

The Federal Emergency Management Agency Publication 1

The Federal Emergency Management Agency



FEMA

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Administrator's Message

Since 1979, the Federal Emergency Management Agency (FEMA) has been the Federal Government's lead agency in responding to and recovering from many of the Nation's greatest moments of crisis. Throughout its history, FEMA has built upon the more than 200 years of Federal involvement in disasters. By understanding this history, we are better able to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

We do what we do as part of a team. We rely on our Federal, State, Tribal, and local government partners; the private sector; nongovernmental entities like faith-based and volunteer groups; and the public to meet our mission.

Over the past 31 years, our missions have evolved in size and scope. FEMA has adapted to these structural and mission changes by incorporating new missions and organizations, transferring functions as necessary, and becoming an essential component of the Department of Homeland Security. Regardless of how our mission and structure have changed, the fundamental character, inspiration, and motivation for our employees remains the same: The desire to serve our Nation by helping our people and first responders, especially when they are most in need.

I am proud to introduce the first edition of FEMA's Publication 1 (Pub 1), which serves as our capstone doctrine. Pub 1 communicates who and what FEMA is, what we do, and how we can better accomplish our missions. Pub 1 defines our principles and culture, and describes our history, mission, purpose, and ethos.

FEMA employees are expected to read, discuss, and become familiar with Pub 1. You should embrace and reflect upon the lessons from the past so we as an agency can adapt to our changing environment and better serve

our citizens and first responders. To readers outside the agency, Pub 1 provides a comprehensive understanding of our organization. Utilizing collaborative writing technologies, this document is in the truest sense the collective effort of FEMA's employees, and represents the voice of FEMA as a whole.

W. Craig Fugate
Administrator

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Foreword

Publication 1 (Pub 1) is the Federal Emergency Management Agency's (FEMA's) capstone doctrine. Pub 1 describes FEMA's ethos, which is to serve the Nation by helping its people and first responders, especially when they are most in need. It identifies FEMA's core values of *compassion, fairness, integrity, and respect*. Finally, Pub 1 delineates eight guiding principles that provide overarching direction to FEMA employees for the performance of their duties:

- Teamwork
- Engagement
- Getting Results
- Preparation
- Empowerment
- Flexibility
- Accountability
- Stewardship

Pub 1's themes and principles guide all FEMA activities at all times and serve as a lens for FEMA employees to use in examining situations and making decisions that are in the best interests of the American people. This doctrine applies to all employees and agents of FEMA.

Guidance on Interpretation

The various elements of Pub 1 constitute an interlocking set of guidance intended to be applied as a whole and not as individual principles or values. FEMA's missions, values, and principles are mutually supporting. Programmatic implementation or decisions based solely on one or a few elements of the guidance, without consideration of the rest, may produce incomplete results that may even conflict with the overall FEMA mission.

Guidance on Application

The values and principles outlined in Pub 1 are fundamental to FEMA, and all future FEMA guidance will be based on and consistent with FEMA's capstone doctrine. Pub 1 will serve as a basis for the development or update of all other FEMA policies and processes, as well as any mission- or discipline-specific doctrine.

All FEMA employees should be familiar with this doctrine and should refer to it regularly. The core values and guiding principles represent the best thoughts, actions, and experiences of FEMA's employees and should be used to guide future actions and decisions. This document also provides new FEMA employees with a means to understand the culture of the organization and offers a backdrop for other orientation and training content.

The capstone doctrine should help to advance the practice of consistent decision-making by those with the authority to act. While the guidance is authoritative, it is not directive, and when applied with judgment, it can be adapted to pertain to a broad range of situations. The guidance is intended to promote thoughtful innovation, flexibility, and proactive performance in achieving FEMA's complex mission. This document provides managers, supervisors, and employees with the set of values and principles to which they can all expect to be held accountable. Employees should feel confident that decisions made based on the capstone doctrine and within their authority are consistent with the FEMA mission.

External agencies, organizations, and stakeholders may use this document to better understand how FEMA functions, just as FEMA employees gain insight from the doctrinal products of other organizations. As we all better understand and appreciate each other's cultures and values, we can anticipate each other's requirements and expectations, and support each other's missions more effectively.

Chapter 1 – The History of FEMA

Since President Carter created the Federal Emergency Management Agency (FEMA), effective on April 1, 1979, the Nation has had a single agency dedicated to managing the Nation’s disasters. In the subsequent years, FEMA supported the Nation in some of its greatest moments of crisis. FEMA personnel have been engaged during the Great Midwest Floods of 1993, the Northridge Earthquake in 1994, the 1995 terrorist attack at the Alfred P. Murrah Federal Building in Oklahoma City, the attacks on the World Trade Center and Pentagon on September 11, 2001, and Hurricane Katrina in 2005. All told, FEMA employees have coordinated Federal response and recovery efforts and supported State, Tribal, and local efforts in more than 1,800 incidents.¹

The Federal Government’s involvement in emergency management; however, did not begin in 1979. Federal disaster relief actually started more than 200 years ago.

Federal Disaster Response and Emergency Management 1802–1979

In the early morning hours of December 26, 1802, fire ripped through the city of Portsmouth, New Hampshire, destroying large areas of this important seaport. The fire was a devastating event and threatened commerce throughout the northeast section of the newly founded Nation. Nineteen days later, Congress suspended bond payments for several months for the merchants affected by the fire, thus implementing the first act of Federal disaster relief in American history.

