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International Crises and Disasters: U.S. Humanitarian Assistance Response Mechanisms

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Summary

The majority of humanitarian emergencies worldwide stem from natural disasters or from conflicts. Congress has consistently supported humanitarian efforts as a means of saving lives, promoting stability, and furthering U.S. foreign policy objectives. Intervention results in varying amounts of relief and recovery assistance and can have an important impact not only on the relief operation itself but on broader foreign policy issues. In the 114th Congress, international humanitarian and refugee assistance is expected to continue to have a strong measure of bipartisan interest, with key policy issues focused on budget priorities, levels and types of funding, the sources of other support available worldwide, and the ways in which operational assistance is delivered.

Factors that may impact decision-making include the type of humanitarian assistance required, the impact of conflict and refugee flows on stability in the region in question, and the role of neighboring countries in contributing to the relief effort. Examples of issues likely to remain of congressional interest include competing aid and budget priorities, reimbursing U.S. government agencies for their expenditures (to replenish the emergency accounts or other accounts that have been used to provide assistance), and civilian and military coordination, including the evolving role of the Department of Defense in humanitarian assistance. Other priorities may include an examination of the disparity between numbers of internally displaced persons and refugees worldwide and the available funding for these groups; physical access to and protection of refugees and other vulnerable populations in addition to the protection of human rights; programs to address gender based violence; and the creation of durable solutions for displaced populations.

The President can provide emergency humanitarian assistance through several sources whose funding is authorized and appropriated by Congress. These are funds currently appropriated to the U.S. Agency for International Development's (USAID's) Office of Foreign Disaster Assistance (OFDA) through the International Disaster and Famine Assistance (IDA) account; U.S. Department of Agriculture food aid programs under Title II of the Food for Peace Act; the State Department's Bureau of Population, Refugees, and Migration (PRM) through the Migration and Refugee Assistance (MRA) and the U.S. Emergency Refugee and Migration Assistance Fund (ERMA) accounts; and funds appropriated to the Department of Defense, Overseas Humanitarian and Disaster and Civic Aid (OHDACA) account.

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 FY2015, estimated funding for global humanitarian accounts is $6.4 billion. The Administration's FY2016 budget request for global humanitarian accounts is $5.6 billion, but the decrease assumes carryover balances from FY2015 will be available to meet projected needs for humanitarian responses.

This report examines U.S. humanitarian assistance in international crises and disaster situations. It considers the sources and types of U.S. government aid, the response mechanisms of key U.S. agencies and departments, and possible issues for Congress—including competing aid and budget priorities, burdensharing and donor-fatigue, the transparency and efficacy of U.S. humanitarian assistance, consequences of such assistance, and potential links to broader U.S. foreign policy goals. This report will be updated as events warrant.

Contents

Introduction 1
Overview of the U.S. Response 2
Defining Humanitarian Assistance 3
Exemptions for Humanitarian Assistance 3
Selected U.S. Activities and Coordination 3
United States Agency for International Development 4
Office of Foreign Disaster Assistance 4
Food for Peace Act (P.L. 480) 5
Office of Civilian-Military Cooperation 6
Other Offices and Funds 6
Department of State 7
Bureau of Population, Refugees and Migration 7
Emergency Refugee and Migration Assistance Fund 7
Department of Defense 7
Defense Security Cooperation Agency 8
Humanitarian and Civic Assistance 8
U.S. Humanitarian Assistance: Role of Congress and Current Funding Levels 9
Congressional Role 9
Funding: FY2008 to FY2016 9
FY2016 Budget Request 10
International Humanitarian Assistance Efforts 13
Issues for Congress 13
Competing Aid and Budget Priorities 14
Burdensharing and Donor Fatigue 14
Transparency and Efficacy 15
Humanitarian Operations and Security Challenges 15
Unintended Consequences of Humanitarian Assistance 16
Branding and Foreign Policy Goals 16

Tables

Table 1. U.S. Humanitarian Assistance, FY2008-FY2015 11

Contacts

Author Information 17
Acknowledgments 17

Introduction

The complex humanitarian emergency has emerged as a category of crisis that can be defined in different ways. For example, 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, and 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.

