

Statement of Keith Bea, Specialist, American National Government, Government and Finance Division, Congressional Research Service, before the U.S. Senate Special Committee on Aging, October 5, 2005

Good morning Chairman Smith, Ranking Member Kohl, and other members of the Special Committee on Aging. On behalf of the Director of CRS, I express thanks to your committee for inviting me to participate in this important hearing. As you know, all CRS analysts who testify before a congressional committee are prohibited from making policy recommendations.

I have been asked to provide background information on federal emergency management policies, the interactions of the federal government with non-federal entities in implementing those policies, and on federal evacuation policies generally. I will not address matters specific to the evacuation associated with the tragedies in the Gulf Coast states. Also, my responsibilities in CRS do not include coverage of the evacuation policies pertinent to care facilities, health institutions, or the elderly in communities. My colleagues are prepared to assist you on these in-depth policy matters as your inquiry proceeds.

A Brief Overview

Since the terrorist attacks of September 11, 2001, the Department of Homeland Security (DHS) has administered many, but not all, of the federal emergency management policies. The Homeland Security Act of 2002 (HSA), which established DHS, consolidated many of the functions and missions of the component legacy agencies. As shown in **Table 1** attached to this testimony, 13 departments (other than DHS), 8 agencies, the Executive Office of the President, and the House of Representatives implement authorities that touch upon some element of federal emergency management. Many of these are statutory authorities administered by federal entities other than DHS and focus on specific types of emergencies or conditions. For example, the Department of Energy may exercise authority during or before energy emergencies; the Secretary of Health and Human Services is authorized to issue a “public health emergency” declaration; and the Department of Justice may provide law enforcement emergency assistance to states and localities. I will not focus on these authorities, but it is important to understand the scope and reach of federal emergency management policies.

My focus will be on the emergency management policies administered by DHS, particularly the Federal Emergency Management Agency (FEMA), also referred to as the Emergency Preparedness and Response Directorate, or EPR. This morning I will review and discuss, to a limited extent, the principal emergency management authorities, federal policies pertinent to evacuation generally, and the administration of those authorities.

Principal Federal Emergency Management Authorities

Federal emergency management policy is framed by a number of statutes, presidential directives, and administrative documents. With the Committee's permission, I will review some basic information about these policy instruments.

Emergency Management Statutory Authorities. Two principal statutory authorities appear pertinent to the Committee's request for a general overview of federal emergency management policies

The Homeland Security Act. The Homeland Security Act of 2002 (P.L. 107-296, as amended), has a seven-part primary mission, which may be summarized as follows:

- preventing terrorist attacks;
- reducing vulnerability to terrorism;
- minimizing damages and aiding in the recovery from terrorist attacks;
- carrying out functions of transferred entities "including by acting as a focal point regarding natural and manmade crises and emergency planning";
- ensuring that functions "not related directly to securing the homeland" are not diminished, except by Act of Congress;
- ensuring that the economic activities of the United States are not diminished by homeland security programs; and
- monitoring and contributing to efforts to address the link between illegal drug trafficking and terrorism.¹

Title V of the HSA established the Emergency Preparedness and Response (EPR) directorate within DHS, set forth the responsibilities of the EPR Under Secretary, and for the first time, elucidated the mission of the Federal Emergency Management Agency (FEMA) in a single statutory provision. The responsibilities of the Under Secretary of EPR, like those of DHS, comprise seven elements, summarized as follows:

- improving the effectiveness of emergency response providers to "terrorist attacks, major disasters, and other emergencies";
- supporting aspects of the Nuclear Incident Response Team;
- "providing" the federal response to attacks and major disasters, including the management of the response, direction of specified teams and capabilities, and coordinating federal response resources after attacks or major disasters;
- aiding recovery from attacks and disasters;

¹ Sec. 101 of P.L. 107-296, 6 U.S.C. 111(b).

- building a “comprehensive incident management system” with federal and non-federal partners;
- consolidating federal emergency response plans into “a single, coordinated national response plan”; and
- developing programs for interoperative communications technology.²

Title V of the HSA assigns two large categories of responsibilities to FEMA. First, FEMA (this entity is synonymous with EPR) implements the Robert T. Stafford Disaster Relief and Emergency Assistance Act, discussed in some detail below, and protects “the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program.” Such a program is commonly referred to by the acronym CEM, for comprehensive emergency management.

The four CEM program components, first developed by an intergovernmental task force in the late 1970s, as set out in Title V, are:

- mitigation, “by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects”;
- planning, “for building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard”;
- response, “by conducting emergency operations to save lives and property through positioning emergency equipment and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services”; and
- recovery, “by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards.”³

The Stafford Act. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act) authorizes the President to issue major disaster declarations that authorize federal agencies to provide assistance to states overwhelmed by disasters.⁴ Through executive orders, the President has delegated to the Secretary of DHS responsibility for administering the major provisions of the Stafford Act. Assistance authorized by the statute is available to individuals, families, state and local governments, and certain nonprofit organizations.

² Sec. 502 of P.L. 107-296, 6 U.S.C. 312.

³ Sec. 507 of P.L. 107-296, 6 U.S.C. 317. A fifth component, which encapsulates the CEM framework, is to increase efficiencies “by coordinating efforts relating to mitigation, planning, response, and recovery.”

⁴ The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. For more information see CRS Report RL33053, *Federal Stafford Act Disaster Assistance: Presidential Declarations, Eligible Activities, and Funding*, by Keith Bea.

Activities undertaken under authority of the Stafford Act are provided through funds appropriated to the Disaster Relief Fund (DRF). Federal assistance supported by DRF money is used by states, localities, and certain non-profit organizations to provide mass care, restore damaged or destroyed facilities, clear debris, and aid individuals and families with uninsured needs, among other activities. In calendar year 2004, President Bush issued 68 major disaster declarations; in calendar year 2005, 35 such declarations have been issued (as of the date of this testimony), including those for Florida, Louisiana, Alabama, and Mississippi for Hurricane Katrina, and Texas and Louisiana for Hurricane Rita.⁵ A history of funds appropriated to the DRF since 1974 is presented in **Table 2**, attached to this testimony.