Large fires were a significant hazard for cities in the 19th century. Fire disasters, including one in New York City in 1835 and the Great Chicago Fire in 1871, led to more ad hoc legislation from Congress, most often authorizing the suspension of financial obligations for disaster survivors.² It was not until the early 20th century that two catastrophic disasters affected public opinion and changed the role the Federal Government would play in future disasters.

¹Throughout this document, references to States are also intended to include U.S. territories and possessions.

²Suburban Emergency Management Project, *History of Federal Domestic Disaster Aid Before the Civil War*, 379 BIOT REP. 1, 3-6 (2006), available at http://www.semp.us/publications/biot_reader.php?BiotID=379.

The Galveston Hurricane in 1900 and the San Francisco Earthquake in 1906 remain the two deadliest disasters in U.S. history. In both cases, local governments led response and recovery efforts with support and assistance from volunteers and wealthy members of the respective communities. The Federal Government provided only token aid to both cities. These incidents spurred a national debate over the Federal Government's role in providing assistance following domestic disasters.

The Great Peshtigo Fire of 1871

In one of the greatest coincidences in U.S. history, as the city of Chicago burned to the ground on the night of October 8, 1871, another catastrophic fire raged just a few hundred miles north in the area of Peshtigo, Wisconsin. This massive forest fire consumed more than 1.5 million acres of forestland,



Image courtesy of the Wisconsin Electronic Reader, a cooperation digital imaging project of the University of Wisconsin-Madison General Library System and the Wisconsin Historical Society.

along with a number of towns, and took an estimated 2,400 lives.

While Peshtigo was dealing with a “tornado of fire,” Chicago received most of the attention and earned a place in fire lore

because the fire ignited when Mrs. O’Leary’s cow tipped over a lantern. When the nightmare was over, Peshtigo itself had lost approximately 800 residents, more than half the population of the entire town. To this day, the Great Peshtigo Fire remains both the deadliest fire ever and one of the most forgotten disasters in American history.

In response to the Great Mississippi Flood of 1927, President Coolidge designated Commerce Secretary Herbert Hoover as the flood “czar” to coordinate the

Federal disaster response for this catastrophic event, which affected ten States.³ The executive-level response, led by Hoover, marks the first time the Federal Government directly assisted disaster response and recovery efforts.

Hoover used his authority to marshal Federal resources and integrate them with the efforts of the American Red Cross and private sector interests. The Federal Government actually provided very little financial aid. Instead, it successfully urged American citizens to donate to the relief effort.

In 1950, Congress enacted the Federal Disaster Assistance Program.⁴ For the first time, the Federal Government was authorized to respond to major disasters. This



The increase in flood damages around the country prompted many changes in legislation to assist homeowners and to increase mitigation efforts.

law defined a disaster as “[a]ny flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which in the determination of the President is, or threatens to be, of sufficient severity and magnitude to warrant disaster assistance by the Federal government.”⁵ The Federal Disaster Assistance Program gave the President broad powers to respond to crisis, and those powers have been confirmed in all subsequent Federal disaster legislation.

The United States suffered several major disasters in the 1960s including the Alaska Earthquake in 1964, Hurricane Betsy in 1965, and Hurricane Camille in 1969. Partially in response to these incidents, the Department of Housing and Urban Development (HUD) established the Federal Disaster Assistance Administration, which provided housing and other forms of aid to disaster survivors.

³ KEVIN R. KOSAR, DISASTER RESPONSE AND APPOINTMENT OF A RECOVERY CZAR: THE EXECUTIVE BRANCH’S RESPONSE TO THE FLOOD OF 1927 5 (2005), available at <http://fpc.state.gov/documents/organization/55826.pdf>.

⁴ See generally Nondiscrimination in Federally-Assisted Programs, 44 C.F.R. § 7.3 (2000).

⁵ Act of Sept. 30, 1950, Pub. L. No. 81-875, 64 Stat. 1109; WEST’S ENCYCLOPEDIA OF AMERICAN LAW (2d ed. 2004).

Congress also passed the National Flood Insurance Act, providing federally guaranteed flood insurance to homeowners.

While these changes were occurring, civil defense preparedness became increasingly important as tensions between the United States and the Soviet Union waxed and waned. The increasingly apparent relationship between preparedness for war and preparedness for other types of disasters and emergencies began to connect civil defense and disaster preparedness activities at various levels of government.

Congress significantly extended the Federal Government's disaster relief role by enacting the Disaster Relief Act of 1970, which expanded upon the 1950 Federal Disaster Assistance Program. When President Nixon signed the bill into law, it authorized Federal loans and tax assistance to individuals affected by disasters, as well as Federal funding for the repair and replacement of public facilities. The Disaster Relief Act also introduced hazard mitigation as a Federal priority, authorizing the use of Federal funds to reduce the potential impact of future disasters. In signing the bill, President Nixon noted the concept of engaged partnerships between the Federal Government and State and local officials in disaster response, remarking that, "The bill demonstrates that the Federal Government, in cooperation with State and local authorities, is capable of providing compassionate assistance to the innocent victims of natural disasters."⁶ Just four years later, Congress gave additional disaster relief authority to the President in the Disaster Relief Act of 1974, which established the Presidential disaster declaration process.