Population displacement is often a significant consequence in crises resulting from conflict.[1] This may occur within the affected country or because people flee to countries in close proximity. In these situations the plight of the refugee is one critical element of population movement; the internally displaced person (IDP) is another. The displaced require particular protection, the basis of which may be found in international humanitarian law, and sustained emergency assistance, which is usually provided by U.N. system agencies, governments, international entities, and non-governmental organizations (NGOs). In many protracted civil conflicts, where groups within a country are fighting and in the absence of a political solution, the course agreed on by the international community might be to provide humanitarian assistance to the victims. This assistance may last for many years. Refugees and IDPs may be stranded in camps, urban areas, or informal settlements and separated from their homes for long periods. Conducting a humanitarian operation in an area 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. Thus, providing humanitarian and refugee assistance is increasingly complicated and expensive—sources of funding, civil-military relations and operations, human rights concerns, aid worker security, protection, and access are just some of the central issues facing the aid community. The ongoing conflicts in and around Syria and Iraq demonstrate some of these challenges.

In addition, natural disasters affect millions of people each year who require prolonged and urgent assistance. The event may be sudden (like the 2010 earthquake in Haiti, the 2013 typhoon in the

[1] Those who are forcibly displaced may include different groups. A *refugee* is defined in the 1951 U.N. Convention Relating to the Status of Refugees as a person who has fled his or her country because of persecution or "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country." Once granted refugee status, a person has certain legal rights and protections under international law. *Internally Displaced Persons* (IDPs) have been forced from their homes often for many of the same reasons as refugees but have not crossed an international border. National governments have the primary responsibility for all displaced people in their territory. In many cases, however, they are unable or unwilling to fulfill this obligation, making international access to and the provision of protection and assistance to IDPs difficult. IDPs do not have the same protection as refugees under international law. The plight of IDPs has gained international recognition as the estimated numbers of IDPs worldwide far exceed the numbers of refugees. *Asylum seekers* are people who flee their home country and seek sanctuary in another state where they apply for asylum—which is the right to be recognized as a refugee—and may receive legal protection and material assistance until their formal status has been determined. *Stateless persons* are individuals who are not considered to be citizens of any state under national laws. Each of these groups may require particular protection, the basis of which may be found in international humanitarian law.

Philippines, or the 2014 earthquake in Nepal) or protracted (like drought conditions in the Horn of Africa and southern Africa, food insecurity in the Sahel, and the possible long-term effects of climate change). Responses to natural disasters are typically multilateral and less likely to be hindered by the politics at hand, although the situation in Burma following the May 2008 cyclone demonstrated the opposite.[2]

Overview of the U.S. Response

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 in the 114th Congress include budget priorities, levels of funding, sources of other support available worldwide, and the ways in which operational assistance is delivered.[3] Congress has consistently supported humanitarian efforts as a means of responding to natural disasters (such as floods and earthquakes) and man-made crises (such as war) in the short term, mitigating humanitarian impacts, and promoting a U.S. presence.[4] From FY2008 to FY2012, the U.S. government contributed more than $4 billion annually to disaster relief worldwide.[5] In FY2013, the U.S. contribution was more than $5.6 billion, and in FY2014 this number rose to $6.4 billion. The recent increases largely reflect humanitarian needs related to the crisis in Syria.

Humanitarian assistance generally receives strong 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.[6]

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.[7] In this capacity the Administrator coordinates the U.S. government's response to both natural and 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.

[2] For more information, see CRS Report RL34481, *Cyclone Nargis and Burma's Constitutional Referendum*, by Michael F. Martin and Rhoda Margesson.

[3] These key policy issues may be applied in the global context, but also in the U.S. response to specific crises of concern to Congress.

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

[5] This figure represents total humanitarian assistance funding from the State Department and USAID. It does not include funding from the Department of Defense, Overseas Humanitarian and Disaster and Civic Aid (OHDACA) account. Due to the unanticipated nature of many disasters, humanitarian aid budget allocations often increase throughout the year as demands arise. Countries that have experienced or are experiencing a crisis or natural disaster receive U.S. aid through several key global emergency humanitarian assistance accounts, including accounts for disaster (International Disaster and Famine Assistance or IDA); emergency food relief (P.L. 480); and programs for refugees and vulnerable populations (Migration and Refugee Assistance, or MRA, and Emergency Refugee Migration Assistance, or ERMA). Except in the case of MRA, these accounts are generally used to respond to emergency situations and are not integrated into long-term development strategies.

