

“Who Says It’s a Disaster?”: Podcast Companion

December 19, 2023

This Insight accompanies the CRS podcast episode “Who Says It’s a Disaster?” and includes background information on the issues discussed on the podcast.

Four Families of Disaster Declarations

1. Stafford Act
2. Small Business Administration
3. U.S. Department of Agriculture
4. Department of Commerce

Note: Overlapping declarations for a single incident are common.

Stafford Act

- [42 U.S.C. §§5121 et seq.](#)
- Presidential authorities [delegated to the Federal Emergency Management Agency \(FEMA\)](#)
- [44 C.F.R. Part 206](#)

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Table I. Stafford Act Declarations

	Fire Management Assistance Grants (FMAGs)	Emergency	Major Disaster
Purpose	Federal support for governments for mitigation, management, and control of wildfires that risk becoming major disasters.	Federal assistance for affected communities to save lives and protect property and public health and safety, or to lessen or avert the threat of a catastrophe anywhere in the United States.	Federal assistance for affected communities to alleviate the damage, loss, hardship, or suffering caused by a natural catastrophe or any flood, fire or explosion when local capacity is overwhelmed.
Authorities	42 U.S.C. §5187 44 C.F.R. §204	42 U.S.C. §§5191-5193	42 U.S.C. §§5170-5189h
Requestor	Governor, or tribal executive (required)	Governor, or tribal executive; President unilaterally for cases of “primary federal responsibility”	Governor, or tribal executive (required)
Format	Phone call, followed by supporting documentation	Written; can be made prior to an incident	Written (with preliminary damage assessment)
Decisionmaker	FEMA Regional Administrators	President (with FEMA recommendation)	President (with FEMA recommendation)
Potential Assistance	Reimburses costs for certain equipment and supplies, labor costs, travel, pre-positioning, emergency work, temporary repairs to firefighting damage, mobilization and demobilization. Makes states eligible for the Hazard Mitigation Grant Program Post Fire program.	Specific aid made available is spelled out by jurisdiction in the declaration, and varies by incident. Potential assistance is limited: Public Assistance (PA): debris removal; emergency protective measures Individual Assistance (IA): Individuals and Households Program; Crisis Counseling Provision of IA is “extremely rare,” according to FEMA.	Declaration specifies aid made available by jurisdiction, and varies by incident. Potential assistance includes the full range of activities under the Public Assistance and Individual Assistance programs as well as Hazard Mitigation Grant Program assistance.

Note: For more information, see CRS Report WMRI0001, *CRS Guide to Federal Emergency Management*.

FY2023 Funding

Stafford Act relief is funded through the Disaster Relief Fund (DRF).

Annual Appropriations: \$19,945,000,000 (unused prior-year budget authority does not expire)

Supplemental Appropriations: \$21,200,000,000

Obligations:

- FMAGs: \$133,000,000
- Emergencies: \$94,000,000
- Major Disasters: \$37,673,000,000

Small Business Administration (SBA)

Eligibility for disaster loans can be triggered by a Stafford Act major disaster declaration or by the SBA Administrator under the Small Business Act.

Under Stafford:

- Entities in declared counties for which PA and IA have been authorized and adjacent contiguous counties are eligible for SBA home and business disaster loans.
- In counties with declarations that only allow PA, only eligible non-profits may receive SBA disaster loans.

Under the Small Business Act:

- At the request of the governor or tribal executive, the SBA Administrator can issue a declaration to make disaster loans available.
- Minimum threshold is in regulations: at least 25 homes and businesses sustain uninsured losses of 40% or more in any county or other smaller political subdivision.

FY2023 Funding

Annual Appropriations: \$179,000,000 (largely administrative costs; like the DRF, its budget authority does not expire)

U.S. Department of Agriculture (USDA)

Under Stafford:

- Entities in counties with major disaster declarations and adjacent counties are eligible for USDA emergency farm loans to cover production and physical losses.

Under Secretarial Authority:

- The Secretary of Agriculture can designate disasters without a request to address livestock, crop, and infrastructure losses.
- A request for a disaster designation must be made within three months of the event, and the local Farm Service Agency (FSA) collects the required loss information.

Drought designations:

Expedited secretarial designations are based on drought conditions; no request is required.

Information comes from the U.S. Drought Monitor—a collaboration between USDA, the National Oceanic and Atmospheric Administration (NOAA), and the University of Nebraska-Lincoln that produces a weekly report on the duration and severity of drought conditions nationwide.

To qualify, during a county's grazing period, a county must experience either:

- 8 weeks of continuous severe drought (D2), or
 - extreme drought (D3) or exceptional drought (D4) for any length of time.
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Note: Most USDA assistance for agricultural losses is triggered directly by losses or qualifying events—not a disaster declaration.

FY2023 Funding

USDA disaster relief is funded through a mix of discretionary appropriations (mostly supplemental) and mandatory funding.

Supplemental Appropriations: \$3,741,715,000.

Mandatory Funding: Fiscal year-end information on permanent disaster assistance programs is not yet available.

U.S. Department of Commerce / National Oceanic and Atmospheric Administration (NOAA)

Key Terms

Fishery Resource Disaster (biological term): a sudden, unexpected, large decrease in fish stock biomass, or other change that results in significant loss of access to that fishery resource.

Commercial Fishery Failure (economic term): occurs when revenues from commerce in the fishery decrease due to a fishery resource disaster, such that the decrease causes fishers to suffer economic hardship.

Authorities, Processes, and Assistance

NOAA provides fisheries disaster assistance under authorities through the Magnuson-Stevens Fishery Conservation and Management Act (MSA; P.L. 109-479, as amended).

The MSA was recently amended by the Fishery Resource Disasters Improvement Act, 2022 (P.L. 117-328), which reformed and codified several NOAA policies.

The Secretary of Commerce determines whether a fisheries disaster has occurred, on the basis of a request from a governor, tribal executive, or similar official, or on their own initiative. The determination is made based on 12-month revenue loss thresholds specified in the MSA for a fishery resource disaster.

- Losses greater than 80% over a 12-month timeframe may result in a positive determination.
- Losses between 35% and 80% are evaluated to determine whether economic impacts were severe enough, while losses less than 35% are not eligible for that determination.
- Determinations are not automatic. Overfishing and other factors can result in no determination being made.

FY2023 Funding

Annual Appropriations: \$300,000 (administrative costs).

Supplemental Appropriations: \$300,000,000 (disaster assistance).

For More Information:

- CRS Report R41981, *Congressional Primer on Responding to and Recovering from Major Disasters and Emergencies*
- CRS Report R47631, *Federal Disaster Assistance for Businesses: Summaries and Policy Options*
- CRS In Focus IF10565, *Federal Disaster Assistance for Agriculture*

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