Although strides had been made to define and expand the Federal Government's role in emergency management, critics cited a lack of coordination and the fact that, at the Federal level, no single entity was responsible for coordinating Federal response and recovery efforts during large-scale disasters and emergencies. Critics pointed out that when hazards associated with nuclear power plants and the transportation of hazardous substances compounded the complexity of natural disasters, more than 100 different Federal departments and agencies were involved in some aspect. Working with all these agencies were a corresponding number of State, Tribal, and local governments. With the many programs

⁶ Richard Nixon – Statement on Signing the Disaster Relief Act of 1970, <http://www.presidency.ucsb.edu/ws/?pid=2875>.

further complicating preparedness and disaster response, organizations such as the National Governors Association (NGA) urged national leaders to streamline the process. In 1979, the NGA asked President Carter to centralize Federal emergency management functions.

FEMA: 1979–2001



President Carter’s 1979 executive order consolidated many separate Federal disaster-related responsibilities within FEMA. The National Fire Prevention and Control Administration of the Commerce Department, the National Weather Service Community Preparedness Program, the Federal Preparedness Agency of the General Services Administration, and the Federal Disaster Assistance Administration and Federal Insurance

Administration of HUD were among the agencies that came together to form FEMA.⁷ Civil defense responsibilities, which became FEMA’s clear focus in its early days, were also transferred to the new agency from the Department of Defense’s (DOD’s) Defense Civil Preparedness Agency.

John Macy, Director of the Civil Service Commission under Presidents Eisenhower, Kennedy, and Johnson, was appointed as FEMA’s first Director. From the outset, Macy recognized the commonalities between natural hazards preparedness, civil defense activities, and what would come to be known as the “dual-use approach” to emergency preparedness planning and resources. Under his leadership, FEMA developed the Integrated Emergency Management System, an all-hazards approach based on preparedness, response, recovery, and mitigation, which provided direction, control, and warning systems common to the full range of emergencies from small, isolated events to the ultimate emergency—war.

⁷Exec. Order No. 12,127, 44 Fed. Reg. 19,367 (Mar. 31, 1979), *reprinted in* 15 U.S.C. § 2201.

*FEMA Directors/Administrators**

John Macy	August 1979	January 1981
Louis O. Giuffrida	May 1981	September 1985
Julius W. Becton, Jr.	November 1985	June 1989
Wallace E. Stickney	August 1990	January 1993
James L. Witt	April 1993	January 2001
Joe M. Allbaugh	February 2001	March 2003
Michael D. Brown	March 2003	September 2005
R. David Paulison	September 2005	January 2009
W. Craig Fugate	May 2009	Present

*Does not include acting directors/administrators

Congress added responsibilities to FEMA – either directly or through its predecessor organizations – including earthquake preparedness and mitigation under the Earthquake Hazards Reduction Act of 1977, emergency food and shelter under the Stewart B. McKinney Homeless Assistance Act of 1987, disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and dam safety under the National Dam Safety Program Act of 1996.

FEMA faced many challenges during its first years and experienced the real complexities of the business of Federal emergency management. Disasters and emergencies early in FEMA's history included the contamination of the Love Canal, the eruption of Mount St. Helens Volcano, the Cuban refugee crisis, and the radiological accident at the Three Mile Island nuclear power plant. Later, widespread problems in the Federal response to the Loma Prieta Earthquake and Hurricane Hugo in 1989 focused major national attention on FEMA. And despite important advances, such as the publication of the Federal Response Plan in 1992, FEMA's response to Hurricane Andrew later that year brought additional

criticism and calls for reform from Congress. Some members of Congress even threatened to abolish the agency.



Residents line up to receive aid in Homestead, Florida following Hurricane Andrew.

In 1993, FEMA initiated a number of major reforms. Leaders streamlined disaster relief and recovery operations, emphasized preparedness and mitigation, and focused on customer service. At the same time, the reduction in geopolitical tensions occasioned by the end of the Cold War enabled the agency

to redirect resources from civil defense to disaster relief, recovery, and mitigation programs.

These reforms were tested almost immediately by the Great Midwest Floods of 1993, followed by the Northridge Earthquake in 1994. The nature of these two disasters highlighted the potential value of hazard mitigation and led to an even greater emphasis on mitigating future disasters. Steps included acquiring high-risk properties within flood zones, encouraging communities to adopt better building practices and codes, and increased community and private-sector engagement through FEMA outreach programs such as Project Impact, which emphasized building disaster-resistant communities.



Urban Search and Rescue teams sift through the debris from the bombing of the Alfred P. Murrah Federal Building.

The bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995 posed a significant new challenge for FEMA. This act of terrorism required a different approach to providing assistance to States and localities.

Recognizing this, on April 26, 1996, President Clinton signed the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) which required the Department of Justice (DOJ) and FEMA to train metropolitan firefighters to

respond to incidents caused by weapons of mass destruction.⁸ This was closely followed by the Defense Against Weapons of Mass Destruction Act, which charged Federal departments and agencies with putting systems into place to protect the public against terrorists.⁹ Although DOD initially took the lead for the Defense Against Weapons of Mass Destruction Act, the work eventually migrated to DOJ, specifically the Office for Domestic Preparedness (ODP), as did the training mandated by the AEDPA. These initial ODP programs eventually grew into the homeland security preparedness programs that ultimately migrated to FEMA. The effectiveness of these critical programs would be severely tested a few years later.