[6] Foreign Assistance Act of 1961, as amended (P.L. 87-195, Sections 491-493).

[7] Foreign Assistance Act of 1961, as amended (P.L. 87-195, Section 493).

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 and far-reaching: it 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. In practice, the provision of humanitarian assistance is typically case and time specific.[9]

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. For example, a country may generally receive humanitarian assistance even in instances when other types of aid are prohibited because of a coup, default in debts, non-compliance with international treaty obligations, or the many other situations that can trigger restrictions on foreign assistance.

Selected U.S. Activities and Coordination

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. USAID, the State Department, and the Department of Defense provide humanitarian assistance and cover a mix of these activities as described below.[11] USAID is the central U.S. agency charged with coordinating U.S. government and private sector foreign assistance.

[8] Strategies focused on capacity building, resilience or prevention consider the specific context and circumstances of the situation in designing programs that work with local abilities to cope with emergencies and early recovery efforts.

[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.

[10] The decision as to what is considered humanitarian versus non-humanitarian aid 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] In addition, although not the focus of this report, other parts of the U.S. government that support humanitarian assistance include the U.S. Department of Agriculture's (USDA) Forest Service, the U.S. Geological Survey (USGS), the Department of Health and Human Services (HSS), 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.

United States Agency for International Development

Office of Foreign Disaster Assistance

The Office of Foreign Disaster Assistance (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 U.S. government emergency assistance in what had previously been an *ad hoc* U.S. response to international disasters. OFDA provides some assistance through its own personnel, but the bulk of its activities are carried out through grants to United Nations (U.N.) agencies, other international organizations (IOs), international governmental and non-governmental organizations (NGOs), and private or religious voluntary organizations (PVOs). OFDA 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 annual Foreign Operations legislation.

Role of the U.S. Government and Private Sector in Humanitarian Aid Delivery

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 effect of budget cuts on personnel and the emergence of private sector alternatives over the past several decades have 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.

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 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), groups of experts that 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 economic assistance account 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 specialists are relied upon for identifying and responding to outbreaks of disease.

Food for Peace Act (P.L. 480)[12]

The Food for Peace Act (FFPA), often referred to as P.L. 480, is the main legislative vehicle that authorizes foreign food assistance.[13] Funding for FFPA programs is authorized in annual Agriculture appropriations bills. One of the components of FFPA is Title II, Emergency and Private Assistance, which provides for the donation of U.S. agricultural commodities to meet emergency and nonemergency food needs in foreign countries. Title II provides food as grant aid that does not need to be repaid and is the primary disaster aid channel for U.S. food aid. Title II is administered by USAID.

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 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 U.N. 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. Fifty percent of U.S. food aid tonnage must be shipped on U.S. flagged vessels.

Development professionals have long raised concerns about the efficiency and effectiveness of U.S. food assistance. In the FY2014 budget, the Administration proposed changes in U.S. food aid programs that would substantially alter the way in which the United States provides

[12] For more information about food aid, see CRS Report R41072, *U.S. International Food Aid Programs: Background and Issues*, by Randy Schnepf.

[13] Authorized in sections 201-207 of P.L. 83-480, the Agricultural Trade Development and Assistance Act of 1954, as amended. In 1961, President John F. Kennedy renamed it the "Food for Peace Act." Congress officially changed the name to Food for Peace Act in the 2008 farm bill (P.L. 110-246). Additional information on Food for Peace Act (P.L. 480) food aid is available at http://www.fas.usda.gov/food-aid.asp.

international food assistance.[14] In the FY2014 appropriations legislation, Congress did not adopt the proposed reforms to food aid programs.

In addition to the Food for Peace program, 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 Department of Agriculture.

