

Background

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Accepting Disaster Relief from Other Nations: Lessons from Katrina and the Gulf Oil Spill

*Jena Baker McNeill, James Jay Carafano, Ph.D.,
Matt A. Mayer, and Richard Weitz, Ph.D.*

Abstract: *The United States is known around the world for sending help—from in-person medical assistance to financial donations—when disasters strike in other countries. When disasters have recently struck the U.S.—9/11, Hurricane Katrina, and the Gulf oil spill—other countries have been equally quick to offer help. Yet, as astute as the U.S. is when it comes to delivering aid, the opposite is the case when it comes to responding to foreign offers of aid. It is crucial that the U.S. develop a reliable process by which to accept help from other countries when it is needed. Four national security experts lay out a plan for such a process.*

After Hurricane Katrina and the BP oil spill disaster, there was an outpouring of support and offers of aid—including proposed donations of supplies, expertise, and monetary funds—from countries around the world. After both disasters, however, U.S. officials declined the majority of the assistance offered, and were slow to accept the small amount they did. This inability to accept help rapidly from other nations during domestic disasters hurts American response and recovery. An unresponsive policy toward foreign offers of aid can also have negative diplomatic consequences, potentially alienating important allies whose assistance the United States needs on other issues. Despite the Bush Administration's efforts to improve the process after Hurricane Katrina, the BP oil-spill experience demonstrates that the U.S. government still needs a better structure to accept such assistance, and simultaneously foster better relationships with

Talking Points

- Delays and confusion after domestic disasters on the part of U.S. government officials when considering aid offers from foreign countries degrades U.S. disaster response and recovery.
- Whether due to U.S. government disinterest or bureaucratic inability to process donations, much of the assistance offered by international donors was never used to help victims of Hurricane Katrina.
- Although some progress has occurred since Katrina, the experience with the 2010 BP oil spill in the Gulf of Mexico indicates that U.S. officials are still not taking adequate advantage of international assistance in responding to domestic disasters.
- After both disasters, U.S. officials tried to avoid accepting aid that was not needed. The result was that the U.S. did not receive the help it *did* need.
- U.S. officials can—and must—do a better job determining in advance how to deal with foreign offers of logistical assistance.

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(202) 546-4400 • heritage.org

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friends and allies on security and disaster response. Steps to improve this process include:

- Revisiting the GAO Katrina recommendations for improving consideration of international aid;
- Modification of the Stafford Act to limit the types of situations in which federal disaster declarations are issued;
- Investments in catastrophic planning to plan and prepare for large-scale disasters.

Hurricane Katrina

In August 2005, Hurricane Katrina decimated much of the U.S. Gulf Coast, particularly New Orleans. After the first wave of the storm, a series of levees around New Orleans broke, flooding nearly 80 percent of the city.¹ The response phase for Katrina lasted 12 days, during which victims were evacuated, rescued, fed, sheltered, and received medical care from first responders, charities and other non-governmental organizations, and private citizens. This phase ended on the night of September 6, when only 10,000 people remained in New Orleans, and the emphasis shifted to recovery. Although the Federal Emergency Management Agency (FEMA) managed to work with state and local authorities to help hundreds of thousands of people evacuate the stricken areas safely, approximately 1,500 people in Louisiana alone lost their lives as a direct result of the hurricane.

Soon after the severity of the catastrophe became apparent, the United States received a massive outpouring of offers of monetary and other assistance from around the globe. By late February 2006 foreign countries had offered or pledged a total of \$854 million in cash and oil (to be sold for cash) to help with the disaster cleanup.² This large outpouring came from many countries, including longstanding major U.S. allies (Australia, Germany, and the United Kingdom), and from other nations that are traditionally the recipients of U.S. foreign assistance (such as Bangladesh). There were also aid offers from several countries that were surprising, such as Cuba, Venezuela, and Pakistan.³

By the time donations and assistance stopped coming in, more than 151 foreign countries and international organizations had pledged to help the United States in one form or another.⁴ Included in the \$854 million were pledges of nearly \$400 million worth of oil from Kuwait, which was intended to help replace the lost supply from the Gulf Coast oil rigs that were damaged or temporarily shut down due to the hurricane. In addition, the oil donations could be sold, and the money used for relief efforts.⁵ Offers of aid in the form of disaster relief personnel, medical supplies, forensic teams, and many other types were also pledged to the United States.