FEMA: 2001–Present



FEMA

On September 11, 2001, terrorists attacked the United States, and FEMA was immediately engaged in supporting New York, Virginia, and Pennsylvania officials in the response. The deployment of 25 Urban Search and Rescue teams, mobile communication equipment, and thousands of staff was just the beginning of one of the agency's largest emergency response operations. The attacks on New York's World Trade Center and the Pentagon were the catalyst for major changes in legislation and policy that affected how the Federal Government would be organized to prevent subsequent attacks and respond to disasters. The changes led to the creation of the Department of Homeland Security (DHS).



The only remaining section of the World Trade Center after the September 11, 2001, attack.

When DHS was created in 2003, it integrated FEMA and 21 other legacy organizations. Although FEMA's name remained intact, the agency's functions were transferred to the new DHS's Directorate of Emergency Preparedness and Response. In 2005, four FEMA programs were assigned to the new DHS Office of State and Local Government Coordination and Preparedness: Emergency Management Performance

⁸ Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214 (1996).

⁹ See Defense Against Weapons of Mass Destruction, 50 U.S.C. § 2301 (1996).

Grants, Citizen Corps, Metropolitan Medical Response System, and Assistance to Firefighters Grants.

In the aftermath of the September 11th attacks and the formation of DHS, the focus throughout the Federal Government was on terrorism preparedness, prevention, protection, and response. And although FEMA reflected this focus, the agency continued to respond to a string of significant natural disasters, including the historic hurricane seasons of 2004 and 2005.

In 2004, four hurricanes struck Florida in a matter of two months. Hurricanes Charley, Frances, Ivan, and Jeanne devastated the State and marked the first time in more than 100 years that four hurricanes had impacted a single State in the same year. These hurricanes provided FEMA's first opportunity to conduct a large-scale response operation as an entity within DHS. The need for an even greater response effort would come just a year later.

In August 2005, Hurricane Katrina passed over south Florida and grew into a Category 5 hurricane in the Gulf of Mexico. At the time, it was the fourth most powerful hurricane ever recorded in the Gulf. When it struck the Gulf shores as a strong Category 3 storm, Katrina became the costliest and one of the deadliest disasters in U.S. history.

Louisiana, Mississippi, and Alabama suffered the greatest impact, but all 50 States were ultimately affected as they cooperated in the evacuation and relocation of more than one million displaced residents.

Hurricane Katrina required the largest response effort to a disaster in U.S. history and presented unprecedented challenges at the local, Tribal, State, and Federal levels. The response to Hurricane Katrina by FEMA and others was roundly criticized in the media and in studies conducted by the White House, Congress, and policy/research organizations. As a result, major reforms and changes were instituted within FEMA.



More than 80 percent of New Orleans was flooded following Hurricane Katrina.

These were based, in particular, on a landmark piece of legislation, the Post Katrina Emergency Reform Act of 2006 (PKEMRA).

Post Katrina Emergency Management Reform Act of 2006

PKEMRA was enacted, at least in part, out of frustration with FEMA's performance in response to Hurricane Katrina. The law mandated several major changes and established FEMA's place within DHS. The agency became a stand-alone element within DHS, no longer characterized as the department's Directorate of Emergency Preparedness and Response. FEMA's top official became the principal advisor to the President, the Homeland Security Council, and the Secretary of Homeland Security on all emergency management-related matters in the United States. PKEMRA also transferred many of the responsibilities of the department's Preparedness Directorate to FEMA, returning many of the programs that had been removed, as well as adding significant new authorities and many new training, exercise, and grant programs. In addition to new preparedness and grants organizations, existing activities were reorganized to form directorates for Disaster Assistance, Disaster Operations, and Logistics Management to better focus response and recovery efforts. A Private Sector Office was created to foster cooperation with businesses and nonprofit organizations, and a Disability Coordinator position was added to expand capacity to address the needs of persons with disabilities.

In the years following PKEMRA, FEMA continued to redefine itself, nearly doubling both its full-time workforce and its cadre of disaster reservists between 2005 and 2009. The agency also enhanced the role of FEMA's Regional offices and emphasized training, staff development, partnership building, and logistics management.

During this time, national response doctrine and planning changed significantly. In 2008, FEMA led the development of the National Response Framework (NRF), which replaced both the National Response Plan, developed by DHS in 2004, and its predecessor, the Federal Response Plan of 1992. The NRF provided disaster response principles to guide and encourage all response partners to prepare for and provide a unified national response to major disasters and emergencies. The NRF established a comprehensive, national, all-hazards approach to domestic incident response.



Residents of Galveston, Texas look at the damage left by Hurricane Ike in 2007.

The value of many of the changes and improvements resulting from PKEMRA were tested and validated by FEMA's performance in 2007 when deadly fires engulfed large portions of Southern California, and then again in 2008 when Hurricanes Gustav and Ike revisited storm-weary areas of Louisiana and Texas.

Examples of Unique Response Efforts in FEMA History

- *Love Canal – 1980*: FEMA purchased abandoned homes and found appropriate housing for residents who were displaced by the discovery of chemical toxins in the ground.
- *Cuban Refugee Crisis – 1980*: FEMA was tasked to help process more than 100,000 refugees arriving on Florida's shores.
- *Cerro Grande – 2000 – 2004*: FEMA implemented the Cerro Grande Fire Act to provide assistance to people in Los Alamos, New Mexico who were affected by the fire resulting from a Federal agency's controlled burn that went out of control, destroying land, homes, and business.
- *Space Shuttle Columbia Disaster – 2003*: FEMA coordinated the collection of debris from the shuttle accident, which was spread across Texas and Louisiana.