Office of Civilian-Military Cooperation

The Office of Civilian-Military Cooperation (CMC), which operates within USAID's Bureau for Democracy, Conflict, and Humanitarian Assistance (DCHA), was established in November 2011. Previously named the Office of Military Affairs (OMA), CMC is an operational link established to improve USAID's coordination of humanitarian assistance with the U.S. military. It works to align defense and development policies, plans, and programs to leverage the capabilities of each agency to achieve better development outcomes. Senior USAID staff are assigned to the five geographic Combatant Commands and help assess development needs. Joint exercises with the military are 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 other's operational experience while at the same time contributing to the administration and delivery of humanitarian assistance.[15]

Other Offices and Funds

The Office of Transition Initiatives (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.[16] OTI funding is often provided during the early recovery phase of a humanitarian emergency or disaster. Additionally, the Office of Conflict Management and Mitigation (CMM) provides transition assistance towards development through early intervention in the causes and consequences of conflict.

There are three funds managed by USAID 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 of Torture Fund (VOT). They are coordinated by DCHA through funds reserved by Congress each year.

[14] For more information on proposed food aid reforms, see CRS Report R41072, *U.S. International Food Aid Programs: Background and Issues*, by Randy Schnepf.

[15] For more information on CMC, see http://www.usaid.gov/who-we-are/organization/bureaus/bureau-democracy-conflict-and-humanitarian-assistance/office-4.

[16] 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

The Bureau of Population, Refugees and Migration (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 addressed by PRM include protection (refugees, 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 U.N. Children's Fund (UNICEF), and international organizations such as the International Committee of the Red Cross (ICRC).

Emergency Refugee and Migration Assistance Fund

The Emergency Refugee and Migration Assistance Fund (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 1962, ERMA gives the President wide latitude in responding to refugee emergencies.[17] 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 Assistance (MRA) account through PRM. Both ERMA and MRA are authorized in Department of State legislation and appropriated in 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.[18] 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 are funded through the Overseas Humanitarian, Disaster, and Civic Action (OHDACA) account in annual DOD appropriations.

[17] Authorized in the Migration and Refugee Assistance Act of 1962 (P.L. 87-510, sections 2 and 3).

[18] For more information on the evolution of DOD's role in responding to humanitarian crises, see archived CRS Report RL34639, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, coordinated by Nina M. Serafino.

Defense Security Cooperation Agency

The Defense Security Cooperation Agency (DSCA) is the central DOD agency that synchronizes global security cooperation programs, funding, and efforts across the Office of the Secretary of Defense (OSD), Joint Staff, State Department, Combatant Commands, the services, and U.S. civilian industry. Under DSCA oversight, the Office of Humanitarian Assistance, Disaster Relief and Mine Action (HDM) manages DOD humanitarian assistance programs funded with OHDACA appropriations in all Geographic Combatant Commands. This includes humanitarian projects, transportation of DOD and privately donated humanitarian material, humanitarian mine action programs, and foreign disaster relief.

DOD provides assistance in humanitarian emergencies under several provisions in law. The primary authority[19] is found in Section 2561 (formerly Section 2551) of Title 10, U.S. Code, which allows the use of appropriated funds "for the purpose of providing transportation of humanitarian relief and for other humanitarian purposes worldwide."[20] The Secretary of State determines when 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 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 drawdown 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.

Humanitarian and Civic Assistance

Although its primary purpose is not focused on disaster and emergency response activities, another subset of DOD Humanitarian Assistance, known as Humanitarian and Civic Assistance (HCA) activities, is authorized under Section 401 of Title 10, U.S. Code. Under regulations prescribed by the Secretary of Defense, humanitarian and civic assistance activities are authorized in conjunction with authorized military operations of the Armed Forces in a country if it is

[19] Section 404 of Title 10, U.S. Code 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.

[20] Section 2561 is also used for more than disaster and emergency response activities.

determined that the activities would (1) promote the security interests of both the United States and the country in which the activities are to be carried out, and (2) promote the specific operational readiness skills of the members of the Armed Forces who participate in the activity.[21]

HCA activities under Title 10 U.S.C. Section 401 authority are separate from HA programs managed by DSCA and placed under direct oversight of Secretary of Defense.

U.S. Humanitarian Assistance: Role of Congress and Current Funding Levels

Congressional Role

Congress plays a key role in funding U.S. humanitarian assistance. The global humanitarian accounts (MRA, ERMA, IDA, and P.L. 480) have generally been 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.

