



Memorandum

October 22, 2007

TO: Honorable Carolyn Maloney
Attention: Anna Cielinski

FROM: Natalie Paris Love
Analyst in American Federalism and Emergency Management
Government and Finance Division

SUBJECT: Historical Role of the Federal Government in Catastrophic Disasters

Per your request, I have prepared this memorandum providing information on the historical role of the federal government after catastrophic disasters. Specifically, you have asked for a historical accounting of appropriations enacted by Congress after the occurrence of catastrophes. This memo provides a brief summary of congressional appropriations for disasters that occurred from 1789 to 2006.

Defining Federal Involvement

Defining the boundaries of what is considered a disaster proves challenging when placed in the context of federal involvement. It becomes difficult to distinguish between the justification for federal aid for losses caused by natural disasters and justification for federal aid for losses incurred by other means from which the victim could be considered blameless. War-related needs, including terrorist events, are frequently included in an analysis of federal intervention in disasters because the question of causation often plays a critical role in the determination of federal involvement. This memo briefly discusses war-related disaster assistance provided in 1812 and federal assistance provided for natural disasters, terrorist events, and unusual instances in which the claimant was successful in attaining federal disaster relief because of the assertion of blamelessness. Another CRS division is assessing war-related disaster relief provisions in greater depth.

Three studies may be used to provide a historical accounting of federal involvement in the provision of disaster relief. One study, published by the *Northwestern University Law Review*, covers the years 1789 through 1874 and includes instances in which disaster relief may have been provided for events beyond natural disasters or acts of war. These instances are highlighted in this memo because the justification for federal involvement included situations in which the claimants were “morally blameless victims of a sudden catastrophe

— a disaster.”¹ A second and third study were developed by the Congressional Research Service and cover 1989 through 2006. These studies include instances where federal disaster assistance was provided which may have set a precedent for federal involvement for war-related losses. These studies also discuss federal involvement where medical assistance was needed, where indigent or destitute individuals were assisted, or where there was a sizeable allocation of disaster assistance. While not a study, a fourth document from the *Congressional Record* discusses federal involvement prior to the passage of the Federal Disaster Relief Act in 1950 and provides an overview of the acts of Congress related to disaster assistance for the years 1803 through 1950.²

Federal Disaster Relief: 1789-1874

The attached article (Appendix A), by Michele Landis, provides a detailed accounting of federal involvement in the provision of disaster relief from 1789 to 1874.³ Some congressional actions of interest include:

- In 1790, Congress passed an Act to provide disaster relief to Thomas Jenkins & Company for remission of duties on goods destroyed by a storm;⁴
- Between 1790 and 1824, fault became an important criteria in denials of recovery for claimants;⁵
- In 1790, Congress passed an Act to provide disaster relief to John Stewart and John Davidson for remission of duties on salt destroyed by flood;⁶
- In 1795, Congress passed an Act to provide indemnification and relief for citizens who lost property in the Whiskey Rebellion;⁷
- In 1812, Congress passed an Act to provide \$50,000 (\$583,310 in 2006 dollars) for those left destitute by both the earthquake in New Madrid, Missouri and civil war;⁸
- In 1817, Congress passed an Act to indemnify private property destroyed during the War of 1812 by Americans, British, or Indians and appropriated \$12,451,799 (\$142,520,495 in 2006 dollars);⁹

¹ Michele L. Landis, “Let Me Next Time Be “Tried by Fire”: Disaster Relief and the Origins of the American Welfare State 1789-1874,” *Northwestern University Law Review*, vol. 92, no. 3 (1998), p. 971.

² P.L. 81-875.

³ Landis, p. 971.

⁴ *Ibid.*, p. 973.

⁵ *Ibid.*, p. 997.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*, p. 977.

⁹ *Ibid.*, p. 982.

- In January 18, 1827, Congress provided disaster relief in the amount of \$20,000 (\$343,687 in 2006 dollars) for the victims in Alexandria, Virginia who suffered property loss or damage from a fire;¹⁰ and
- In 1874, Congress passed an Act to provide disaster relief for persons suffering from flooding of the Mississippi River in the amount of \$190,000 (\$3,086,715 in 2006 dollars);¹¹

Federal Disaster Relief: 1875 - 1988

The attached portion of the Congressional Record (Appendix B) provides a list of acts of Congress that awarded federal disaster assistance to states, regional areas, and municipalities.¹² The list in the congressional record covers the time frame of 1803 to 1950. There does not appear to be any comprehensive list of acts for the time period of 1950 to 1988. Some acts of interest in the congressional record include:

- In 1897, Congress passed an Act to provide \$200,000 (\$4,671,855 in 2006 dollars) for the purchase, transportation, and distribution of subsistence stores for destitute persons in mining regions of Alaska. The Act also authorized use of the Army and purchase of reindeer;¹³
- In 1906, Congress passed an Act to provide \$2,500,000 (\$54,096,444 in 2006 dollars) for the purchase and issue of subsistence, quartermaster's and medical supplies for sufferers from the San Francisco earthquake and fire;¹⁴
- In 1909, Congress passed an Act to provide \$800,000 (\$17,316,611 in 2006 dollars) for the procurement and distribution of provisions, clothing, medicines, etc., for suffering and destitute people of Italy affected by the Messina earthquake;¹⁵ and
- In 1937, Congress passed an Act to provide emergency relief for health and sanitation activities in areas recently stricken by floods;¹⁶

Federal Disaster Relief: 1989 - 2006

The tables in Appendix C provide information on the appropriations enacted by Congress following catastrophic events from 1989 through 2006. The intended use of funds may provide some insight into the types of activities where federal disaster assistance was provided. These include, among others, assistance for medical costs, general disaster relief

¹⁰ *Ibid.*, p. 969.

¹¹ *Ibid.*, p. 975.

¹² *Permanent bound volume: House debate, Congressional Record*, vol. 96, part 9 (Aug. 7, 1950), pp. 11900-11902.

¹³ *Ibid.*, p. 11900.

¹⁴ *Ibid.*

¹⁵ *Ibid.*, p. 11901.

¹⁶ *Ibid.*, p. 11902.

as set forth in Stafford Act provisions, and disaster planning activities.¹⁷ Appendix C provides details on appropriations by federal agency. Although attached hereto in response to your request, CRS may distribute any or all portions of Appendix C to other congressional requesters. The attached CRS report *Emergency Supplemental Appropriations Legislation for Disaster Assistance: Summary Data, FY1989 to FY2007* (Appendix D) summarizes total appropriations for disaster relief provided to victims of Hurricanes Rita, Wilma, and Katrina.

I trust that this information meets your needs. If you have any questions, or if I can be of further assistance, please do not hesitate to call me at (202) 707-9569.

¹⁷ 42 U.S.C. §5121-5207.