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# Unit 1:

# The Stafford Act

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## Overview

The Stafford Act\* is the result of years of congressional effort to provide relief during disasters and emergencies. This unit presents background information about the act. The act establishes the Presidential declaration process for major disasters and emergencies, provides for the implementation of disaster assistance, and sets forth the various disaster assistance programs.

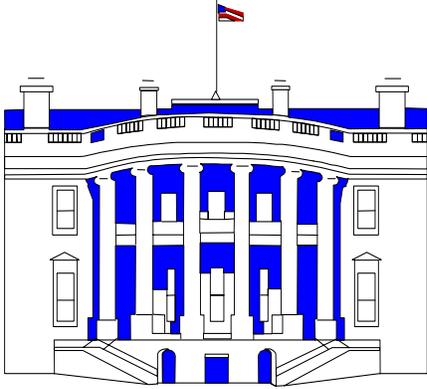


## History and Philosophy of the Federal Assistance Program

Before 1950, there was no comprehensive disaster program. Disaster recovery was funded by Congress on an incident-by-incident basis. In 1950, Congress enacted the initial disaster relief program, Public Law 81-875. Under this law:

- Funding was authorized for a disaster relief program rather than a single-incident response.
- The responsibility for determining when Federal disaster relief is required was transferred from Congress to the President.
- The basic philosophy of Federal disaster relief was established—that Federal assistance is supplemental to State and local resources.
- The basis for later legislation on cost-sharing between Federal and State or local governments was established.
- Provisions were made for emergency repairs to or temporary replacement of essential public facilities.
- Aid was provided only to State and local governments.
- Individuals could rely on the American Red Cross, the Salvation Army, the Mennonite Disaster Service, and other charitable organizations.

*\*The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., as amended by the Disaster Mitigation Act of 2000, Pub L. No. 106-390, 114 Stat. 1552 (2000) (the Stafford Act).*



Nearly 20 years later, the Disaster Relief Act of 1969 was enacted. This law introduced the concept of the Federal Coordinating Officer (FCO), and placed the management of Federal disaster relief under one individual who was appointed by the President.

In April 1974, there was a series of devastating tornadoes that hit six Midwestern States. This event confirmed the need to add assistance to individuals and families to the Disaster Relief

Program. As a result, the Disaster Relief Act of 1974 (Public Law 93-288) was established. Under this law:

- The Individual and Family Grant Program was established.
- Federal and State disaster relief operations are conducted on a partnership basis, and a State Coordinating Officer (SCO) works jointly with an FCO.
- Federal assistance supports local and State activities and resources.
- Assistance is contingent upon a Presidential declaration.

Before 1981, the Public Assistance Program, which provided disaster assistance to State and local governments, was in the form of a 100 percent Federal grant. The response to the eruption of Mount St. Helen's in May 1980 was the first administrative implementation of a 75 percent Federal and 25 percent State and local cost sharing of disaster expenses. This response was the first step toward a cost-sharing full-partnership concept of managing disaster response and recovery.

During the 1980's, the Senate expressed concern about the use of the disaster authority for responding to non-natural disasters or emergencies such as managing the Cuban refugee influx and Three Mile Island incident. The Three Mile Island incident, as well as a number of perceived deficiencies, stimulated Congress to review disaster programs. Over the next several years, legislation was initiated to change Public Law 93-288.



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In November 1988, the Robert T. Stafford Disaster Relief and Emergency Assistance Act was passed. This act provided a framework for continued disaster relief. It also legislated a minimum 75 percent Federal/25 percent State and local cost sharing for the public assistance program. The Stafford Act refocused assistance for non-natural disasters, unless caused by fire, flood, or explosion, to a more limited scope. It also confirmed the importance of individual assistance and added an emphasis on mitigation of future losses.

Disaster assistance programs included in the Stafford Act are:

- Individual Assistance in the form of individual and family grants and temporary housing.
- Public Assistance including grants for emergency work, repair and restoration, and debris removal.
- Mitigation grants to reduce long-term risk to life and property from natural or technological disasters.