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.

Funding: FY2008 to FY2016[22]

Humanitarian assistance is intended to save lives and meet basic human needs in the wake of natural disasters and conflicts. Humanitarian assistance funding appropriated through State, Foreign Operations, and Related Programs from FY2008 through FY2015 is provided by account and year in the table and graph below.[23] In FY2014, funding for the IDA and MRA accounts increased by approximately 15% each from FY2013. This enabled some carryover to meet urgent needs in FY2015.

Three main issues impact or potentially impact levels of funding:

The increasing number of humanitarian crises that require U.S. support. The United States remains a major contributor to relief efforts in international crises and disaster situations. The number of humanitarian crises due to conflict or natural disasters remains high, and the funding data for U.S. humanitarian assistance reflects a steady increase in support to meet humanitarian needs worldwide reaching nearly $6.4 billion in FY2014. Humanitarian assistance has increased as a portion of the foreign operations budget since FY2013, mainly as a result of Level 3 (L3)

[21] Section 401 of Title 10, U.S. Code, Humanitarian and Civic Assistance Provided in Conjunction with Military Operations.

[22] Most funding for global humanitarian assistance accounts is administered through the State Department and USAID. This section does not include funding appropriated through OHDACA or other DOD accounts.

[23] The table and graph were prepared by Marian L. Lawson, CRS Specialist in Foreign Assistance Policy.

crises (the U.N. classification for the most severe, large-scale humanitarian crises), which currently include Syria, South Sudan, and Iraq.

Use of funds designated as Overseas Contingency Operations (OCO). Beginning in FY2012, Congress designated a portion of foreign assistance funds as OCO. The designation is intended to identify extraordinary and temporary costs that should not be considered part of an agency's base budget, and do not count toward annual budget caps. In some ways, the OCO designation has replaced the use of supplemental funds that were common for funding humanitarian assistance prior to FY2011.

Food aid reform. The Obama Administration's FY2014 budget request proposed food aid that would have substantially altered both the funding stream and implementation practices of U.S. food assistance.[24] The request proposed shifting some funding for the Food for Peace programs, currently funded through the Agriculture appropriations subcommittee, into humanitarian assistance accounts, funded through State-Foreign Operations appropriations. Although Congress did not adopt the proposed reforms to food aid programs in the FY2014 appropriations legislation, food aid reform remains an issue that may well resurface.

FY2016 Budget Request

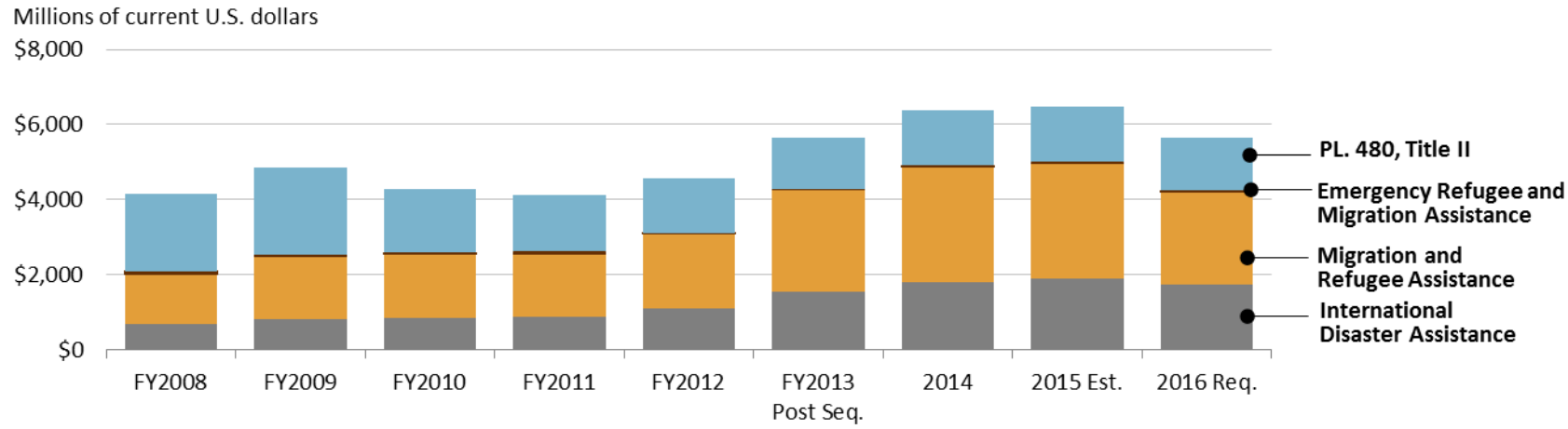
The Administration's FY2016 budget request for global humanitarian accounts totals $5.6 billion. The request includes $1.74 billion for IDA, of which $931 million is for the core IDA account ($690 million is for OFDA and $241 million is for emergency food assistance) and $810 million is for IDA-OCO to address the humanitarian impact of the crises in Syria and Iraq (including $325 million for OFDA and $485 million for emergency food assistance). A significant portion of the IDA-OCO funding will support neighboring countries hosting refugees from Syria and Iraq, including Jordan and Lebanon.