1. Cain Burdeau, "New Orleans Levee Upgrades Nearly Ready," *The Washington Times*, August 27, 2010, at <http://www.washingtontimes.com/news/2010/aug/27/new-orleans-levee-upgrades-nearly-ready/> (December 15, 2010).
2. The White House, "The Federal Response to Hurricane Katrina: Lessons Learned," February 2006, at <http://georgewbush-whitehouse.archives.gov/reports/katrina-lessons-learned/> (January 5, 2011).
3. Nationmaster.com, "Disaster Statistics—Hurricane Katrina—International Aid Response (Most Recent) by Country," 2010, at http://www.nationmaster.com/graph/dis_hur_kat_int_aid_res-hurricane-katrina-international-aid-response (October 4, 2010).
4. "The Department of State lists 151 countries, political entities, and international organizations that offered assistance. Two additional countries offered assistance but wished no public recognition, for a total of 153. Of those, 139 were countries and the balance (14) was either political entities or international organizations. Note that of the fourteen, five different United Nations organizations are included. Pledges totaled \$854 million. Of the \$854 million pledged, \$400 million was in commodity for cash assistance (oil to be sold and then cash value considered). Of the remaining \$454 million, \$126.4 million has been received so far. The other \$328 million plus the \$400 million in oil, has not been received, for a total of \$728 million. (As of October 12, the foreign countries had pledged \$854 million in financial contributions, and of this amount the USG had received \$118.9 million (the latter figure had increased to \$126.4 million by January 9). On October 20, 2005, after interagency consensus, \$66 million of the foreign funds received by the U.S. was transferred to FEMA for a case management program." The White House, "Federal Response to Hurricane Katrina: Lessons Learned," p. 207, note 90.
5. "Foreign Aid to U.S. for Katrina Relief," Associated Press, September 10, 2005, at http://www.msnbc.msn.com/id/9282598/ns/us_news-katrina_the_long_road_back/ (February 3, 2011).

Help Not Wanted

One would assume, given just how catastrophic Hurricane Katrina was to the Gulf Coast, that such offers of assistance would be quickly considered and accepted and put to use or sent back with gratitude—and with clarification about what items are genuinely needed. But, according to Citizens for Responsibility and Ethics in Washington (CREW), hundreds of offers of assistance went unclaimed.⁶ Monetary donations from foreign donors were at times accepted quickly, but aid in the form of goods and services was often delayed or rejected because of bureaucratic red tape.⁷ According to the CREW documents, the U.S. government also turned down multiple foreign offers of military personnel as well as search-and-rescue teams. Furthermore, in January 2006, 54 of 77 aid offers from a few of America's most important allies (Britain, Canada, and Israel) had not been used.⁸ Other examples include:

- “Bangladesh offered \$1 million and a disaster management team. The monetary aid was accepted, but the disaster management team was ultimately turned down on September 14, 2005.”⁹
- “Pakistan offered doctors and paramedics, and \$1 million to the American Red Cross, tents, sheets and pillows. The monetary aid was accepted, but the material aid was turned down on September 14, 2005.”¹⁰

- “Honduras offered experts on flooding, sanitation and rescue personnel. This aid was turned down on October 6, 2005.”¹¹
- The government of Kuwait made the largest offer, with \$100 million in cash and \$400 million in oil. Because of the delay in accepting this aid, Kuwait eventually gave its monetary support to two private groups in order to support relief indirectly.¹²

Likely the most embarrassing diplomatic snafu during Hurricane Katrina involved the donation of nearly 400,000 Meals Ready to Eat (MREs) from the United Kingdom, which the U.S. government gladly accepted in September of 2005. That acceptance, however, had to be rescinded shortly thereafter when it was learned that the British MREs contained beef, which the U.S. still banned at that time due to the outbreak of mad-cow disease in the U.K. in the mid-1990s. The MREs—identical to those consumed by British troops fighting alongside the U.S. in Iraq and Afghanistan—sat uneaten in Arkansas.¹³ A British diplomat stated that “There was a specific request for emergency ration packs, and we responded to that. We had no reason to believe there would be a problem.”¹⁴

Some donations from foreign countries were indeed put to use in the Gulf Coast region. Much of this came through organizations like the Red Cross and the Bush–Clinton Katrina Fund.¹⁵ By 2005, Saudi Arabia had donated at least \$250 million for

6. Citizens for Responsibility and Ethics in Washington (CREW), “CREW’s Hurricane Katrina International Offer of Assistance Matrix,” at <http://www.citizensforethics.org/files/Katrina%20Matrix.pdf> (December 13, 2010).

7. Press release, “CREW Releases Report Detailing International Assistance Offers in Wake of Hurricane Katrina,” Citizens for Responsibility and Ethics in Washington, July 27, 2007, at <http://www.citizensforethics.org/node/29651> (December 13, 2010).

8. John Solomon and Spencer S. Hsu, “Most Katrina Aid From Overseas Went Unclaimed,” *The Washington Post*, April 29, 2007, at <http://www.washingtonpost.com/wp-dyn/content/article/2007/04/28/AR2007042801113.html> (December 7, 2010).

9. Citizens for Responsibility and Ethics in Washington, “Hurricane Katrina International Relief,” at <http://www.citizensforethics.org/files/DOSDocumentSummary.pdf> (December 13, 2010).

10. *Ibid*

11. *Ibid*.

12. Solomon and Hsu, “Most Katrina Aid From Overseas Went Unclaimed.”

13. American taxpayers were left footing the bill for storage of these uneaten MREs. “As of February 1, 2006, FEMA and the Department of State had paid the [storage] warehouse \$62,000, with an additional \$17,600 contract pending for the month of February.”