Presidential Declarations. Under Stafford Act authority, five types of actions may be taken by the President. Four of these are explicitly authorized; the fifth (pre-positioning of supplies and resources) has been inferred.⁶ Unlike other provisions of the Stafford Act, these declaration authorities have not been delegated to the Secretary of the Department of Homeland Security.

Prior to a Disaster. Three of the five types of declarations (or commitments) may be made under Stafford Act authority before a catastrophe occurs. First, at the request of a Governor, the President may direct that Department of Defense resources be committed to perform emergency work essential to preserve life and property in “the immediate aftermath of an incident” that may result in the declaration of a major disaster or emergency (discussed below).⁷ The statute does not define the term “incident.”

Second, the President is authorized to provide fire management assistance in the form of grants, equipment, personnel, and supplies to supplement the resources of communities when fires on public property, or on private forests or grasslands, threaten destruction that

⁵ For a list of major disaster declarations, see U.S. Federal Emergency Management Agency, “Federally Declared Disasters by Calendar Year,” available at [<http://www.fema.gov/library/drcys.shtm>], visited Aug. 29, 2005. For information on supplemental appropriations enacted in FY2005 after four hurricanes struck Florida in calendar year 2004, see CRS Report RL32581, *Supplemental Appropriations for the 2004 Hurricanes and Other Disasters*, by Keith Bea and Ralph Chite. For information on Hurricane Katrina Supplementals enacted in FY2005, see CRS Report RS22239, *Emergency Supplemental Appropriations for Hurricane Katrina Relief*, by Jennifer Lake and Ralph Chite.

⁶ Following an investigation into the response to Hurricane Andrew in 1992, the General Accounting Office (now the Government Accountability Office) reported that “Current federal law governing disaster response does not explicitly authorize federal agencies to undertake preparatory activities before a disaster declaration by the President, nor does it authorize FEMA to reimburse agencies for such preparation, even when disasters like hurricanes provide some warning that such activities will be needed.” U.S. General Accounting Office, *Disaster Management: Improving the Nation’s Response to Catastrophic Disasters* (Washington: July 23, 1993), p. 3.

⁷ The statute reads “During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act...the Governor of the state in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property. If the President determines that such work is essential for the preservation of life and property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days.” 42 U.S.C. 5170b(c).

might warrant a major disaster declaration.⁸ Implementation of this authority, which has been delegated to FEMA officials, requires that a gubernatorial request be submitted while an uncontrolled fire is burning. To be approved, state applications must demonstrate that either of the two cost thresholds established by FEMA through regulations has been reached.⁹ The thresholds involve calculations of the cost of an individual fire or the costs associated with all of the fires (declared and non-declared) in a state each calendar year.¹⁰

Third, when a situation threatens human health and safety, and a disaster is imminent but not yet declared, the Secretary of DHS may pre-position employees and supplies. DHS monitors the status of the situation, communicates with state emergency officials on potential assistance requirements, deploys teams and resources to maximize the speed and effectiveness of the anticipated federal response, and, when necessary, performs preparedness and preliminary damage assessment activities.¹¹

After a Catastrophe Occurs. The Stafford Act authorizes the President to issue two types of declarations after an incident that overwhelms state and local resources. In considering a gubernatorial request for a Stafford Act declaration, the President evaluates a number of factors, including the cause of the catastrophe, damages, needs, certification by state officials that state and local governments will comply with cost sharing and other requirements, as well as official requests for assistance. In summary, the President may issue a major disaster declaration or an emergency declaration, or may decide not to issue either.

Major Disaster Declaration. The President may issue a major disaster declaration after receiving a request from the Governor of an affected state.¹² Major disaster declarations may be issued after a natural catastrophe or, “regardless of cause, [after a] fire, flood or explosion.”¹³ A declaration authorizes the President to direct that the following types of disaster assistance be provided: (1) *general federal assistance* for technical and advisory aid and support to state and local governments in the distribution of consumable supplies;¹⁴ (2) *essential assistance* from federal agencies to distribute aid to victims through state and local governments and voluntary organizations, perform life and property saving assistance, clear debris, and use resources of the Department of Defense before a major disaster (or emergency, discussed below) occurs;¹⁵ (3) *hazard mitigation* grants to reduce

⁸ Sec. 420 of the Stafford Act, 42 U.S.C. 5187.

⁹ Regulations are found at 44 CFR 204.1 et seq.

¹⁰ 44 CFR 204.51.

¹¹ This activity is not explicitly set out in the Stafford Act. The *National Response Plan*, developed by DHS pursuant to congressional mandate, sets forth the following guidance: “When advance warning is possible, DHS may deploy liaison officers and personnel to a state emergency operations center (EOC) to assess the emerging situation.” U.S. Department of Homeland Security, *National Response Plan* (Washington: 2004), p. 91.

¹² For criteria considered in the declaration of a major disaster, see 44 CFR 206.48.

¹³ 42 U.S.C. 5122(2).

¹⁴ Sec. 402 of the Stafford Act, 42 U.S.C. 5170a.

¹⁵ Sec. 403 of the Stafford Act, 42 U.S.C. 5170b. Debris removal provided as emergency work has been designated by FEMA as “Category A” assistance. Emergency protective measures have been designed by FEMA as “Category B” assistance.

future risks and damages;¹⁶ (4) *federal facilities* repair and reconstruction;¹⁷ (5) *repair, restoration, and replacement of damaged facilities* owned by state and local governments and owners of private nonprofit facilities that provide essential services;¹⁸ (6) *debris removal* through the use of federal resources or through grants to state or local governments or owners of private nonprofit facilities;¹⁹ (7) *assistance to individuals and households* including financial grants to rent alternative housing, direct assistance through temporary housing units (mobile homes), limited financial assistance for housing repairs and replacement, and financial assistance for medical, dental, funeral, personal property, transportation and other expenses;²⁰ (8) *unemployment assistance* to individuals unemployed as a result of the major disaster;²¹ (9) *grants to assist low-income migrant and seasonal farmworkers* to be provided by the Secretary of Agriculture (total limited to \$20 million annually) “where the Secretary determines that a local, state or national emergency or disaster” has resulted in a loss of income or inability to work;²² (10) *food coupons and distribution* for low-income households unable to purchase nutritious food;²³ (11) *food commodities* for emergency mass feeding;²⁴ (12) *legal services* for low-income individuals;²⁵ (13) *crisis counseling assistance and training* grants for state and local governments or private mental health organizations to provide services or train disaster workers;²⁶ (14) *community disaster loans* to local governments that lose tax or other revenues needed for governmental services;²⁷ (15) *emergency communications* to establish temporary communications during, “or in anticipation of an emergency or major disaster;”²⁸ and (16)

¹⁶ Sec. 404 of the Stafford Act, 42 U.S.C. 5170c.

