitarian emergency has emerged as a category of crisis that can be defined in different ways. It can be viewed according to the situation on the ground — scale and intensity of population dislocation, destruction of social networks/community and infrastructure, insecurity of civilians and noncombatants, human rights abuses; by the complexity of the response needed to address these problems; or by the multi-causal factors that may have contributed to the escalation of conflict in the first place.

Beginning in the 1990s, crisis operations increased in war-torn countries and regions throughout the world along with the numbers of those providing relief, primarily humanitarian organizations and international actors. Multinational military forces also served a greater peacekeeping role in these internal wars. The media added a new measure of influence to the response to such crises in the form of greater access and live reporting. In these situations the plight of the refugee²¹ was one

²⁰ This section appears in CRS Report 98-916, *Foreign Aid: An Introductory Overview of U.S. Programs and Policy*, and was written by Curt Tarnoff and Larry Nowels.

²¹ Defined broadly as those seeking asylum outside their country of citizenship with
(continued...)

critical element of population movement; the internally displaced person (IDP) became another.²² Conducting a humanitarian operation in areas of conflict often means that access to populations in need and the distribution of emergency relief supplies is hampered by security concerns, not only for those needing assistance but for humanitarian personnel as well.

The United States responds with varying amounts of relief and recovery assistance, typically in coordination with its international partners. The sheer number of players in the field, including a range of actors and interests, creates a complicated coordination challenge and often contributes to duplication of efforts or competition over the same sources of money and projects. Those involved may include, for example, numerous U.N. agencies, other international organizations (IOs), bilateral and multilateral donors, and non-governmental organizations (NGOs). International actors provide relief either through financial contributions to the government of the affected country or aid organizations, or by directly providing relief supplies and emergency personnel. Local, regional, and national authorities may also have a role in the provision of assistance, law enforcement and access control. It is important to note that local aid organizations may be critical because they often know the terrain, the available resources, and the community, whereas the international community may bring to bear greater resources and coordinating capacity.

While the relief operation itself is often daunting in terms of the demands of those in need — from life saving action required to the provision of food and shelter under harsh physical conditions — the response system has many moving parts. The United Nations works with a wide number and variety of aid organizations and donors. Within the U.N. system, in addition to the Office for the Coordination of Humanitarian Affairs (OCHA), the World Food Program (WFP), the World Health Organization (WHO), the U.N. Children’s Fund (UNICEF), the U.N. High Commissioner for Refugees (UNHCR), and the U.N. Development Program (UNDP) all contribute to efforts to respond to a crisis.²³ OCHA also coordinates with IOs such as the International Committee of the Red Cross (ICRC) and the International Organization for Migration (IOM), and NGOs such as the International Rescue Committee (IRC), CARE, Mercy Corps and perhaps hundreds of others, many of which are implementing partners and provide much of the operational support on the ground. In addition, other internationals — governments, militaries,

²¹ (...continued)

protection provided under international law.

²² A direct result of internal wars, the internally displaced are also seeking asylum but within their state’s borders. IDPs do not have the same protection as refugees under international law. The plight of this group has gained international recognition as a problem that needs to be addressed. The United Nations High Commissioner for Refugees has often been involved in providing assistance for IDPs.

²³ As one of its functions, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) tracks worldwide contributions to disasters. See [<http://www.reliefweb.int>]. Also, see [http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/] for USAID’s OFDA webpage. Relief Web is a good source of information, although the accuracy is not guaranteed. See [<http://www.reliefweb.int>].

intergovernmental entities such as the European Union — are often part of the response network.

A key determinant in the response to humanitarian emergencies is, not surprisingly, level of prior planning, including the identification of responders — local, national, or international — and their level of preparedness. Furthermore, it is widely recognized that in many crises, it is the people who are least able to help themselves — those who are poor and those who have few, if any, options to live elsewhere — who are most affected.²⁴ Experts continue to emphasize the importance of drawing on lessons learned from responses to previous crises and disasters. Some of the ongoing challenges include communication between the government, aid agencies, and the public; coordination among emergency responders; civil-military cooperation and division of duties; and the planning and logistics involved in providing aid to less accessible, often more insecure, areas.

Sources of Post-Disaster and Post-Conflict 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/OTI, funded as part of the disaster response account. 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. USAID/FFP aid is also available for non-emergency humanitarian aid. Title II contains provisions for providing non-emergency development food aid. This program can 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.²⁵

Title 10 includes two sections that 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 in conjunction with military operations (these are usually training exercises). These activities must complement, not duplicate, any other social or economic assistance provided, and must be approved by the Secretary of State. Services can include medical, dental, and veterinary care, construction and repair of rudimentary roads and rudimentary construction and repair of public facilities, and well-drilling and construction of basic sanitary facilities. There are conditions on

²⁴ “What Can we Learn from Year of Disasters?” December 29, 2005, Reuters AlertNet, [<http://www.alertnet.org>].