14. Ceci Connolly, “Katrina Food Aid Blocked by U.S. Rules,” *The Washington Post*, October 14, 2005, at <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/13/AR2005101302084.html> (December 15, 2010).

relief efforts, including donations to the Bush–Clinton fund. Qatar created its own Katrina-dedicated fund, which had disbursed \$89 million by September 2008.¹⁶ By February 2006, \$66 million of received funds had been accepted by FEMA under the Stafford Disaster Relief and Emergency Assistance Act of 1988. At one point, the Department of State “encouraged governments and private foreign donors to direct their cash contributions to the Red Cross and other organizations.”¹⁷ This helped put donations to use faster.

The sheer number of donations from foreign countries helped complicate matters. Furthermore, while \$854 million was pledged, not all of this money reached the U.S. (Estimates vary on how much had been received at any given point.) It is also difficult to estimate whether these donations were not received because of (a) lack of communication by the U.S. government, (b) lack of monetary transfer from the donating country, or (c) a combination of the two. Due to U.S. government disinterest or bureaucratic inability to process donations, however, much of the assistance offered by international donors was never used to help Katrina victims. According to the U.S. Government Accountability Office (GAO), of \$854 million in recorded pledges from 151 foreign governments and organizations, only \$115 million was received by the U.S. government as of September 21, 2005.¹⁸ Much of the donations, including the \$400 million in oil, were never accepted; the offering governments received a thank you letter and a note indicating that the offer remained under consideration (even if it was not), or no communication at all.¹⁹

The Bush Administration, for its part, openly recognized its difficulties in employing international assistance during Katrina. The government’s own review of the Katrina response, “The Federal Response to Hurricane Katrina: Lessons Learned” report, emphasizes one of the key lessons learned from Katrina—the need for a pre-established implementation plan for managing donations and inquiries: “The Department of State, in coordination with the Department of Homeland Security, should review and revise policies, plans, and procedures for the management of foreign disaster assistance.”²⁰

It is true that some donations, especially those from nations that have poor diplomatic relationships with the U.S., presented an extra problem for the U.S. government. These donations may have rightfully been better left unaddressed—but without an efficient process, many legitimate donations also went ignored.

The BP Oil Spill

On April 20, 2010, the Deepwater Horizon oil rig exploded in the Gulf of Mexico about 41 miles from the Louisiana coast. The oil platform was owned by Transocean, the largest offshore oil drilling company in the world; it was leased by the energy company British Petroleum (BP).²¹ The rig exploded while workers were drilling an oil well in waters close to 5,000 feet deep. The oil well was damaged, pouring crude oil into the Gulf from the sea floor. The explosion on the rig killed 11 platform workers and injured 17 others. This spill was the largest offshore spill in American history.

As was the case after Hurricane Katrina, the U.S. government did not seek help from the interna-

15. Jeff Diamant, “Of the Private Donations, Half Went to Red Cross,” *Star-Ledger*, August 29, 2006, at <http://www.charitynavigator.org/index.cfm/bay/content.view/cpid/486.htm> (December 13, 2010).

16. Embassy of the State of Qatar, “2008 Annual Report: Qatar Katrina Fund,” 2008, at http://www.qatarkatrinafund.org/pdf/Quatar_Katrina_Report_2008.pdf (January 5, 2010).

17. U.S. Government Accountability Office, “Hurricane Katrina: Comprehensive Policies and Procedures Are Needed to Ensure Appropriate Use of and Accountability for International Assistance,” GAO-06-460, April 2006, at <http://www.gao.gov/new.items/d06460.pdf> (January 5, 2011).

18. *Ibid.*

19. Solomon and Hsu, “Most Katrina Aid From Overseas Went Unclaimed.”

20. The White House, “The Federal Response to Hurricane Katrina: Lessons Learned.”

21. Braden Reddall, “Transocean Rig Loss’s Financial Impact Mulled,” Reuters, April 22, 2010, at <http://www.reuters.com/article/idUSN2211325420100422> (December 13, 2010).

tional community for nearly four weeks after the initial explosion and spill. The 13 unrequested offers of aid that had been received by May 5 left U.S. government representatives confused about how to respond. Sweden was one of these 13, and was indeed one of the first governments to offer assistance after the oil rig fire. Sweden finally received a request for information about their specialized assets from the Department of State on May 7, which they promptly answered.²² The Swedish government explained that it could provide some assets (such as the floating oil-containment devices

By June 30, 2010, more than 30 foreign countries and organizations had offered aid and equipment to contain the BP oil spill, and the U.S. government had accepted help from only 12.

called “booms”) within a few days and that they could send ships in a few weeks. The Swedish coast guard has three new vessels specifically designed for cleaning up major oil spills. “Each has a capacity to collect nearly 50 tons of oil per hour from the surface of the sea and can hold 1,000 tons of spilled oil in its tank.”²³ But it took the National Incident Command (NIC), which led the federal clean-up coordination and the State Department, charged with diplomatic communications, weeks to consider the request.²⁴

