

Possible reform
measures to the
stafford act to make it
more functional in
todays...

Law



The Stafford Act Disasters are occurrences that have profound effects on the locality upon which they manifest in, and since time in memorial, man has been devising ways to counter these effects. Disasters can be natural or man made, and when they occur, their effects can be devastating to human life, infrastructure and the environment. In today's world, governments have put measures meant to act as warning signs to the occurrence of disasters. The United States (US) government has put in place measures to act as warning signs to disasters and recovery from these catastrophes. Such measures are supported by legislation such as the Stafford Act meant to address disaster relief and emergency assistance. This act was designed as a guide to the orderly and systematic mode of federal natural disaster management in local and state governments. This paper seeks to highlight the positions, issues and possible reform measures to the Stafford Act to make it more functional in today's society. This is in relation to the major disasters and emergencies facing the US.

The Stafford Act was meant to agitate states and local authorities to develop a comprehensive disaster preparedness protocols and plans. These were meant to enable and facilitate better intergovernmental coordination in the event of a disaster (Farber & Chen, 2006). The act stipulated that both public and private entities be encouraged to seek insurance cover to help them absorb losses incurred due to destruction of property and assets in these calamities. The act also recommends federal assistance programs and interventions for losses due to a disaster (Farber & Chen, 2006). The Stafford Act was able instigate the creation of a system through which a president could declare a disaster emergency. This declaration triggers financial and

physical interventions through the Federal Emergency Management Agency (FEMA). Through FEMA, the Act gives the agency the power and responsibility of coordinating government sanctioned relief efforts (Farber & Chen, 2006).

The New Orleans disaster was caused by hurricane Katrina that was characterized by massive flooding, which led to destruction of property and loss of life. According to Title I of the Stafford Act, the federal government can only intervene after an occurrence has been determined to be a disaster by the president (Farber & Chen, 2006). This is a major weakness to the Act because the people of New Orleans suffered a great deal before the then president declared hurricane Katrina as disaster. Under the Act, the federal government can shoulder the burden of financing local authority's obligations if the damage caused by the disaster was to such an extent that the local government can not function. FEMA is tasked with the responsibility of assessing the situation of the affected area and formulating measures that alleviate the negative impact from the disaster. FEMA officials are federal employees, and they are mostly not in-touch with the immediate needs of the locals in affected areas. This is because the local authority's officials are better placed to identify these needs yet they do not have the capacity to fulfill these needs, and they have to rely on FEMA officials. This creates ground for conflicts because of the differences in opinions regarding the priorities to be addressed by the relief effort.

The implementation of the Stafford Act is hindered by the bureaucratic red tape that comes with devolving federal funds and resources to local authorities. This is one of the major weaknesses of the Act because it makes

its execution rigid in terms of the time it takes for its interventions to take effect. This was characteristic of the hurricane Katrina aftermath which saw relief efforts begin to off two weeks after the disaster occurred(McCarthy, 2010). Under the Act, the federal government is given power through presidential action to provide housing for those affected by a disaster for a period of 18 months from the period of disaster declaration by the president(McCarthy, 2010). The Act should be reformed especially in the areas of reacting to disasters and classification of disasters. This is in the sense that, provisions should be made to give other authorities the power to declare emergency situations that require federal funding and assistance. This would help remove bias in the implementation of Stafford Act's stipulates. Reforming the Stafford Act would help in the recovery and clean up efforts in the Deepwater Horizon BP Oil Spill. This is because the Act does not recognize human error as a causative agent for disaster, yet the impacts of the oil spill have direct impacts on the well being and livelihoods of the local community (McCarthy, 2010).

The Stafford Act is a welcome legislation which has seen many local authorities and governments obtain the help they required and alleviated the suffering of thousands. In some capacities, the act is effective because it has facilitated the development of disaster warning systems in all US local authorities. The act has helped improve disaster preparedness in most states in the US, which has seen many people avoid losses and damages. The act lacks in efficiency because of bureaucracy present in the system and interpretations of the law governing the act. Reformation the Act should be made with reference to past cases and future projections for its purpose and

goals to be effectively realized.

References

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