- *Bam, Iran Earthquake – 2003:* At the request of the Iranian Government, FEMA sent two International Medical Surgical Response Teams to set up a temporary field hospital. The response led to the first official U.S. Government delegation to visit Iran since the Iranian Hostage Crisis 25 years earlier.



- *Hurricane Katrina – 2005:* In one of the worst disasters ever to hit the United States, massive flooding caused major destruction to New Orleans and surrounding parishes. An accompanying storm surge flattened the Gulf Coast to just past Biloxi, Mississippi, while the brunt of the surge demolished Bay St. Louis and Pass Christian, Mississippi. The unprecedented evacuation from Katrina sent survivors to all 50 States, and some outside of the continental United States.
- *Haiti Earthquake – 2010:* Supporting the U.S. Agency for International Development, FEMA External Affairs established a Joint Information Center on the island. In addition, FEMA sent Urban Search and Rescue Teams, communications equipment and staff from the Mobile Emergency Response Support system.

In summary, FEMA's existence represents a small part of the long history of Federal participation in emergency management. Although FEMA may be the best-known brand of Federal emergency management assistance, it is just one member of a much larger team. Other Federal departments play important roles in preparing for, responding to, recovering from, and mitigating disasters. State, Tribal, and local governments have significantly enhanced and expanded their capabilities since 2003, and communities, as always, continue to provide the first line of defense for and response to disasters and emergencies.

With a renewed emphasis on engaging the private sector, nongovernmental entities, and the general public, emergency management practitioners in the United States value collaboration as never before.¹⁰ Our collective experience as a

¹⁰Throughout this document, references to nongovernmental entities are intended to include organizations such as volunteer and faith-based groups.

Nation has created a more coordinated approach to emergency management, brought more players to the table, and demonstrated the power of teamwork.¹¹

Emergency Management as a Profession

The profession of emergency management did not exist 35 years ago, and in many ways, the growth of the emergency management profession mirrors the history of FEMA. Two professional organizations, the International Association for Emergency Managers (IAEM) and the National Emergency Management Association (NEMA), have played key roles professionalizing emergency management in the United States.

In 1952, just two years after the establishment of the initial Federal Disaster Assistance Program, a group of Civil Defense officials formed the U.S. Civil Defense Council. In 1985, the Civil Defense Council became the National Coordinating Council of Emergency Management, and subsequently changed its name to the International Association of Emergency Managers (IAEM) in 1996. According to its website, IAEM now has more than 5,000 members in 58 countries and is a nonprofit educational organization dedicated to promoting the goals of saving lives and protecting property during emergencies and disasters.¹²

NEMA was created in 1974 to provide a dedicated forum for State directors of emergency management. NEMA's website describes the organization as providing national leadership and expertise in emergency management and serving as an information and assistance resource to support continuous improvement in emergency management through strategic partnerships, innovative programs, and collaborative policy positions.¹³

Thus, emergency managers organized themselves at the State and local level to foster collaboration and professional exchanges, and to advocate for State and local needs. These two organizations, often working in partnership with FEMA, have significantly advanced the professionalism of the emergency management community through programs such as IAEM's Certified Emergency Manager

¹¹ See Suburban Emergency Management Project, *supra* note 2.

¹² History of IAEM, <http://www.iaem.com/about/HistoryofIAEM.htm>.

¹³ NEMA – Past and Present, <http://nemaweb.org/default.aspx?ID=1916>.

and Associate Emergency Manager credentials.¹⁴

NEMA members collaborated to further advance the professionalism of the emergency management community when they established the Emergency Management Accreditation Program (EMAP). EMAP is a voluntary assessment and peer review accreditation process for government emergency management programs that is based on collaboratively-developed national standards. Accreditation is open to all State, Tribal, and local government emergency management programs. Although EMAP was initially established by NEMA members, it is now a separate organization that continues to work closely with NEMA and IAEM.

¹⁴History of IAEM, *supra* note 12.

Chapter 2 – FEMA Roles and Missions

The Post Katrina Emergency Management Reform Act (PKEMRA) defines emergency management as: “The governmental function that coordinates and integrates all activities necessary to build, sustain and improve the capability to prepare for, protect against, respond to, recover from, or mitigate against threatened or actual natural disasters, acts of terrorism or other man-made disasters.”¹⁵

This chapter is organized based on the PKEMRA imperatives, which also represent the Federal Emergency Management Agency’s (FEMA’s) core missions: preparedness, protection, response, recovery, and mitigation. While emphasis placed on these various missions has increased or decreased over the years, our primary mission is, and has always been, to reduce the loss of life and property and protect the Nation from all hazards.¹⁶

FEMA’s mission is “to support our citizens and first responders to ensure that as a Nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.”¹⁷



Relief workers hand out water and ice as part of FEMA’s response efforts.

In pursuing this mission, all FEMA activities are based on specific authorities such as the Homeland Security Act of 2002, Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and Homeland Security Presidential Directive-5. FEMA’s activities and functions are also driven by doctrinal guidance such as

the National Strategy for Homeland Security and the National Response Framework. A listing of the major authorities that apply to FEMA is provided in Appendix 1.

The preparedness, protection, response, recovery, and mitigation missions represent the primary mission for all FEMA employees. FEMA’s mission and

¹⁵ Post Katrina Emergency Management Reform Act (PKEMRA), Pub. L. No. 109-295, § 602(7), 120 Stat. 1355, 1394 (2006).