On May 17, President Barack Obama announced that some 17 countries had offered assistance, and that the U.S. had taken advantage of several offers. “In late May, the Administration accepted Mexico’s

offer of two skimmers and 13,779 feet of boom; a Dutch offer of three sets of Koseq sweeping arms, which attach to the sides of ships and gather oil; and eight skimming systems offered by Norway.”²⁵ On May 19, State Department spokesman Gordon Duguid told the press that the U.S. government was letting BP decide which supplies and expertise were needed. He added, “We are keeping an eye on what supplies we do need. And as we see that our supplies are running low, it may be at that point in time to accept offers from particular governments.”²⁶ During a May 27 news conference, President Obama stated that “the job of our response team is to say, okay, if seventeen countries have offered equipment and help, let’s evaluate what they’ve offered...because in some cases, more may not actually be better.”²⁷ But even Secretary of State Hillary Clinton reportedly complained that the White House was not making a sufficient effort to secure foreign aid.²⁸

When it became evident that BP would not soon be able to close the ruptured well, the U.S. government finally accelerated its efforts to accept international aid. On June 29, for instance, the NIC and the federal on-scene coordinator determined they needed booms and skimmers, which were included in some offers of assistance from foreign governments and international bodies.²⁹ By June 30, more than 30 foreign governments and international organizations had offered aid and equipment to help contain and clean the oil spill.³⁰ On June 29, however, the U.S. government announced it had accepted help from only 12 countries and organizations, including from the governments of Croatia,

22. Daniel Kaniewski and James Carafano, “Flooded with Help—But Still Flailing,” Homeland Security Policy Institute Commentary No. 13, June 24, 2010, at http://www.gwumc.edu/hspi/policy/commentary13_OilSpill.cfm (December 13, 2010).

23. *Ibid.*

24. *Ibid.*

25. Juliet Eilperin and Glenn Kessler, “After Delays, U.S. Begins to Tap Foreign Aid for Gulf Oil Spill,” *The Washington Post*, June 14, 2010, at <http://www.washingtonpost.com/wp-dyn/content/article/2010/06/13/AR2010061304232.html> (December 13, 2010).

26. *Ibid.*

27. “Remarks By the President on the Gulf Oil Spill,” The White House, May 27, 2010, at <http://www.whitehouse.gov/the-press-office/remarks-president-gulf-oil-spill> (October 4, 2010).

28. Eilperin and Kessler, “After Delays, U.S. Begins to Tap Foreign Aid for Gulf Oil Spill.”

29. Press release, “Deepwater Horizon Oil Spill: International Offers of Assistance,” U.S. Department of State, June 29, 2010, at <http://www.state.gov/r/pa/prs/ps/2010/06/143771.htm> (December 13, 2010).

Japan, Mexico, Norway, and the Netherlands, as well as the International Maritime Organization and the European Commission's Monitoring and Information Center.³¹

The aid mostly pertained to cleaning the spill rather than plugging the well, which was still considered in BP's domain. The United States began receiving shipments of booms, oil skimmers, and chemical dispersants to help clean the Gulf. As of June 30, one offer of foreign assistance had been formally rejected—France's offer of chemical dispersants was declined due to the chemicals not being approved for use in the United States. The State Department offered several reasons for not accepting certain types of aid:

- International "export laws prohibited the delivery of the assistance,"
- The aid was "logistically impractical when compared to other sources" that were more readily available, and
- The foreign items did not satisfy U.S. regulations or specifications.³²

Furthermore, many of the foreign offers of assistance were not *pro bono*. Of the more than 30 offers received by the U.S. government, several came with a requirement or the expectation of reimbursement.³³ American officials said that they needed time to evaluate offers on a need basis as well as on a market-value basis. They did not want to waste

money to buy supplies or other items that they already had, did not need, or could obtain at lower cost from domestic sources.

A consequence of the Obama Administration's hands-off approach to international aid was a delay in mobilizing international resources. This is unfortunate given that the Obama Administration had much more discretion in handling the oil spill, including in accepting offers of foreign assistance, than the Bush Administration had after Hurricane Katrina. The damage from Katrina occurred on land, with the primary jurisdiction held by state and local authorities. As a result, actions by the Bush Administration were limited. In contrast, the BP oil spill occurred offshore, in territorial waters under the control of the federal government. On July 1, Representative Darryl Issa (R-CA), minority leader of the House Committee on Oversight and Government Reform, released a scathing report on President Obama's response to the BP spill. Among other things, the report argued that "The White House's assurances that there are adequate resources are at odds with the reality on the ground, where those on the frontline of the spill express significant frustration over the lack of assets. Local complaints are supported by the fact that the White House waited until Day 70 of the oil spill to accept critical offers of international assistance."³⁴

The Jones Act Controversy. One of the controversies that has stemmed from the BP oil spill was

30. As of June 30, 27 foreign governments had offered assistance to U.S. federal authorities: Belgium, Canada, China, Croatia, Denmark, El Salvador, France, Germany, Ireland, Israel, Italy, Japan, Kenya, South Korea, Mexico, the Netherlands, Norway, Portugal, Qatar, Romania, Russia, Spain, Sweden, Tunisia, the United Arab Emirates, the United Kingdom, and Vietnam. Several more international bodies had also offered assistance: the European Maritime Safety Agency, the Environment Unit of the U.N. Office for the Coordination of Humanitarian Affairs, and the U.N. Environment Programme.