The budget request asks for $2.45 billion for MRA, of which $1.63 billion will fund contributions to key international humanitarian organizations and NGO partners to address pressing humanitarian needs overseas and to resettle refugees in the United States, and $819 million will be for MRA-OCO for humanitarian needs related to Syrian and Iraqi displacement.

The request also includes $50 million for ERMA to enable the President to provide humanitarian assistance for unexpected and urgent refugee and migration needs worldwide, and $1.4 billion for the Food for Peace program.

[24] The Administration's FY2014 budget for the U.S. Department of Agriculture (USDA) did not request funding for Food for Peace Title II (emergency and nonemergency food assistance). Instead, the Administration proposed funding for international food aid through three other assistance accounts. Under the proposed food aid reform measures, the Administration wanted to shift $1.1 billion of Food for Peace funds to the IDA account for emergency food response. Together with $300 million of IDA funds for cash-based food security programs, total emergency food aid would have been $1.4 billion in FY2014. The Administration's budget also proposed shifting $250 million to Development Assistance for a Community Development Resilience Fund. In addition, the Administration's budget proposed the creation of a new Emergency Food Assistance Contingency Fund ($75 million) to provide emergency food assistance for unexpected and urgent food needs. For more information about proposed food aid reforms, see CRS Report R41072, *U.S. International Food Aid Programs: Background and Issues*, by Randy Schnepf.

Table 1. U.S. Humanitarian Assistance, FY2008-FY2015



	FY2008	FY2009	FY2010	FY2011	FY2012[a]	FY2013 post seq.	2014	2015 Estimate	2016 Request
International Disaster Assistance	669.7	820.0	845.0	863.3	1,095.0	1,550.4	1,801.0	3,331.3[b]	1,741.0
of which OCO/supplemental	*240.0*	*470.0*	*0.0*	*0.0*	*270.0*	*750.9*	*924.2*	*2,771.3.0*	*810.0*
Migration & Refugee Assistance	1,338.1	1,674.5	1,693.0	1,694.6	1,975.1	2,668.7	3,059.0	3,059.0	2,453.6
of which OCO/supplemental	*315.0*	*740.0*	*0.0*	*0.0*	*329.0*	*1,078.5*	*1,284.4*	*2,127.1*	*819.0*
Emergency Refugee and Migration Assistance	75.6	40.0	45.0	49.9	27.2	25.8	50.0	50.0	50.0
of which OCO/supplemental	*31.0*	*0.0*	*0.0*	*0.0*	*0.0*	*0.0*	*0.0*	*0.0*	*0.0*
PL. 480, Title II	2,060.9	2,320.9	1,690.0	1,497.0	1,466.0	1,359.4	1,466.0	1,466.0	1,400.0
of which OCO/supplemental	*850.0*	*700.0*	*0.0*	*0.0*	*0.0*	*0.0*	*0.0*	*0.0*	*0.0*
TOTAL	**4,144.3**	**4,855.4**	**4,273.0**	**4,104.8**	**4,563.3**	**5,604.3**	**6,376.0**	**7,906.3**	**5,644.6**
of which OCO/supplemental	*1,436.0*	*1,910.0*	*0.0*	*0.0*	*599.0*	*1,829.4*	*2,208.6*	*4,898.4*	*1,629.0*

Source: P.L. 113-76; annual Foreign Operations CBJs; CRS appropriations reports.

a. FY12 IDA total includes $120 million transferred from PCCF and the MRA total includes $100 million transferred from PCCF.

b. In IDA, for FY2015, Emergency Ebola funds are added to OCO and the overall total. Although the emergency funds were requested as a supplemental, they were put in the regular appropriations bill.