¹⁶ *Id.* at § 503(b)(1).

¹⁷ About FEMA, <http://www.fema.gov/about/>.

business support programs play a crucial role in all mission functions and are measured by the overall success of the agency.

Preparedness

The preparedness mission seeks to reduce the loss of life and property and protect the Nation by planning, training, exercising, and building the emergency management profession.¹⁸ National preparedness in the 21st century requires the capability to deal with all types of threats and hazards. Emergency managers

know preparedness is a complex and shifting balance of many tangible and intangible factors such as risk, investments, operational tempo, culture, equipment, and training. Individual, household, and community preparedness is a similarly complex balance of many factors, including demographic and cultural factors, hazard-related knowledge, income,



September is National Preparedness Month. and educational level. Preparedness, then, cannot be an absolutely linear and cumulative progression toward a single, universally “correct” level applicable to every American, household, organization, or community. National preparedness is a reflection of risk, the preparedness of our citizens, the readiness of our emergency and other responding services, and the interdependence of the three.

A Brief History of Preparedness

From the air raid warning and plane spotting activities of the Office of Civil Defense in the 1940s, to the Duck and Cover film strips and backyard shelters of the 1950s, to today’s all-hazards preparedness programs led by the Department of Homeland Security (DHS), Federal strategies to enhance the Nation’s preparedness for disaster and attack have evolved throughout the 20th century and into the 21st.

Presidential administrations can have a powerful impact on both national and citizen preparedness. By recommending funding levels, creating new policies,

¹⁸ PKEMRA, *supra* note 15, at § 504(a)(9)(B).

and implementing new programs, successive administrations have adapted preparedness efforts to align with changing domestic priorities and foreign policy goals. They have also instituted administrative reorganizations that reflected their preference for consolidated or dispersed civil defense and homeland security responsibilities within the Federal Government.

The Cold War threats spurred the Federal Government, and subsequently FEMA, to establish programs to prepare for a strategic nuclear attack, coordinate domestic response, and ensure continuity of government. Major natural disasters, such as Hurricanes Hugo and Andrew, and the rising public expectations regarding the Federal Government's role in supporting State, Tribal, and local governments, along with the reduction of Cold War tensions, gradually shifted FEMA's focus to all-hazards consequence management and natural hazards risk reduction.

Meanwhile, increasingly frequent acts of terrorism around the world, including bombings at the World Trade Center in 1993 and the Alfred P. Murrah Federal



The attacks of September 11, 2001, led to great changes in the emergency management community.

Building in 1995, prompted growth in counterterrorism-specific capability building through training, exercises, grants, and technical assistance, especially within the Department of Justice's (DOJ's) Office for Domestic Preparedness and the Department of Defense.

The attacks on September 11, 2001, led to the establishment of DHS, which consolidated programs from 22 Federal departments and agencies, creating a robust suite of preparedness programs to counter acts of terrorism.

Shortly after DHS was formed in 2003, most of FEMA's preparedness programs were moved from FEMA and consolidated with other counterterrorism activities in a separate DHS Preparedness Directorate. The rationale was that this would free FEMA to focus on disaster response and recovery and, to some extent,

on natural hazards. The separation of response and recovery from preparedness and the separation of counterterrorism and natural hazard capability building, however, presented major obstacles to a unified approach and implementation. Gaps in all-hazards preparedness surfaced at the Federal, State, Tribal, and local government levels during the response to Hurricane Katrina in 2005, and therefore, post-Katrina Congressional activity, most notably PKEMRA, ultimately reunited preparedness, response, and recovery programs in FEMA. As a result, FEMA now leads the coordination of efforts across the Federal Government to support its partners in the Federal, State, Tribal, and local government and private sector to enhance the Nation's preparedness to prevent, protect against, respond to, recover from, and mitigate all hazards.

Overview of Mission

Preparedness is not an outcome. It is a process of continuous engagement toward achieving a desired state of readiness. Preparedness tools (planning, equipping, training, and exercises) build capabilities within all of the emergency management mission areas (i.e., prevention, protection, mitigation, response, and recovery).

The preparedness mission is a whole-of-government and whole-of-community effort. Each FEMA component has a role in building the capabilities required to accomplish FEMA's mission.

As manager and coordinator of the preparedness cycle, FEMA provides assistance, support, and leadership to help Federal, State, Tribal, and local governments and the private sector build the operational capabilities needed to successfully implement preparedness strategies.



The National Preparedness System is a conceptual framework designed to achieve a National Preparedness Goal and includes target capabilities and preparedness priorities, standards for equipment and training, national training and exercise programs, a comprehensive assessment system, a remedial action management

program, an inventory of Federal response capabilities, reporting requirements, and special guidance on Federal preparedness measures. Actual capability building is achieved through a cycle of risk analysis, planning, organizing, equipping, training, exercising, evaluating, and corrective action activities.

Planning at the strategic and operational levels establishes priorities, identifies expected levels of performance and capability requirements, provides the standard for assessing capabilities, and helps stakeholders learn their roles.

In addition, as a component of FEMA, the U.S. Fire Administration provides national leadership to foster a solid foundation for our fire and emergency services stakeholders in prevention, preparedness, and response.

Organizing and equipping provides the structure and human and technical capital necessary to build capabilities and address modernization and sustainability requirements.

Organizing and equipping includes identifying the competencies and skill sets necessary to deliver a capability and ensuring a given organization has the requisite staffing.