¹⁷ Sec. 405 of the Stafford Act, 42 U.S.C. 5171.

¹⁸ Sec. 406 of the Stafford Act, 42 U.S.C. 5172. Private nonprofit facilities that provide “critical services” (power, water, sewer, wastewater treatment, communications, and emergency medical care) may receive grants. Owners of other facilities that provide essential, but not critical, services must first apply for a Small Business Administration (SBA) loan, and may then receive grants if they are ineligible for such a loan or require aid above the amount approved by the SBA. The permanent work supported under this authority has been designated by FEMA as follows: “Category C,” roads and bridges; “Category D,” water control facilities; “Category E,” buildings and equipment; “Category F,” utilities; and “Category G,” parks, recreational facilities, and other items. For more information, see U.S. Department of Homeland Security, Federal Emergency Management Agency, “Public Assistance Guide - FEMA Publication 322,” available at [http://www.fema.gov/pdf/rrr/pa/pagprnt_071905.pdf], visited Sept. 5, 2005.

¹⁹ Sec. 407 of the Stafford Act, 42 U.S.S. 5173.

²⁰ Sec. 408 of the Stafford Act, 42 U.S.C 5174. [Sec. 409, food coupons and distribution, was redesignated Sec. 412.]

²¹ Sec. 410 of the Stafford Act, 42 U.S.C. 5177.

²² 42 U.S.C. 5177a.

²³ Sec. 412 of the Stafford Act, 42 U.S.C. 5179.

²⁴ Sec. 413 of the Stafford Act, 42 U.S.C. 5180.

²⁵ Sec. 415 of the Stafford Act, 42 U.S.C. 5182. [Sec. 414 of the Act waives residency requirements for replacement housing eligibility.]

²⁶ Sec. 416 of the Stafford Act, 42 U.S.C. 5183.

²⁷ Sec. 417 of the Stafford Act, 42 U.S.C. 5184.

²⁸ Sec. 418 of the Stafford Act, 42 U.S.C. 5185.

emergency public transportation to provide transportation to essential places.²⁹ Each major disaster declaration specifies the type of incident covered, the time period covered, the types of disaster assistance available, the counties affected by the declaration, and the name of the federal coordinating officer. Amendments to major disaster declarations often modify the types of assistance to be provided and the areas (generally counties) included in the major disaster declarations.

The Stafford Act does not establish a cap on the total assistance to be provided after the President issues a major disaster declaration. However, the statute does establish minimum and maximum restrictions on the federal assistance to be provided. Presidents have, for the most serious and costly disasters, exercised discretion in waiving the cost-share generally required to be provided by the affected states. Summaries of the federal share of assistance, and limitations on that assistance, follow:

- *Essential assistance:* The federal share must be at least 75% of eligible costs.
- *Hazard mitigation:* Up to 75% of the cost of approved measures may be provided, but total federal assistance cannot exceed 7.5% of the total assistance provided under the major disaster provisions (Title IV) of the Stafford Act.
- *Repair, restoration, or replacement of public facilities:* In general, at least 75% of eligible costs must be provided, but this threshold may be reduced to 25% if a facility has previously been damaged by the same type of disaster if mitigation measures have not been adopted to address the hazard. Federal aid generally will be reduced if facilities in flood hazard areas are not covered by flood insurance. Cost estimation regulations must be adhered to, but the President may approve costs that exceed the regulatory limitations. “Associated costs,” associated with the employment of national guard forces, use of prison labor, and base and overtime wages for employees and “extra hires,” as well as “extraordinary costs” incurred by the state, are capped at percentages established in the statute, based on the net eligible cost of assistance. The President must notify congressional committees with jurisdiction before providing more than \$20 million to repair, restore, or replace facilities.
- *Debris removal:* The federal share must be at least 75% of the eligible costs.
- *Individual and household assistance:* Temporary housing units may be provided directly to victims of disasters, without charge, for up to 18 months, unless the President extends the assistance “due to extraordinary circumstances.” Fair market rents may be charged at the conclusion of the 18-month period. Up to \$5,000 (adjusted annually) may be provided for housing repair or hazard mitigation measures, and up to \$10,000 (adjusted annually) may be provided for the replacement of private residences.³⁰ The

²⁹ Sec. 419 of the Stafford Act, 42 U.S.C. 5186.

³⁰ Financial assistance to build permanent housing may be provided in insular areas outside the continental United States “and in other remote locations” where temporary housing alternatives are not available.

federal share of housing assistance is 100%. Financial assistance is also provided for uninsured medical, dental, funeral, transportation, personal property, and other needs; the federal share for this assistance is capped at 75%. The total amount of financial aid to be provided to an individual or household cannot exceed \$25,000 (adjusted annually).

- *Unemployment assistance:* Individuals unemployed as a result of a major disaster may receive assistance for up to 26 weeks, as long as they are not entitled to other unemployment compensation or credits.

Emergency Declaration. The declaration process for emergencies is similar to that used for major disasters, but the criteria (based on the definition of “emergency”) are less specific.³¹ The President may issue an emergency declaration without a gubernatorial request if primary responsibility rests with the federal government.³² The types of *emergency assistance* authorized to be provided under an emergency declaration include the following: (1) support state and local emergency assistance; (2) coordinate disaster relief provided by federal and non-federal organizations; (3) provide technical and advisory assistance to state and local governments; (4) provide emergency assistance through federal agencies; (5) remove debris through grants to state and local governments and direct federal assistance; (6) award grants to individuals and households for temporary housing and other needs; and (7) help states distribute medicine, food, and other consumables. Expenditures for an emergency are limited to \$5 million per declaration unless the President determines that there is a continuing need; Congress must be notified if the \$5 million ceiling is breached. The federal share of emergency assistance must be at least 75% of eligible costs.