31. "U.S. Accepting International Help with Gulf Oil Spill, State Department Says," *Los Angeles Times*, June 30, 2010, at <http://latimesblogs.latimes.com/greenspace/2010/06/us-accepting-international-help-with-oil-spill-state-dept-says-.html> (December 13, 2010).

32. "Oil Spill, Foreign Help and the Jones Act," *Factcheck.org*, July 1, 2010, at <http://www.factcheck.org/2010/06/oil-spill-foreign-help-and-the-jones-act> (January 5, 2010).

33. Matthew Lee and Eileen Sullivan, "Foreign Help On Oil Spill Comes With a Price Tag," MSNBC, June 18, 2010, at <http://www.msnbc.msn.com/id/37785640/> (December 13, 2010).

34. House Committee on Oversight and Government Reform, "How the White House Public Relations Campaign on the Oil Spill is Harming the Actual Clean-up: Frontline Accounts of Oil Spill Differ from Official Account on Key Points," Staff Report, U.S. House of Representatives, 111th Congress, July 1, 2010, at http://republicans.oversight.house.gov/images/stories/Reports/7-1-10_OGR_Report_How_the_White_House_Public_Relations_Campaign_on_the_Oil_Spill_is_Harming_the_Actual_Clean-up.pdf (December 13, 2010).

whether or not the Jones Act stood in the way of response efforts by limiting the amount of foreign assets that could be used to clean up the oil. The Jones Act regulates maritime commerce between U.S. ports and requires that all goods transported by water between American ports be carried in U.S.-flagged ships constructed in the United States and owned by American citizens.³⁵ The stated purpose for enacting this law was to protect U.S. merchants in the interest of national defense and commerce, but critics have long denounced the legislation as wasteful protectionism designed to protect a few union jobs at the expense of the larger public interest.

After Hurricane Katrina, President George W. Bush waived the Jones Act in order to transport oil and gasoline to the afflicted area.³⁶ The destruction had disabled or destroyed critical infrastructure and restricted the availability of resources. At the time of the disaster, there were simply not enough U.S. ships in the area to transport the amount of gas and oil needed. With a blanket waiver for the duration of the relief efforts, foreign ships were able to operate freely as they moved supplies and acted in support roles.

During the Gulf oil spill, the Obama Administration chose not to waive the Jones Act for foreign vessels working in the Gulf. According to the Unified Command, the Jones Act did not prevent international participation in the cleanup because the Administration determined that all foreign ships involved in skimming operations are exempt from this law under U.S.C. 46 §55113, since there are not enough skimming vessels in the United States to respond to the BP spill appropriately. The Administration stated that it had adopted measures to

ensure that the Jones Act did not hinder the receipt of foreign assistance.³⁷ The National Oil Spill Commission's report on the BP oil spill agreed with this argument when it concluded that the federal government did not turn away offers of foreign assistance because of the Jones Act, and that the White House was able to use exemptions and waivers to obtain assets where appropriate.

Nonetheless, some sources claim that the Jones Act resulted in the rejection or delayed approval of several offers of foreign assistance. Media reports stated that a French company specializing in managing oil spills, Ecoceane, eventually had to resort to selling nine boats to a private contractor in Florida to circumvent the act since, under their new ownership, the vessels were no longer considered foreign.³⁸ There were also varying reports about whether American dredging companies, whose capacity was much lower than that of the Dutch firms, pressured the governor of Louisiana to block the involvement of foreign companies in the initiative.³⁹

Eight Lessons the U.S. Must Learn

As the experiences dealing with the BP oil spill and Hurricane Katrina demonstrate—the U.S. remains ill prepared to accept offers of foreign aid and put them to use in a way that will save lives and property. While there was some progress in the aftermath of Katrina, through changes such as the development of an interagency process to coordinate offers of foreign assistance for a domestic response, the experience with the recent BP oil spill indicates that U.S. officials are taking inadequate advantage of the assets available from the international community.⁴⁰

35. The Jones Act states: “[N]o merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including districts, territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States.”

36. Marinelink.com, “President Bush Waives Jones Act,” September 2, 2005, at <http://www.marinelink.com/news/article/president-bush-waives-jones-act/300508.aspx> (December 13, 2010).