It also includes identifying, acquiring, and maintaining standard and/or surge equipment that may be needed when performing a specific task.

Organizations coordinate preparedness and response activities before, during, or after an incident. Typing resources and applying agreed-upon technical standards help incident managers acquire and apply the appropriate resources and capabilities.



FEMA uses Incident Response Vehicles fitted with high tech communication equipment when responding to disasters.

Training helps build the knowledge, skills, and abilities needed to perform key tasks in specific capabilities. Credentialing involves the standardization and identification of core competencies, knowledge, skills, and abilities required to perform a specific job or function. Credentialing helps to ensure that human resources acquired through mutual aid are able to perform the required task(s) proficiently and safely. Finally, credentialing determines the frequency and focus of training and exercising.

National Emergency Training Center

FEMA's National Emergency Training Center is located in Emmitsburg, Maryland on the grounds of what was formerly St. Josephs' College. The site was dedicated to the National Fire Academy (NFA) on October 8, 1979, and now houses both NFA and the Emergency Management Institute. Together, the two institutions train more than 7,000 residential students each year and thousands more in field and distance learning courses.



Exercises assess and validate the speed, effectiveness, and efficiency of capabilities, and test the adequacy of policies, plans, procedures, and protocols in a low-risk environment. Aside from actual events, exercises provide the best means of evaluating disaster response capabilities.

Evaluation and improvement is crucial to informing risk assessments, managing vulnerabilities, allocating resources, and informing the other entities of the preparedness cycle. Organizations then develop improvement plans and track corrective actions to address shortfalls identified in exercises or real events.

The preparedness cycle contributes to a larger risk-management process, including performing risk analysis, determining priorities, developing strategies to mitigate the risks, and addressing any gaps and deficiencies.

Grants and Technical Assistance

Federal grants and technical assistance help achieve national preparedness goals. Some programs aim to improve preparedness, while others focus on enhancing specific capabilities or addressing specific risks or hazards. In managing these programs, FEMA must balance national priorities and requirements while helping State, Tribal, and local governments and other applicants meet their most pressing needs and unique risks.

Preparedness transcends any one organization's jurisdiction. Therefore, mission-specific preparedness guidance is needed to outline the priorities, goals, and doctrine for specific missions, disciplines, or capabilities. Examples of such guidance include the National Infrastructure Protection Plan (NIPP), Information Sharing Environment, National Incident Management System (NIMS), National Response Framework, National Emergency Communications Plan, Department of Health and Human Services Strategic Plan, and voluntary consensus standards.

Mitigation

The mitigation mission seeks to reduce or eliminate long-term risks to people and property from hazards and their effects.¹⁹

A Brief History of Mitigation

Major flood disasters in the United States in the 1920s and 1930s led to Federal involvement in the effort to protect lives and property from flooding. In the 1950s, it became evident that private insurance companies could not provide flood insurance at an affordable rate. At that time, the only relief available to flood survivors was disaster assistance. In 1968, Congress established the National Flood Insurance Program (NFIP) to:

- Protect communities from potential flood damage through floodplain management.
- Make affordable flood insurance available to the general public.

¹⁹PKEMRA, *supra* note 15, at § 504(a)(9)(B).

When Tropical Storm Agnes struck the Eastern seaboard in 1972, many communities were either unaware of the serious flood risk they faced or were unwilling to take the necessary measures to protect residents of the floodplain. Very few of the communities affected by the storm had applied for participation in the NFIP. Even in participating communities, most owners of flood-prone property opted



Home elevations are an important aspect of flood mitigation efforts.

not to purchase flood insurance; instead, they chose to rely on Federal disaster assistance to finance their recovery process.

In 1974, Congress enacted the Disaster Relief Act, which contained several preparedness and mitigation provisions. Sections of the legislation expressed a Congressional intent to encourage hazard mitigation measures to reduce disaster-related losses. It was not until 1988, however, that Congress authorized funding to implement hazard mitigation measures by enacting the Stafford Act. The Stafford Act created the Hazard Mitigation Grant Program,

which authorized a Federal contribution up to 75 percent of the cost of hazard mitigation measures. According to the Multihazard Mitigation Council, each dollar spent on mitigation saves society an average of four dollars in disaster response and recovery costs.²⁰

The Flood Mitigation Assistance program (FMA) also dealt with mitigation and the effort to reduce loss of life and property by lessening the impact of disasters. FMA was created as part of the National Flood Insurance Reform Act of 1994 to reduce NFIP claims. The act established a Flood Mitigation Assistance Grant Program to assist States and communities to develop mitigation plans and implement measures to reduce future flood damages. The NFIP, with the inherent risk that it assumes, is not financially feasible without mitigation actions that aim to break the cycle of disaster damage, reconstruction, and repeated damage.

²⁰ MULTIHAZARD MITIGATION COUNCIL, NATURAL HAZARD MITIGATION SAVES: AN INDEPENDENT STUDY TO ASSESS THE FUTURE SAVINGS FROM MITIGATION ACTIVITIES 5 (National Institute of Building Sciences 2005).

The Disaster Mitigation Act of 2000 authorized FEMA to make grants to State, Tribal, and local governments to fund mitigation projects before a disaster strikes.