International Humanitarian Assistance Efforts

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, representing 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 to NGOs, or by directly providing in-kind support in the form of 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.

Relief operations are 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. In addition, the humanitarian 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.[25] OCHA also coordinates with IOs such as the International Committee of the Red Cross (ICRC) and the International Organization for Migration (IOM), and a wide range of NGOs, many of which are implementing partners and provide much of the operational support on the ground. In addition, other internationals—governments, militaries, intergovernmental entities such as the European Union—are often part of the response network.

A key determinant in the response to humanitarian emergencies is 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.[26] 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.

Issues for Congress

Members of the 114th Congress may take the following issues into account when considering U.S. humanitarian assistance activities worldwide.

[25] 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.

[26] "What Can We Learn from Year of Disasters?" December 29, 2005, Reuters AlertNet, http://www.alertnet.org.

Competing Aid and Budget Priorities

Finding the resources to sustain U.S. funding or pledges to humanitarian crises may be difficult in light of domestic budget constraints. When disasters require immediate emergency relief, the Administration may fund pledges by depleting most global humanitarian 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 affected.

In recent years, the United States has moved away from annual supplemental funding to replenish humanitarian or other accounts. Instead, it has increased levels of funding during the regular appropriations process. While Congress may be reluctant to allocate funds for disasters before they happen, some experts have argued there are negative impacts of relying too heavily on post-disaster supplemental funding. For example, budget uncertainty may result in program cuts, delays in decision making, and disruptions in service. Humanitarian programs may incur greater expense in restarting activities that had to be cut back due to insufficient funding earlier in the year. This in turn may raise questions about the credibility and reliability of the United States as a partner in the provision of humanitarian assistance. Congress has an interest in the cost and effectiveness of foreign affairs activities, including humanitarian assistance, that promote U.S. interests overseas.

Burdensharing and Donor Fatigue

Both Congress and the Administration encourage other countries to provide disaster assistance and to turn pledges into actual commitments.[27] Often it is not easy to measure the precise contributions made by various countries and organizations, or to compare them to U.S. assistance. It is not always evident whether figures listing donor amounts represent pledges of support or more specific obligations.[28] Pledges made by governments do not always result in actual contributions. Some offers of assistance are not accepted for various reasons. It also cannot be assumed that the funds committed to relief actually represent new contributions, since the money may previously have been allocated elsewhere. Moreover, it is not readily apparent how the actual cost of the humanitarian emergency might be shared among international donors. Comparing U.S. and international aid is also difficult because of the often dramatically different forms the assistance takes (relief items versus cash, for instance).

Given the protracted nature of many modern crises, some donors face "donor fatigue." or a reluctance to continue providing funds for a seemingly endless need. Some Members of Congress may feel that the U.S. provides a disproportionate share of assistance in some situations and should step back to let others play a larger role. Other Members may believe that the United States has an obligation to lead such efforts, or see a foreign policy benefit for doing so. Finding a balance between burdensharing on the one hand and an effective U.S. response on the other can negatively impact relief operations during emergencies when immediate funds are required for a response and are not forthcoming. Some experts are concerned about funding priorities and the ongoing need for resources for other disaster areas.

[27] 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.

[28] 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. *ReliefWeb* can be a useful source of information, although its accuracy is not guaranteed for the aforementioned reasons. See http://www.reliefweb.int.

Transparency and Efficacy

Some Members of Congress have raised concerns about transparency of donor contributions, allocation of monies, and monitoring of assistance projects. For example, the United Nations continues to address concerns about 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 conditions and time limits have been proposed by Congress as a means of ensuring greater accountability, they can also add pressure for organizations to spend contributed funds quickly, sometimes leading to unnecessary spending, waste, and duplicated efforts. Many also argue that restrictions on use of funds often do not allow flexibility to adapt projects to better meet the changing needs on the ground.