Federal Evacuation Statutory Authorities. A database search of the *U.S. Code* by CRS revealed 15 statutory provisions that pertain to evacuations.³³ **Table 3**, attached to this testimony, summarizes the provisions and identifies the citations. Four of those thirteen provisions were recently enacted by Congress, and signed into law by President Bush on August 10, 2005, in the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (P.L. 109-59). These statutory provisions range from very general authority (such as the mission of FEMA, in executing its response functions, being responsible for “evacuating potential victims,” as well as the congressional finding that public and private sector emergency preparedness actions should include evacuation plans) to specific requirements concerning the currency of computer models and the completion of studies and reports.

³¹ A Stafford Act “emergency” is “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.” 42 U.S.C. 5122(1).

³² “The President may exercise any authority vested in him by ... this title with respect to an emergency when he determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority. In determining whether or not such an emergency exists, the President shall consult the Governor of any affected state, if practicable. The President’s determination may be made without regard to subsection (a) of this section.” 42 U.S.C. 5191(b).

³³ These results are not presented as a comprehensive search of all statutory provisions that pertain to evacuations. The use of search terms more broad and inclusive than those used by CRS might result in a larger set of statutory provisions.

In general, federal policy defers to the states to enact laws pertinent to evacuation, and local officials generally work with state officials to enforce those laws. Using the authority set out in state laws and local ordinances, state and local officials may suggest or require the evacuation of residents from homes and communities before catastrophes occur.³⁴

Administrative Authorities

The national preparedness system (NPS), administered by the Department of Homeland Security (DHS), has significant implications for the operations and priorities of homeland security officials, emergency managers, and first responders. The NPS documents and procedures issued in 2004 and 2005 will guide federal funding allocation decisions in FY2006, direct federal and non-federal efforts to build emergency response capabilities, and establish the means by which homeland security priorities will be set, in an effort to save lives and property when catastrophes occur. Work on the NPS stems from authority set out in the Homeland Security Act of 2002 (P.L. 107-296), the DHS appropriations legislation for FY2005 (P.L. 108-334), and executive directives issued by President Bush.

Six basic documents make up the NPS. First, the National Preparedness Goal (NPG) sets a general goal for national preparedness, identifies the means of measuring such preparedness, and establishes national preparedness priorities. Second, 15 planning scenarios set forth examples of catastrophic situations to which non-federal agencies are expected to be able to respond. Third, the Universal Task List (UTL) identifies specific tasks that federal agencies, and non-federal agencies as appropriate, would be expected to undertake. Fourth, the Target Capabilities List identifies 36 areas in which responding agencies are expected to be proficient in order to meet the expectations set out in the UTL. Fifth, the National Response Plan (NRP) sets out the framework in which federal agencies (and voluntary agencies) operate when a catastrophe occurs. Sixth, the National Incident Management System (NIMS) identifies standard operating procedures and approaches to be used by respondent agencies as they work to manage the consequences of a catastrophe. These documents (and other ancillary agreements) are intended to establish a national system to ensure that the response to a catastrophe will be as efficient and effective as possible.

National Response Plan. As noted above, the HSA authorizes the Secretary of Homeland Security, acting through the Under Secretary for EPR, to “consolidat[e] existing federal government emergency response plans into a single, coordinated national response plan.” Section 16 of Homeland Security Presidential Directive-5 requires the Secretary of Homeland Security to “develop, submit for review to the Homeland Security Council, and administer a National Response Plan (NRP).” The directive mandates that the plan integrate federal domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazard plan.

On January 6, 2005, then-DHS Secretary Tom Ridge released the NRP.³⁵ The NRP includes emergency support functions assigned to federal agencies (and the American Red Cross), sets out the interagency organizational frameworks, and includes annexes for certain

³⁴ State laws generally authorize the governor to order and enforce the evacuation of residents under emergency situations. See CRS Report RL32287, *Emergency Management and Homeland Security Statutory Authorities in the States, District of Columbia, and Insular Areas: a Summary*, by Keith Bea, Government and Finance Division, CRS, and L. Cheryl Runyon and Kae M. Warnock, consultants, p. 4.

³⁵ The text of the NRP is available at “Emergencies & Disasters, National Response Plan,” available at [<http://www.dhs.gov/dhspublic/display?theme=14&content=4264>], visited Sept. 29, 2005.

types of catastrophes and activities. **Figure 2** of the NRP, submitted to the Committee as supporting visual material, identifies the responsibilities of the federal agencies under the NRP for certain missions.

Involvement of Non-Federal Entities

Federal emergency management is based upon a complex set of actions involving not only federal agencies, but also state and local governments, tribal organizations, voluntary organizations (including religious entities), the private sector, and individuals and families. The policies summarized above, and the procedures and practices that have developed to implement these policies, acknowledge that federal authorities are crucial, but not the only sources critical to the survival and restoration of communities.

The Stafford Act acknowledges the role and importance of non-federal entities. For example, the findings and declarations section of the Stafford Act notes that “special measures, designed to assist the efforts of the affected states...” are needed before and after disasters, and that the act provides “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....”³⁶ In an effort to provide information to Congress on the role of the states, CRS has identified many (but not all) of the state emergency management and homeland security statutory authorities that direct state and local efforts.³⁷

The statute also requires that federal assistance be predicated upon the maintenance of insurance,³⁸ and that federal aid provided under the act not duplicate such assistance.³⁹ The Act also establishes, as a function of the federal coordinating officer (FCO), the coordination of relief by state and local governments, “the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations.”⁴⁰

The preparedness of families and individuals, the planning and practices conducted by private organizations, and the exercise of state and local authorities all converge at the scene of a catastrophe. The federal role, as established by statute, administrative directive, and tradition, is one of coordination and assistance, whether through financial means, technical aid, or the transfer of material or supplies. The emergency management partnership is intended to save lives and property by ensuring that the burdens encountered in extreme events are shared. The coordination of planning efforts of individual institutions with local emergency planning activities is critical, whether those institutions are prisons, long-term health care facilities, homes for the elderly, or hospitals.

³⁶ 42 U.S.C. 5121.