²⁵ 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.

assistance regarding land mines. This provision requires an annual report to Congress.

Section 2557 authorizes the donation of non-lethal excess property, such as trucks. It can include any item of excess property except 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.

Although not a focus of this report, 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. In 1997, industrialized countries participating in the Heavily Indebted Poor Country (HIPC) Trust Fund agreed to include special consideration for countries emerging from disaster.²⁶

Issues for the 110th Congress

Competing Aid and Budget Priorities

Amid efforts to tackle rising budget deficits by, among other measures, slowing or reducing discretionary spending or finding the resources to sustain U.S. aid pledges may be difficult. After the 2004 tsunami disaster, some Members of Congress publicly expressed concern that funding for tsunami relief and reconstruction, which depleted most worldwide disaster contingency accounts, could jeopardize resources for subsequent international disasters or for other aid priorities from which tsunami emergency aid had been transferred.²⁷ These accounts were fully restored through supplemental appropriations. At the time, others noted the substantial size of American private donations for tsunami victims and argued that because of other budget pressures, the United States government did not need to transfer additional aid beyond what was already pledged. The point remains, however, that when disasters require immediate emergency relief, the Administration may fund pledges by depleting most worldwide disaster accounts. In order to respond to future humanitarian crises, however, these resources would need to be replenished. If not replenished, U.S. capacity to respond to other emergencies could be curtailed.

²⁶ For more information on debt relief issues, see CRS Report RS22534, *The Multilateral Debt Relief Initiative*, by Martin A. Weiss.

²⁷ Elizabeth Becker, "No New Funds Needed For Relief, Bush Aides Say," *New York Times*, January 4, 2005.

Burdensharing and Donor Fatigue

Both Congress and the Administration also encourage other countries to provide disaster assistance.²⁸ It is not always evident whether figures listing donor amounts represent pledges of support or more specific obligations.²⁹ Pledges made by governments do not always result in actual contributions — the earthquake of December 2003 in Bam, Iran, is but one example used by the United Nations. Billions of dollars were pledged to help the victims of the 2004 tsunami disaster in the Indian Ocean, but there is skepticism over whether all these pledges will ever be honored. It also cannot be assumed that the funds committed to relief actually represent new contributions, since the money may previously have been allocated elsewhere. It also takes time for a more complete picture to reveal how the actual costs of a disaster will be shared among international donors. Comparing USG and international aid is also difficult because of the often dramatically different forms the assistance takes (in-kind contributions vs. cash, for instance).

Finding a balance between burdensharing on the one hand and donor fatigue on the other often results in delay and can negatively impact relief operations during emergencies when immediate funds are required for a response. Some experts are concerned about funding priorities and the ongoing need for resources for other disaster areas.

Central Emergency Response Fund (CERF)

One approach to the donor fatigue problem is the Central Emergency Response Fund (CERF).³⁰ As part of the United Nations' reform process, in March 2006, the CERF was launched based on several earlier resolutions approved by the U.N. General Assembly to strengthen the United Nations' capacity to respond to natural disasters and humanitarian emergencies.³¹ As an international, multilateral funding

²⁸ Although the United States is the world's largest provider of overall foreign assistance (which includes humanitarian assistance) in absolute terms, it is often one of the lowest contributors among developed countries when measured as a percentage of its economic capacity. According to the Organization for Economic Cooperation and Development (OECD), the United States provided 0.16% of its Gross National Income (GNI) in 2004 for Overseas Disaster Assistance (ODA). By comparison the average of major donors is 0.25%. The percentages for other major donors are as follows: Japan (0.19%), the United Kingdom (0.36%), France (0.42%), and Germany (0.28%).

²⁹ Relief Web is a good source of information, although the accuracy is not guaranteed. See [<http://www.reliefweb.int>]. Obtaining an exact up-to-date record of all international contributions in response to an ongoing disaster is often not possible — in part because some assistance is not reported to governments or coordinating agencies — and in part because of the delay in their recording.

³⁰ This fund should not be confused with the Commander's Emergency Response Fund, or CERP. This is a program initiated by DOD that allows commanders in the field to provide resources immediately to support local needs and projects.