Congress amended the Stafford Act in October 1993 to expand the scope of mitigation to include acquisition of properties in floodplains. An October 1994 amendment incorporated most of the former Civil Defense Act of 1950, 50 U.S.C. App., into the Stafford Act. This amendment allows FEMA to implement an all-hazards approach to preparedness. The Disaster Mitigation Act of 2000 further modified the Stafford Act to establish a national program for pre-disaster mitigation, streamline administration of disaster relief, and control Federal costs of disaster assistance.

## Providing Federal Disaster Assistance

**T**he Stafford Act provides the authority for FEMA's role in managing Federal disaster assistance. This role includes:

- Helping assess the damage after a disaster.
- Evaluating a Governor's request for a Presidential declaration.
- Advising the President concerning recommendations for declarations.
- Working with the State and local governments in a joint partnership to implement the various assistance programs.
- Coordinating the activities of other Federal agencies and volunteer organizations.
- Managing the President's Disaster Relief Fund.



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The Stafford Act established the Presidential Declaration Process. There are four steps in this process:

Step 1. A joint FEMA/State Preliminary Damage Assessment

Step 2. The Governor's request for assistance

Step 3. FEMA's recommendation to the President regarding the request

Step 4. The Presidential Declaration

When a disaster is considered "catastrophic," the sequence differs in that the Preliminary Damage Assessment (PDA) is conducted after the Presidential Declaration. The declaration process is described in more detail in the next unit.

## Types of Incidents

The Stafford Act defines the types of incidents considered covered by a Presidential declaration. It identifies two bases for a declaration by the President:

- ❑ **Major Disaster.** Major disasters may be caused by such natural events as floods, hurricanes, and earthquakes. Regardless of cause, they also include fires, floods, or explosions that the President feels are of sufficient magnitude to warrant Federal assistance. Although the types of incidents that may qualify as a major disaster are limited, the Federal assistance available is broader than for emergencies.

A major disaster is defined as "any natural catastrophe...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 this chapter 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."



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A Presidential declaration of a major disaster provides assistance that:

- Is beyond State and local capabilities.
- Supplements available resources of State/local governments, disaster relief organizations, and insurance.

The Governor must request a Presidential declaration for a major disaster within 30 days of the incident.

- **Emergency.** Emergencies involve any event for which the President determines that there is a need to supplement State and local efforts in order to save lives, protect property and public health, and ensure safety. Many different types of incidents may qualify as an emergency; however, the Federal assistance available for emergencies is more limited than that available for a major disaster.

An emergency is defined as "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 lessen or avert the threat of a catastrophe in any part of the United States."

A Presidential declaration of an emergency provides assistance that:

- Is beyond State and local capabilities.
- Serves as supplementary emergency assistance.
- Does not exceed \$5 million of Federal assistance.

The Governor must request a Presidential declaration for an emergency within 5 days of the incident.

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## Other Assistance

Under the Stafford Act, assistance for major disasters and emergencies is available only upon a declaration by the President. However, even when the President does not issue a major disaster or an emergency declaration, there may be certain types of assistance available through various Federal agencies including the Corps of Engineers, the Department of Agriculture, and the Small Business Administration (SBA). Without a Presidential declaration, disaster assistance from other agencies may include any of the following:

- Search and rescue
  - Flood protection
  - Fire suppression assistance
  - Health and welfare. <http://www.os.dhhs.gov>
  - Emergency conservation programs. <http://www.usda.gov>
  - Emergency loans for agriculture. <http://www.usda.gov>
  - Disaster loans for homeowners or businesses. <http://www.sba.gov>
  - Repairs to Federal Aid System roads
  - Tax refunds. <http://www.irs.gov>
  - Voluntary agency assistance. <http://www.redcross.org>
- ⇒ ***Additional information about these programs is presented in the Response Operations, Individual Assistance, Public Assistance, and Mitigation units of this course.***

A complete text of the Stafford Act, 42 U.S.C. 5121, *et seq.*, can be found at <http://www.fema.gov>. Click on Library, then click on Legal. The contents are displayed with additional hyperlinks.

Implementation details for the Stafford Act are provided in Title 44 of the Code of Federal Regulations (44 CFR). The regulations establish the Stafford Act's disaster relief programs and spell out the roles of individuals and agencies involved in providing assistance.

A complete text of The Code of Federal Regulations (44 CFR) can be found at <http://www.fema.gov>. Click on Hot Topics; click on Library; then click on Legal. The contents are displayed with additional hyperlinks.