³⁷ Summary information is presented in CRS Report RL32287, *Emergency Management and Homeland Security Statutory Authorities in the States, District of Columbia, and Insular Areas: a Summary*, by Keith Bea and others. Individual profiles of state authorities are listed in **Table 1** of that report.

³⁸ 42 U.S.C. 5154.

³⁹ 42 U.S.C. 5155.

⁴⁰ 42 U.S.C. 5143.

Experience has made evident certain lessons.⁴¹ Redundant, interoperable communications systems are necessary to ensure that facilities are able to relay their status and needs to emergency managers. Public safety officers and resources are needed to protect facilities, their resources, their staff, and their patients. Complex disasters create challenges not experienced in smaller catastrophes. For example, a single ambulance company may have contracts with multiple facilities to evacuate their patients. This works for isolated disasters such as a fire at a single facility, but such “double-counting” becomes a problem when facilities are affected across a wide area. Double-counting can also pose a problem in planning for extra staffing during disasters, when one volunteer health professional has signed up to assist multiple facilities. In each case, facilities believe they have their needs covered, when in fact, if a wide area is affected, they will not.

Similarly, the possible loss of first responders and emergency management facilities, such as emergency operation centers, requires adaptability and the readiness to implement “plans B, C or maybe D.” Any faulty assumption that a certain resource, facility, or even landmark will be there when catastrophe strikes, will force all parties, not just federal officers, to adjust plans and procedures.

The involvement of private and state and local officials in the identification of vulnerable populations is an important element of emergency preparedness. Lists maintained by utility companies of customers on life-support equipment, motor vehicle departments’ handicapped permit registrations, and records of Meals-on-Wheels programs serving the homebound are all means of identifying those likely to be in need. In addition, many resources are available from non-federal entities. For example, the National Organization on Disability has issued a *Guide on the Special Needs of People with Disabilities for Emergency Managers, Planners & Responders*.⁴² Also, the Research and Training Center on Independent Living, associated with the University of Kansas, has developed a document that raises challenges associated with the needs of special populations and makes recommendations for addressing those needs in emergency preparedness activities.⁴³ These documents, like others that may exist, provide ideas for the protection of certain sectors of the Nation’s population, and they are used by federal and non-federal emergency management professionals in all areas.

The efforts made by individual states and cities may serve as examples for federal action. For example, the Florida state health department pre-registered certain individuals before the four hurricanes struck in 2004. These individuals were advised and assisted in their evacuation to “special needs shelters.” These shelters were set up to provide for individuals with limited medical or nursing needs that could not be met in general shelters, such as those run by the Red Cross. The shelters were staffed by Disaster Medical Assistance Teams and teams of health professionals deployed by FEMA. Special needs shelters are considered a versatile tool in providing health care support to vulnerable populations during disasters.⁴⁴

⁴¹ Much of the following information was developed by Sarah A. Lister, Specialist in Public Health and Epidemiology, Domestic Social Policy Division, CRS.

⁴² Document available at [<http://nod.org/resources/PDFs/epiguide2005.pdf>], visited Sept. 30, 2005.

⁴³ Elizabeth Davis and Jennifer Mincin, *Incorporating Special Needs Populations into Emergency Planning and Exercises*, available at [<http://www.rtcil.org/JMFinal072105.pdf>], visited Sept. 29, 2005.

⁴⁴ For example, see the document prepared by the Association of State and Territorial Health Officials (continued...)

I appreciate the opportunity to address the Committee and am ready to respond to your questions on the general matter of emergency management policies and practices.

⁴⁴ (...continued)

available at [<http://www.astho.org/pubs/SpecialNeeds.pdf>], visited Sept. 29, 2005.

Table 1. Statutory Emergency Authorities of Federal Agencies (Other than Department of Homeland Security)

Organization or official	Citation	Task or authority
Dept. of Agriculture	7 U.S.C. 1926a 7 U.S.C. 1961 7 U.S.C. 2273 16 U.S.C. 2106 16 U.S.C. 2201	emergency water infrastructure aid disaster loan search and rescue assistance fire suppression repair from winds
Dept. of Commerce	16 U.S.C. 1455 42 U.S.C. 3149 42 U.S.C. 3192	coastal flood management economic assistance disaster recovery assistance recovery information
National Institute of Standards and Technology	15 U.S.C. 7301	building standards
National Oceanic and Atmospheric Admin.	15 U.S.C. 313c	flood warning
Dept. of Defense	10 U.S.C. 138 10 U.S.C. 371 10 U.S.C. 382 32 U.S.C. 503 50 U.S.C. 2301 50 U.S.C. 2314	homeland security coordination law enforcement assistance weapons of mass destruction seismic vulnerability emergency preparedness assistance emergency response team
Corps of Engineers	33 U.S.C. 426p 33 U.S.C. 467 33 U.S.C. 701n 33 U.S.C. 709a 33 U.S.C. 2332 33 U.S.C. 2240 33 U.S.C. 2293	flood emergency aid dam safety emergency response flood hazards flood hazards port emergencies civil works management
Dept. of Education	20 U.S.C. 1065 20 U.S.C. 6337 20 U.S.C. 7138 20 U.S.C. 7217 20 U.S.C. 7428 20 U.S.C. 9251	emergency fund use emergency waiver authority school crises emergency waiver authority emergency waiver authority emergency waiver authority
Dept. of Energy	16 U.S.C. 824a(c) 42 U.S.C. 6323 42 U.S.C. 7270c 42 U.S.C. 7274d 42 U.S.C. 10137	energy emergencies energy emergencies facility vulnerability emergency training emergency training