³¹ Resolution A/RES/60/124 was approved by consensus at the General Assembly on December 15, 2005. See [<http://ochaonline.un.org/webpage.asp?Page=2101>]. Also see (continued...)

mechanism, the CERF aims to focus on early intervention, timely response, and increased capacity and support to underfunded crises. The CERF will have a grant facility of up to \$450 million and a loan facility of up to \$50 million. The funds come from voluntary contributions by member states and from the private sector.

A high-level conference was held in New York on December 7, 2006. The focus of the meeting was on progress to date and fundraising.³² As of December 13, nearly \$300 million had been pledged and contributed to the CERF for 2006, with \$230 million committed to projects. The United States reportedly committed \$10 million.³³ To date, fifty one donors have pledged a total of \$345 million for 2007.

The CERF is seen by proponents as a way to enable the United Nations to respond more efficiently, effectively, and consistently to humanitarian crises worldwide. Others also believe that U.S. support for this idea is critical to sustaining momentum for donor contributions and continued support for the disaster relief fund.

Transparency and Efficacy

Some Members of Congress have also raised concerns about transparency of donor contributions, allocation of monies, and monitoring of projects by the United Nations. The United Nations is improving its financial tracking and reporting system. In responding to international disasters, many contributions are also made directly to IOs and NGOs, which could raise the same questions about transparency requirements. Moreover, while earmarks and time limits may ensure greater accountability, they can also add pressure for organizations to spend contributed funds, sometimes leading to unnecessary spending, waste and duplicated efforts. Restrictions on use of funds also often do not allow flexibility to adapt projects to better meet the changing needs on the ground.³⁴

Consequences of Humanitarian Assistance

The provision of humanitarian assistance also raises the potential for unexpected consequences. First, it is important to examine whether humanitarian assistance is going to those for whom it is intended. Evaluating and tracking provision of supplies is difficult during a conflict and impossible to completely control. Second, there is the role of the NGO, including its mission and sources of funding, in what has become a major independent enterprise in conflict areas. There is the potential for misuse, intended or unintended, which may require closer analysis of the performance of providers. Third, the safety and protection of refugees, IDPs, and humanitarian workers is another important issue. A growing number of humanitarian

³¹ (...continued)

[<http://cerf.un.org>] and United Nations General Assembly Resolutions: A/RES/46/182 (December 19, 1991) and A/RES/56/107 (February 7, 2002).

³² See [<http://cerf.un.org>] for more detailed information on CERF.

³³ “New UN Disaster Relief Fund has Committed Over \$170 million Since March,” UN News Centre, September 29, 2006 and [<http://ochaonline2.un.org/Default.aspx?tabid=7480>].

³⁴ Edward Clay, “Lessons for Life,” *The Guardian Review*, January 12, 2005.

workers in various parts of the world have been put at great risk or lost their lives in providing humanitarian assistance. The degree to which a security force protects humanitarian relief workers and parties to the conflict will have some bearing on who is in charge, the security measures taken and provided, and the perception of whether the humanitarian community has taken sides in the conflict. Fourth, there is the question raised by some experts as to whether the provision of humanitarian assistance is helpful — particularly in cases where there is no consensus on how or when to intervene but only on the need to demonstrate action. Some question whether humanitarian assistance in some instances actually prolongs conflict.

Links to Broader Foreign Policy Goals

Political considerations play a role in the way assistance is given and to whom. The images of human suffering portrayed by the media only reinforce the need to do something. Humanitarian assistance carries some weight as an instrument of “neutral” intervention in crisis and is the most flexible policy tool that can be quickly brought to bear in a crisis. It can buy time and keep options open and may be an avenue to achieve minimal consensus. Sometimes the easiest decision in terms of finding a path of least resistance, humanitarian assistance can also expand beyond its immediate function. It may provide the means to maintain some form of contact with a country/region, or mitigate tensions over policy towards a region within the U.S. government or with and among its allies. Humanitarian assistance often means doing something to avert a crisis, to provide support to allies, and to maintain a presence in the region. How it is used and whether it becomes more of a strategic, policy tool depends upon the situation, what other governments are doing, and the degree to which the United States has further interest in the region. In addition, it raises questions about implications for future action. On the one hand, if the United States decides to reduce its humanitarian support, would this diminish its standing among its allies or affect its interests in other ways? On the other hand, since the President has a great deal of flexibility over U.S. involvement, once commitment to a humanitarian effort is made, does this make the long-term U.S. participation in reconstruction and political solutions more likely? Regardless, it is clear that as crises proliferate, the level and sources of U.S. humanitarian assistance will inevitably have an important impact not only on the relief operation itself, but on broader foreign policy goals.