37. Unified Command for the BP Oil Spill, “Jones Act Fact Sheet: BP Deepwater Oil Spill Response—July 6,” at http://www.mctf.com/Jones_Act_Fact_Sheet_7-6-2010.pdf (December 15, 2010).

38. Meena Hartenstein, “BP Oil Spill Clean-up Blocked by Red Tape, Bureaucracy, as Companies Offering Aid Are Turned Down,” *NY Daily News*, June 29, 2010, at http://www.nydailynews.com/news/national/2010/06/29/2010-06-29_bp_oil_spill_cleanup_blocked_by_red_tape_bureaucracy_as_companies_offering_aid_a.html (December 14, 2010).

39. Eilperin and Kessler, “After Delays, U.S. Begins to Tap Foreign Aid for Gulf Oil Spill.”

It is important to use the experiences after Hurricane Katrina and the oil spill to glean lessons about the right way to handle international assistance in times of disaster. While there has been much progress, eight lessons should be learned about how to work effectively with international partners to accept useful assistance in a disaster:

1. Processing Contributions Requires an Efficient System. The United States lacks efficient procedures for working effectively with international partners that want to help and who so generously give in foreign disasters. During Hurricane Katrina, the process for approving international offers of assistance was excessively complicated. Even foreign governments that were able and willing to transport their aid to the United States themselves were dissuaded from doing so before receiving the approval of the U.S. government (which in many cases never came). According to one of the documents issued by CREW:

For your information, the way the process is working is that [the State Department] submits to USAID/OFDA the offers of international assistance. OFDA then submits them to FEMA. Everyone is left waiting until FEMA makes a decision. Once FEMA makes a decision, they notify OFDA, which tells State, and the logistics process for the flights begins. Throughout the last week, as you have seen, it often takes quite some time for FEMA to make a decision about accepting aid. State's role in the issue is really to act as a liaison between the foreign govts and OFDA and FEMA.⁴¹

Dealing effectively with foreign offers of assistance requires that federal authorities have sufficient personnel to process and distribute them. In a state-

ment before the Bipartisan Committee to Investigate the Response to Katrina, Rear Admiral Dennis Sirois of the U.S. Coast Guard observed that "We have a limited capacity to respond to long-duration events. While the Coast Guard is optimized for immediate first response, its limited 'bench strength' makes it difficult to sustain these operations for a long period of time."⁴²

At the time, FEMA and other government agencies lacked the necessary procedures and policies to coordinate international aid. The lack of coordination between government agencies caused confusion about which agency was to accept what aid. Problems were also caused by agencies accepting food and medical items banned in the United States, leading to storage costs of more than \$80,000 before most were destroyed.⁴³ As a result of the lessons learned from Katrina, the federal government did revise its response plan and develop an inter-agency process to coordinate offers of foreign assistance for a domestic response. In particular, the government developed detailed procedures in the International Assistance System Concept of Operations, issued in September 2007, for communicating the nation's emergency needs to foreign governments, for requesting tailored international assistance, and for reviewing offers of foreign assistance in a timely and diplomatically appropriate manner.⁴⁴ The oil spill response demonstrated that there is much work to be done to make this process efficient and to handle offers of technical assistance.

2. Determination of Needs Must Be Streamlined. Part of the issue with accepting international assistance after either disaster was that U.S. officials tried to avoid accepting unnecessary aid. The result was that the U.S. did not receive the help it *did* need. FEMA spokeswoman Natalie Rule pointed out that

40. National Response Framework, "International Coordination Support Annex," January 2008, at <http://www.fema.gov/pdf/emergency/nrf/nrf-support-internatl.pdf> (October 13, 2010).

41. CREW, "Hurricane Katrina International Relief."

42. Dennis Sirois, "Coast Guard's Role in Disaster Preparedness and Response," statement before the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, U.S. House of Representatives, October 27, 2005, at http://katrina.house.gov/hearings/10_27_05/sirois_state102705.DOC (December 13, 2010).

43. Government Accountability Office, "Hurricane Katrina: Comprehensive Policies and Procedures Are Needed to Ensure Appropriate Use of and Accountability for International Assistance."

44. National Response Framework, "International Coordination Support Annex."

agency officials were responding the same way to domestic offers of assistance: “We are pulling everything into a centralized database. We are trying not to suck everything in all at once.”⁴⁵ The problem was that it took U.S. government agencies a long time to make this determination, leaving potential foreign givers confused and potentially antagonized.

The U.S. needs the ability to judge the extent of disasters and determine needs quickly. While a contingency plan cannot be formulated for every possible disaster, preparations can be made for general scenarios. If the U.S. had taken stock of its oil-cleaning capabilities before a large spill occurred off its coast, the government would have needed less time to consider and assess whether international aid is necessary or redundant. The aid could have been accepted and put to use more quickly. Ensuring that need determination is part of planning will help officials deal with an onslaught of donations.