Organization or official	Citation	Task or authority
Dept. of Health and Human Services	42 U.S.C. 247d 42 U.S.C. 243 42 U.S.C. 239 42 U.S.C. 249 42 U.S.C. 267 42 U.S.C. 300hh 42 U.S.C. 8621 42 U.S.C. 1320b 42 U.S.C. 3030	public health emergency quarantines, public health plans smallpox response medical care for those quarantined quarantine stations national stockpile emergency energy aid waiver authority elderly assistance
Dept. of Housing and Urban Development	12 U.S.C. 1701n 12 U.S.C. 1709 42 U.S.C. 3539 42 U.S.C. 5306 42 U.S.C. 5321 42 U.S.C. 12750	reduce attack vulnerability mortgage assistance disaster fund reallocation of funds waiver authority matching fund waiver
Dept. of the Interior	16 U.S.C. 1011 42 U.S.C. 5204 43 U.S.C. 502-503	watershed protection disaster recovery plans emergency fund for reclamation
Public Lands Corps	16 U.S.C. 1723	disaster prevention and relief
Dept. of Justice (Attorney General)	20 U.S.C. 7138 42 U.S.C. 10501	school safety law enforcement aid
Dept. of Labor	29 U.S.C. 2918	emergency grants
Dept. of Transportation	23 U.S.C. 125 23 U.S.C. 310 23 U.S.C. 502 33 U.S.C. 1225 33 U.S.C. 1226 49 U.S.C. 60132(c) 49 U.S.C. 5102 50 U.S.C. 191	emergency funds civil defense seismic vulnerability structure protection vessel protection emergency pipeline response hazardous material transportation vessels in emergency situations
Dept. of the Treasury	19 U.S.C. 1318 26 U.S.C. 5708 29 U.S.C. 1148 29 U.S.C. 1302 42 U.S.C. 2414	emergency authority disaster loss aid waiver authority waiver authority flood insurance funding
Dept. of Veterans Affairs	38 U.S.C. 1785 38 U.S.C. 8117 38 U.S.C. 7325 38 U.S.C. 7326 38 U.S.C. 8105 38 U.S.C. 8111A	medical assistance public health emergencies medical response plans emergency training facility safety health care provision
Corporation for National and Community Service	24 U.S.C. 12576	disaster relief

Organization or official	Citation	Task or authority
Environmental Protection Agency	42 U.S.C. 300g 42 U.S.C. 300i 42 U.S.C. 300j 42 U.S.C. 7274d 42 U.S.C. 9601 42 U.S.C. 9662 42 U.S.C. 11001	water safety after disasters vulnerability assessment preparedness grants training grants environmental response water pollutants and emergencies hazardous material releases
Executive Office of the President		
President	42 U.S.C. 217 42 U.S.C. 5170 42 U.S.C. 5187 42 U.S.C. 960 47 U.S.C. 606(c) 50 U.S.C. 2301 50 U.S.C. 1621 - 1622	use of Public Health Service declaration authority fire suppression hazardous substance releases control of radio stations weapons of mass destruction national emergencies
Homeland Security Council	6 U.S.C.A. 491-496	consultation, coordination
National Security Council	50 U.S.C. 2352 - 2353	crisis management
Office of Science and Technology Policy	42 U.S.C. 6613, 6617	advice, consultation
National Aeronautics and Space Admin.	42 U.S.C. 2487	technology for health needs
National Foundation on the Arts and the Humanities		
Institute of Museum and Library Services	20 U.S.C. 9133	waiver authority
National Nuclear Security Administration	50 U.S.C. 2401 - 2402	facility management
Nuclear Regulatory Commission	42 U.S.C. 2242(a)	facility licenses
Office of Personnel Management	5 U.S.C. 3110	employment waivers
Small Business Administration	15 U.S.C. 631(e,g), 636d	disaster loans

Organization or official	Citation	Task or authority
U.S. House of Representatives		
Office of Emergency Planning, Preparedness, and Operations	2 U.S.C. 130i	emergency management authority
All departments and agencies		
Agency heads	42 U.S.C. 1856b	emergency fire assistance authorized

Source: CRS Report RL33064, *Organization and Mission of the Emergency Preparedness and Response Directorate: Issues and Options for the 109th Congress*, by Keith Bea. **Table 1** information based upon a CRS examination of federal statutory authority. Thomas P. Carr, Government and Finance Division, provided database search assistance.

Note: **Table 1** does not identify presidential directives that assign responsibilities for and establish federal policies pertinent to the mission of EPR. Some of these directives include Executive Orders 12241 (radiological emergencies), 12580 (hazardous substance releases), 12656 (federal emergency preparedness), 12777 (oil discharges), and 13016 (Superfund amendments).

Table 2. Disaster Relief Fund, FY1974-FY2005
(millions of dollars)

FY	Total Appropriations					Outlays	
	^a Request	Original	Supple- mental	Nominal	Constant 2005	Nominal	Constant 2005
1974	100	200	233	433	1,412	250	816
1975	100	150	50	200	591	206	609
1976	187	187	0	187	517	362	999
1977	100	100	200	300	770	294	754
1978	150	115	300	415	997	461	1,108
1979	200	200	194	394	876	277	616
1980	194	194	870	1,064	2,175	574	1,173
1981	375	358	0	358	668	401	746
1982	400	302	0	302	526	115	201
1983	325	130	0	130	217	202	337
1984	0	0	0	0	0	243	391
1985	100	100	0	100	156	192	299
1986	194	100	250	350	533	335	511
1987	100	120	^b 0	120	178	219	325
1988	125	120	0	^c 120	173	187	269
1989	200	100	^d 1,108	1,208	1,674	140	194
1990	270	98	^e 1,150	1,248	1,668	1,333	1,781
1991	270	0	0	0	0	552	711
1992	^f 184	185	4,136	^g 4,321	5,429	902	1,134
1993	292	292	2,000	^h 2,292	2,816	2,276	2,796
1994	ⁱ 1,154	226	^j 4,709	4,935	5,935	3,743	4,502
1995	320	320	^k 3,275	3,595	4,235	2,116	2,492
1996	320	222	^k 3,275	^k 3,497	4,042	2,233	2,581
1997	320	^l 1,320	^l 3,300	4,620	5,248	2,551	2,898
1998	^m 2,708	320	ⁿ 1,600	1,920	2,155	1,998	2,242
1999	^o 2,566	^p 1,214	^q 1,130	2,344	2,597	3,746	4,149
2000	2,780	^r 2,780	0	2,780	3,019	2,628	2,853
2001	2,909	300	^{s, t}	^t 5,890	6,249	3,217	3,413
2002	^u 1,369	664	^v 7,008	^v 12,160	12,677	3,947	4,114
2003	1,843	800	^w 1,426	^w 2,199	2,255	8,541	8,761
2004	1,956	1,800	^x 2,275	^x 2,042	^y 2,068	^y 3,044	^y 3,082
2005	2,151	2,042	^x 68,500	70,542	70,542	^y 3,363	^y 3,363
Total	24,240	16,360	108,988	132,099	144,455	50,648	60,224

Sources: U.S. President, annual budget documents; appropriations legislation; U.S. FEMA budget justifications. Nominal amounts are the actual appropriations; 2005 constant dollar amounts based on CRS calculations in turn based on GDP (chained) price index in U.S. President (Bush), *Historical Tables, Budget of the United States Government, Fiscal Year 2005* (Washington: 2004), pp. 184-185. Table prepared by Keith Bea, Specialist in American National Government, Government and Finance Division, CRS.

a. Data in the request column generally represent the first budget request submitted by the Administration each year and do not include amended or supplemental requests. Notes in this column provide additional detail.