Humanitarian Operations and Security Challenges

Since the 1990s, limitations on the operating environment of humanitarian agencies have been a topic of intense debate and discussion. A number of reports have highlighted increased incidences of insecurity and attacks on humanitarian staff.[29] While a more consistent and expanded response by the international community to humanitarian crises over the past two decades has meant that a greater number of aid workers are operating in crisis areas, most security incidents tend to be concentrated in a limited number of high-profile contexts. At the same time, other reports indicate that the ability of aid workers to access populations at risk has decreased over time. This could in part be due to operations taking place in a greater number of conflict areas, but other factors may include the actions of multiple non-state actors or the role of sovereign governments in denying access.

Furthermore, some experts stress that humanitarian agencies need to be able to operate independently of external military and political agendas but may not be able to do so. One reason that humanitarian workers may be less secure than in the past is that they are often not viewed as neutral. For example, some contend that, increasingly, the lines are blurred between humanitarian and other actors, such as the military, in the delivery of humanitarian assistance, the inclusion of humanitarian response in counter-insurgency operations, and the incorporation of humanitarian action within integrated U.N. missions.[30]

Adherence to international humanitarian law and the traditional humanitarian principles of impartiality, neutrality, and independence are often cited as the underpinnings of the provision of humanitarian assistance, but their application may vary by organization mandate and situation. The security of the environment in which humanitarian organizations are operating is complicated not only by the specific crisis itself, but the ways in which humanitarian actors define their roles and responsibilities. A growing number of humanitarian workers 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

[29] See, for example, Aid Worker Security Report 2012, "Host States and their Impact on Security for Humanitarian Operations: Insecurity Insight, Policy Brief, "Humanitarian Staff Security in Armed Conflict," 2013; The Journal of Humanitarian Assistance, "Shrinking Humanitarian Space? Trends and Prospects on Security and Access," November 24, 2010; Office for the Coordination of Humanitarian Affairs, Policy Development and Studies Branch, "To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments," 2011; EUROPA Press Release, "Security of Humanitarian Aid Workers: A Concern at the Heart of the EU's Humanitarian Action," August 19, 2010.

[30] Humanitarian Policy Group and the Stimson Center, *U.N. Integration and Humanitarian Space*, December 15, 2011.

community has taken sides in the conflict. Security and access are serious concerns and remain key priorities within the humanitarian community.

Unintended Consequences of Humanitarian Assistance

The provision of humanitarian assistance 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, 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.

Branding and Foreign Policy Goals

A related issue concerns an interest on the part of many Members of Congress in the labeling or "branding" of U.S. humanitarian aid delivered to areas of conflict so that recipients are aware of its origin. The U.S. government tries to balance the desire to maintain visibility as a contributor of humanitarian assistance with concerns for the security of aid recipients and implementing partners who could become possible targets of attacks. Finding appropriate ways for the United States to leverage its political objectives without politicizing humanitarian aid remains a significant challenge. There has been some debate about whether the United States receives adequate political benefit from its humanitarian assistance efforts and whether those who receive assistance remain unaware of its origins, or assume it is from a foreign government other than the United States. Syria is a case in point where some Members of Congress and observers have argued that the United States should begin to more aggressively brand U.S. aid to enhance local perceptions that the people of the United States stand in solidarity with Syrians. Humanitarian groups argue that strategic objectives such as winning hearts and minds potentially compromise the neutrality of humanitarian assistance in general. Others contend that a targeted attack on a U.S.-labeled humanitarian organization could jeopardize broader humanitarian efforts and perhaps funding. It is often unclear whether raising awareness of U.S. humanitarian assistance would do much to change local perceptions in conflict areas.

More broadly, political considerations play a role in the way assistance is given and to whom. While 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 crises 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 it may be an avenue to achieve minimal consensus on an international response. Sometimes 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. Sometimes humanitarian assistance is expanded beyond its immediate function 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.

Providing humanitarian assistance also raises questions about implications for future action. On the one hand, if the United States decides to reduce its humanitarian support, would this diminish U.S. 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.

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