3. Logistics Planning Is Crucial. The U.S. government must be able to manage the logistical issues that arise whenever a domestic disaster leads to massive offers of foreign assistance. The logistical capabilities of the U.S. government were so taxed after Hurricane Katrina that U.S. officials even expressed concern that foreign aid that was not yet approved might arrive unexpectedly and create further confusion and logistical problems for the nearest major military airport, the Little Rock Air Force Base in Arkansas.⁴⁶

While logistical problems, such as air traffic congestion, backed-up ports, and overtaxed supply lines can hardly be avoided in Katrina-like situations, U.S. officials can do a better job of working with the private sector and local communities to determine ahead of time how to deal with foreign offers of logistical assistance. Ideally, the State Department, in close coordination with the Department of Homeland Security, should inform foreign governments and international organizations, as well as potential public-sector and private-sector domestic donors, of

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what the United States most needs as soon as an emergency occurs. These priorities can then be adjusted as the situation evolves and after the precise dimensions of the emergency and the resulting requirements become clearer. This practice would reduce the amount of unnecessary aid offered, and limit the level of congestion and confusion.

4. Communication Is Essential. One of the major concerns expressed by foreign countries offering assistance after both disasters was the inability of U.S. officials to give an answer—any answer—to willing foreign donors. A U.S. embassy official in Estonia wrote that “It is getting downright embarrassing not to have a response to the Estonians on flood relief... everyone at FEMA is swamped, but at this point even a ‘thanks but no thanks’ is better than deafening silence.”⁴⁷ While the U.S. must make disaster response its primary concern in an emergency, prompt and clear communication between the U.S. and its allies (even in the form of a final determination that offers of help are appreciated but not needed) will go a long way in terms of maintaining relationships. The State Department has the responsibility to lead this effort.

5. Protect People and Property, Not Bureaucracy. The oil spill was an excellent example of how permitting delays and other forms of red tape stopped responders from implementing the right plans to protect the coastline’s fragile environment after the oil spill. These delays—due to government bureaucracy—prevented the construction of rock jetties, dykes, and sand berms that would have stopped the oil from spreading and protected the environment and people of the Gulf. The govern-

45. Elizabeth Williamson, “Offers of Aid Immediate, But U.S. Approval Delayed for Days,” *The Washington Post*, September 7, 2005, at http://www.washingtonpost.com/wp-dyn/content/article/2005/09/06/AR2005090601994_pf.html (December 14, 2010).

46. CREW, “Hurricane Katrina International Relief.”

47. Carolyn O’Hara, “Money for Nothing,” *Foreign Policy*, August 23, 2006, at http://www.foreignpolicy.com/articles/2006/08/22/money_for_nothing (December 14, 2010).

ment offered few alternatives to keep the oil from spreading closer to land.

The U.S. needs to find a way to approve projects promptly and streamline the permit process, whether for domestic or foreign assistance. Due to states' regulations, foreign doctors were prohibited from volunteering in the stricken areas after Hurricane Katrina. The federal government should work with states to identify and resolve these types of impediments.

6. Disaster Response Should Not Promote Protectionism. Just last year, the U.S. House of Representatives passed a bill, H.R. 3116, which would "require the Department of Homeland Security to purchase domestically produced goods unless it determines that U.S. produced terms would not have sufficient quantity or quality."⁴⁸ Legislation such as this is merely an attempt to use disaster response efforts as an avenue for economic protectionism, along the lines of the Jones Act—which was a factor in terms of receiving international assistance during Hurricane Katrina. The stated purpose for enacting the Jones Act was to protect U.S. merchants in the interest of national defense and commerce, but critics have long denounced the legislation as wasteful protectionism designed to protect a few union jobs at the expense of the larger public interest.

The United States can ill afford to place protectionism over helping its citizens in the aftermath of a disaster. In the case of Hurricane Katrina, it was clear that the Act hampered the mobilization of resources. While the Jones Act may not have inhibited the response to the BP oil spill, the fact that the Administration was required to find waivers and exemptions to get around the law in order to take advantage of foreign assets warrants serious concern.

7. FEMA Must Stay Out of Routine Disasters. For too long, FEMA has federalized disaster response to the point that every routine disaster receives an onslaught of federal funds and over-

stretches FEMA budgets. In the short span of 16 years, the yearly average of FEMA declarations has tripled from 43 under President George H. W. Bush to 89 under President Bill Clinton to 130 under President George W. Bush. In his first year in office, President Obama issued 108 declarations—the 12th highest in FEMA history—without the occurrence of a hurricane or other major disaster. In the first three months of 2010, President Obama issued 32 declarations, which puts him on pace for 128 declarations for the year—the sixth highest in FEMA history.