- b. In Feb. 1987, a total of \$57.475 million was rescinded and transferred from the DRF to the Emergency Food and Shelter Program account (P.L. 100-6; 101 Stat. 92). That amount was returned to the fund the same year in supplemental appropriations legislation enacted in July 1987 (P.L. 100-71; 101 Stat. 412).
- c. P.L. 100-202 (101 Stat. 329), the Continuing Appropriations Act for FY1988, appropriated \$120 million for disaster relief. According to FEMA, the original appropriation for that fiscal year was \$125 million, but \$5 million was transferred to the Department of Labor for “low income agriculture workers.”
- d. Supplemental funds were included in P.L. 101-100 (101 Stat. 640), continuing appropriations legislation enacted after Hurricane Hugo struck in Sept. 1989. According to FEMA, this amount was “referred to as a supplemental but was an increase in the original appropriation during a continuing resolution.”
- e. P.L. 101-130 (103 Stat. 775), enacted after the Loma Prieta earthquake, appropriated \$1.1 billion in supplemental funding for FY1990. In addition, \$50 million was appropriated in P.L. 101-302 (104 Stat. 214), dire emergency supplemental appropriations legislation. **Table 2** does not reflect a \$2.5 million transfer from the President’s unanticipated needs fund.
- f. FY1992 request does not include the budget amendment of \$90 million submitted by the Administration.
- g. Appropriations for FY1992 included a \$943 million dire emergency supplemental in P.L. 102-229 (105 Stat. 1701), enacted in fall 1991 after Hurricane Bob; \$300 million after the Los Angeles riots and flooding in Chicago (spring 1992) in P.L. 102-302 (106 Stat. 248); and \$2.893 billion in P.L. 102-368 (106 Stat. 1117) after Hurricanes Andrew and Iniki, Typhoon Omar, and other disasters.
- h. Total for FY1993 includes the \$2 billion supplemental approved after the Midwest floods in 1993 (P.L. 103-75; 107 Stat. 739).
- i. The original FY1994 budget request was \$292 million. On July 29, 1993, a supplemental request of \$862 million was sent by President Clinton to Congress.
- j. Supplemental appropriations for FY1994 enacted after the Northridge earthquake struck Los Angeles (P.L. 103-211; 108 Stat. 13).
- k. Additional supplemental appropriation approved for Northridge earthquake costs (P.L. 104-19; 109 Stat. 230) for FY1995, with the same amount (\$3.275 billion) reserved for a contingency fund for FY1996 (P.L. 104-19; 109 Stat. 231). However, \$1 billion of the contingency fund was rescinded in FY1996 omnibus appropriations, P.L. 104-134 (110 Stat. 1321-358). In the same legislation, another \$7 million was also appropriated to other FEMA accounts for costs associated with the bombing of the Alfred P. Murrah federal building in Oklahoma City (P.L. 104-134; 109 Stat. 254).
- l. The FY1998 budget appendix (p. 1047) noted a transfer of \$104 million from the disaster relief fund in FY1996. In the FY1997 appropriations act (P.L. 104-204; 110 Stat. 1321-358), \$1 billion that had been rescinded in FY1996 (P.L. 104-134) was restored, and \$320 million in new funds were appropriated. Supplemental appropriations of \$3.3 billion were approved in P.L. 105-18 (111 Stat. 200) after flooding in the Dakotas and Minnesota, and after storms in other states were declared major disasters. The legislation specified, however, that of the total, \$2.3 billion was to be available in FY1998 only when FEMA submitted a cost control report to Congress. This requirement was met, and the funding was made available in FY1998.
- m. The FY1998 request consisted of a \$320 million base amount plus \$2.388 billion “to address actual and projected requirements from 1997 and prior year declarations.” (*Budget Appendix FY1998*, p. 1047). Does not include \$50 million requested for the DRF for mitigation activities.
- n. Supplemental appropriations legislation (P.L. 105-174; 112 Stat. 77) for FY1998, approved for flooding associated with El Niño and other disasters.
- o. The FY1999 request consisted of \$307.8 million for the DRF and an additional \$2.258 billion in contingency funding to be available when designated as an emergency requirement under the Balanced Budget Act of 1985, as amended.
- p. The FY1999 omnibus appropriations act (P.L. 105-277; 112 Stat. 2681-579) included \$906 million for costs associated with Hurricane Georges, flooding associated with El Niño, and other disasters.
- q. Emergency supplemental appropriations for FY1999 (P.L. 106-31; 113 Stat. 73) included \$900 million for tornado damages as well as \$230 million for unmet needs, subject to allocation directions in the conference report (H.Rept. 106-143).
- r. FY2000 appropriations act (P.L. 106-74, 113 Stat. 1085) included disaster relief funding as follows: \$300 million in regular appropriations and \$2.480 billion designated as emergency spending for costs associated with Hurricane Floyd and other disasters. In addition, the Consolidated Appropriations Act (P.L. 106-113; 113 Stat. 1501) authorized the Director of FEMA to use up to \$215 million in disaster relief funds appropriated in P.L. 106-74 (113 Stat. 1047) for the purchase of residences flooded by Hurricane Floyd, under specified conditions.
- s. Supplemental appropriations legislation (P.L. 106-246; 114 Stat. 568) authorized that \$50 million from the DRF was to be used for buyout and relocation assistance for victims of Hurricane Floyd. The act also appropriated \$500 million in a separate account (P.L. 106-246; 114 Stat. 590) for claim compensation and administrative costs associated with the Cerro Grande fire that destroyed much of Los Alamos, New Mexico.
- t. P.L. 107-38 (115 Stat. 220) appropriated \$40 billion in response to the terrorist attacks of Sept. 11, 2001. Pursuant to the statute, these funds for FY2001 were allocated by the Office of Management Budget from