The reason for the increase in disaster declarations is largely related to the application of the controlling federal statute for disasters, the 1988 Stafford Disaster Relief and Emergency Assistance Act. Under this act, the federal government pays 75

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percent to 100 percent of disaster response bills as long as FEMA has issued a disaster declaration. Meeting the definition for such a declaration is relatively easy: The disaster in question must be "of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary." The financial threshold is also low—it is reached "when a state's storm-related damages reach \$1.29 per capita, [which] for several states... is less than \$1 million in damages."⁴⁹

The ambiguous provisions of the Stafford Act and low damage threshold create enormous incentives for governors to seek these declarations rather than shouldering the lion's share of payment, especially as state budgets continue to decline. As a result, there have been 3,016 FEMA declarations since the law's enactment, most of which have not fundamentally met the act's definition of a disaster requiring federal intervention.

48. The Berry Amendment Extension Act, H.R. 3116, 111th Cong., 2nd Sess., § 890.

49. FEMA, "Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as Amended," at <http://www.fema.gov/about/stafact.shtm> (February 3, 2011).

From an operational standpoint, disaster response should be driven by state and local governments, since they own most of the response resources, and are the first on the scene when disaster strikes. Large-scale catastrophic disasters that overwhelm state and local governments are a welcome forum for FEMA intervention; that is, after all, the very purpose of FEMA declarations. But all too often, disaster politics, not effective policy, drive decisions on disaster response. Washington policymakers simply do not know how to say “no” to increased disaster spending, whether it is necessary or not. Consequently, FEMA can no longer meet its financial commitments. In fact, the organization owes billions of dollars to states and local governments for previous disasters, including \$1.7 billion to local and state governments in the Gulf Coast region from Hurricane Katrina.

FEMA would have more resources to concentrate on catastrophic disasters, where international assistance is more likely needed, if it would get out of the business of subsidizing routine disasters.

8. Distinguish Between Humanitarian Aid and Technical Assistance. One of the Obama Administration’s reasons for not making use of international private-sector expertise and assistance in the wake of the BP oil spill was that some of these entities expected payment for their services. Although the United States should not spend money when not necessary, U.S. officials need to understand the clear line between humanitarian aid and technical assistance—and that some foreign assistance rightfully requires remuneration for services delivered. Whether a particular service or resource provider is a U.S. or a foreign company, the company that can do the best job should be hired. This means that both U.S. and international private-sector capabilities should be incorporated into planning and exercises. Treating offers for services as humanitarian aid will undoubtedly slow down the process and ensure that the best expertise is not employed. Some of these companies even have technologies that American companies simply do not possess (as was the case in the BP oil spill).

Conclusion

The key to streamlining the acceptance and use of international aid during domestic disasters begins in the United States. In the cases of both Hurricane Katrina and the Gulf oil spill, many problems with managing foreign offers of aid could have been overcome if U.S. officials had been better prepared. The disasters spawned by Hurricane Katrina and the explosion of the Deepwater Horizon oil rig created situations where the United States could have benefited from international assistance. In both cases, the U.S. government received many foreign offers of help, but delays due to faulty decision making, logistical bottlenecks, and antiquated legislation and regulations caused problems for both American diplomats and the disaster victims. The U.S. can, and must, do better. Next steps should be to:

- **Revisit the GAO Katrina recommendations for improving consideration of international aid.** Some progress has been made in implementing the recommendations detailed in the GAO report after Hurricane Katrina. Some of the recommendations remain highly relevant today—and have not been implemented. Congress should revisit Katrina recommendations pertaining to international cooperation and assistance, and should work with the Department of Homeland Security to implement them.
- **Modify the Stafford Act.** As the litmus test for federal disaster dollars, the Stafford Act fails to accurately determine which disasters meet the federal requirements. Congress should establish clear requirements that limit the types of situations in which declarations can be issued—eliminating some types of disasters from FEMA’s portfolio entirely. Furthermore, Congress should reduce the cost-share provision for all FEMA declarations to no more than 25 percent of the costs. This will help ensure that at least three-fourths of the costs of a disaster are borne by the taxpayers who live where the disaster took place. For catastrophes with a nationwide impact, such as 9/11 and Hurricane Katrina, a relief provision could provide a higher federal cost-share where the total costs of the disaster exceed a certain threshold amount.

- **Invest in catastrophic planning.** The federal government still lacks a comprehensive regime for planning and preparing for large-scale disasters. In part, this shortfall is the product of an inadequate interagency process, the means by which federal agencies organize and cooperate with one another and their partners in state and local governments and the private sector. Fixing the problem will require renewed vigor from the Administration in setting clear policy guidelines, particularly in implementing a National Exercise Program, emphasizing the priority of interagency disaster preparedness for the National Planning Scenarios, and improving professional development.

The U.S. must be able to incorporate international assistance the next time a major disaster strikes. Doing so will help to save lives and property—the number one goal in the initial wake of a disaster.

—*Jena Baker McNeill is Policy Analyst for Homeland Security in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation; James Jay Carafano, Ph.D., is Deputy Director of the Davis Institute and Director of the Allison Center; Matt A. Mayer is a Visiting Fellow at The Heritage Foundation; and Richard Weitz, Ph.D., is Senior Fellow and Director of the Center for Political–Military Analysis at the Hudson Institute.*