- the Emergency Response Fund (ERF). Of the total appropriated in P.L. 107-38 after the Sept. 11 attacks, \$4.357 billion was allocated for FY2001 through P.L. 107-117 (115 Stat. 2338). The total available for obligation for FY2001 (\$5.9 billion) taken from FEMA *Justification of Estimates, FY2003*, p. DR-2.
- u. Request for FY2002 did not include funding for the Disaster Relief Contingency Fund.
 - v. Congress appropriated a total of \$7.008 billion for FY2002 in P.L. 107-117 (115 Stat. 2238) and P.L. 107-206 (116 Stat. 894) to meet additional needs associated with the terrorist attacks. Total funds available (\$12.16 billion) include a transfer from TSA, \$1 billion released from the Emergency Contingency Fund, and other sources. See DHS, Emergency Preparedness and Response Directorate, *Justification of Estimates, FY2004*, p. DR-2.
 - w. Includes \$983.6 million in P.L. 108-69 (117 Stat. 885) and \$441.7 million in P.L. 108-83 (117 Stat. 1037) to meet needs associated with tornadoes, winter storms, the recovery of wreckage of the Space Shuttle *Columbia* and other disasters. Also, funds appropriated in these measures and in the FY2004 appropriations act for DHS (P.L. 108-90; 117 Stat. 1137) have been used for costs associated with Hurricane Isabel. Total of \$2.199 billion available taken from DHS, Emergency Preparedness and Response Directorate, *Justification of Estimates, FY2005*, p. FEMA-18.
 - x. P.L. 108-106 (117 Stat. 1209), which primarily addressed reconstruction costs in Iraq and Afghanistan, also contained an appropriation of \$500 million for needs arising from disasters in fall 2003, including Hurricane Isabel and the California fires (117 Stat. 1220). Sec. 4002 of the act designates the funds an emergency requirement pursuant to the budget resolution adopted by Congress (H.Con.Res. 95), but the Consolidated Appropriations Act for FY2004 (Sec. 102(a), Division H, P.L. 108-199; 118 Stat. 454) rescinded \$225 million of the \$500 million appropriated in P.L. 108-106 (117 Stat. 1220). Total of \$2.043 billion taken from: DHS, Emergency Preparedness and Response Directorate, *Justification of Estimates, FY2005*, p. FEMA-18. P.L. 108-303 (118 Stat. 1124), enacted after Hurricanes Charley and Frances struck Florida, appropriated \$2 billion to the DRF and gave discretion to DHS to transfer \$30 million to the Small Business Administration for disaster loans. P.L. 108-324, Division B of the Military Construction Appropriations Act for FY2005, appropriated an additional \$6.5 billion to the DRF (118 Stat. 1247). Congress also appropriated \$10 billion in P.L. 109-61 (119 Stat. 1988), approved by Congress in a special session of the leadership and signed by the President on September 2, 2005, as an immediate response to the needs caused by Hurricane Katrina. A second supplemental for costs associated with Hurricane Katrina (\$50 billion, P.L. 109-62; 119 Stat. 1990) was approved by Congress and signed by President Bush on September 8, 2005.
 - y. Outlay data and constant dollar calculations based on estimates.

Table 3. Federal Statutory Provisions on Evacuation Policy

Summary	Citation
Federal employees and their dependents may receive assistance if they must be evacuated.	5 U.S.C. 5709, 5725, 5922, 5923
The role of FEMA includes evacuating disaster victims.	6 U.S.C. 317
National Construction Safety Teams must evaluate technical aspects of evacuation procedures and recommend research.	15 U.S.C. 7301, 7307-7308
Chief of Engineers may use funds to evacuate persons in a flood wall project area if the cost of the project can be substantially reduced.	33 U.S.C. 701i
Emergency preparedness activities include non-military civilian evacuation and evacuation of personnel during hazards.	42 U.S.C. 5195a
Computer models for evacuation must be periodically evaluated and improved.	42 U.S.C. 7403(f)(2)(C)
Temporary housing and evacuation of threatened persons are to be included in the scope of hazardous substance removal.	42 U.S.C. 9601(23)
Emergency plans completed by local emergency planning committees (LEPCs) must include evacuation plans.	42 U.S.C. 11003
Owners of facilities where a hazardous chemical release occurs must provide information on precautions to be taken, including evacuation.	42 U.S.C. 11004(b)(2)
Secretary of Transportation must establish incident response plans for facilities and vessels that include evacuation procedures.	46 U.S.C. 70104(b)
Congressional finding made that private and public sector emergency preparedness activities should include an evacuation plan.	P.L. 108-458, §7305, 118 Stat. 3848
Evacuation routes may be included as components of the National Highway System under the high priority corridor designations.	P.L. 109-59 (H.R. 3, Sec. 1304 (a))
The Secretary of the Department of Transportation (DOT) and the Secretary of Homeland Security, in coordination with the Gulf Coast States and contiguous states, must review and assess federal and state evacuation plans for catastrophic hurricanes impacting the Gulf Coast Region and report, by October 1, 2006, findings and recommendations to Congress.	P.L. 109-59 (H.R. 3, Sec. 10204)
The National Science Foundation is to produce a public transportation security study of public systems' ability to accommodate the emergency evacuation, egress, or ingress from urban areas with populations over one million.	P.L. 109-59 (H.R. 3, Sec. 3046)
Emergency evacuation studies are a required DOT activity under the deployment of the transportation model known as the "Transportation Analysis Simulation System."	P.L. 109-59 (H.R. 3, Sec. 5512(b)(4))

Source: CRS compilation based on database searches conducted by Thomas P. Carr, Analyst in American National Government, Government and Finance Division, and contributions by Robert S. Kirk, Economic Analyst, Transportation, Resources, Science, and Industry Division, both of CRS.

Note: **Table 3** excludes statutory provisions related to military personnel, criminal offenses, foreign nations and international relations, liability, and payment of costs,