Overview of Mission

Mitigation is the effort to reduce the loss of life and property by reducing the impact of disasters. This effort is applied in each FEMA mission area: Preparedness, protection, response, and recovery. The concepts of mitigation are applied to natural hazards as well as man-made and technological hazards. Reduction of



This home in Gold Bar, Washington was relocated 60 feet back from the Snohomish River to prevent future flooding.

man-made and technological hazards is addressed in the protection mission area.

Mitigation benefits society by creating safer communities, enabling people to recover more rapidly from floods and other disasters, and reducing the financial

impact on Federal, State, Tribal, and local governments and communities.

Risk can be managed in a variety of ways. Based on the authorities outlined above, FEMA has established the following basic mitigation business lines:

- *Risk Analysis* to understand the full, potential impact of natural hazards using applied multi-hazard engineering science and advanced technology to effectively reduce natural hazard impacts.
- *Risk Reduction* to reduce the risk to life and property – including existing structures and future construction, both pre- and post-disaster – through regulations, local ordinances, land use and building practices, and mitigation projects that reduce or eliminate long-term risk from hazards and their effects. Key risk reduction mission areas include Floodplain Management, Building Sciences, and Hazard Mitigation Assistance grants.

- *Risk Insurance* to reduce the impact of floods on the Nation by providing affordable flood insurance. Any resident or property owner in an NFIP-participating community may purchase federally backed flood insurance policies under the NFIP.

Protection

The protection mission seeks to protect our Nation's constitutional form of government and ensures that a system is in place to warn our citizens of impending hazards.

A Brief History of Protection



This Rebuilding Iowa meeting was one of many that FEMA helped facilitate to discuss recovery options for Iowa communities following flooding in 2008.

Since its inception, FEMA has served a key role in facilitating discussions of emergency management topics among Federal departments and agencies and has acted as an arbiter of interagency emergency management issues. FEMA also performed a similar

function with State, Tribal, and local governments. As a result, several FEMA-led coordination teams serve as logical platforms with which to enhance protection elements consistent with the response, recovery, and mitigation missions.

Examples include:

- FEMA's Office for National Capital Region Coordination regularly hosts intergovernmental meetings to address complex emergency management issues affecting the Washington, DC area, including the synchronization of protective action planning and the allocation of investments for protection capabilities.
- The Emergency Support Function Leadership Group coordinates Federal interagency operational planning for each phase of incident management, including protection.

- National-level exercises, designed and conducted by FEMA, test a wide range of capabilities and procedures, including those supporting protection, across all levels of government.

FEMA’s mission expanded dramatically with the enactment of PKEMRA in 2006. This included the enhancement of capabilities to prevent terrorist attacks and protect against all risks and hazards, including acts of terrorism. FEMA also supports protection measures to reduce risks that may otherwise become incidents requiring response and recovery resources. Within the Government Facilities critical infrastructure/key resources (CIKR) sector, FEMA is responsible for ensuring that Federal operations are resilient and can continue to function in any contingency.

Overview of Mission

FEMA is responsible for supporting the enhancement of protection capabilities for all hazards, which in turn helps to integrate the tools and mechanisms for capability building across mission areas; streamlines the delivery of assistance to State, Tribal, and local governments, as well as nongovernmental entities; and leverages existing inter-governmental coordination infrastructures.

The National Preparedness Guidelines (NPG) define what it means for the Nation to be prepared. The NPG prioritizes building protection capabilities and implements NIPP priorities. The goal of the NIPP is to “build a safer, more secure, and more resilient America by preventing, deterring, neutralizing, or mitigating the effects of deliberate efforts by terrorists to destroy, incapacitate, or exploit elements of our Nation’s CIKR and to strengthen national preparedness, timely response, and rapid recovery of CIKR in the event of an attack, natural disaster, or other emergency.”²¹



The NIPP defines protection as, “actions or measures taken to cover or shield from exposure, injury, or destruction that include actions to deter the threat,

²¹ DEPARTMENT OF HOMELAND SECURITY, NATIONAL INFRASTRUCTURE PROTECTION PLAN 1 (2009).

mitigate the vulnerabilities, or minimize the consequences associated with a terrorist attack or other incident.”²² The holistic approach to protection complements FEMA’s other mission areas. Some of the strategies, operations, and tactics that make up this holistic approach include:

- Removing or reducing risks through facility hardening and building resiliency and redundancy.
- Accepting or transferring risks based on an analysis of the risks, their costs, and potential benefits of the action.

The bulk of FEMA’s activities to build national protection capabilities are in the form of grants and technical assistance programs. Among these programs, some apply generally to prevention, protection, mitigation, response, and recovery capabilities for all hazards (e.g., Homeland Security Grant Program, Regional Catastrophic Preparedness Grant Program); some are tailored to address the needs of a specific sector or community (e.g., Port Security Grant Program, Transit Security Grant Program); and others apply protection investments to communities surrounding specific high-priority pre-designated CIKR assets (e.g., Buffer Zone Protection Program, Radiological Emergency Preparedness Program).



Better building practices help the long term protection of communities.

Removing, accepting, or reducing risks and maintaining robust and redundant capabilities to protect CIKR apply not only to government facilities but to government operations as well. Government operations must be able to withstand and operate during any emergency, from natural disasters to acts of terrorism and other manmade disasters. As such, plans and capabilities are needed to ensure continuation of essential government functions and services in any crisis, up to the most catastrophic emergencies that may threaten our constitutional form of government. Coordinating and integrating these plans and activities across the Federal Government with State, Tribal, and local governments and private sector CIKR partners will help ensure that government at all levels is available and able

²²NATIONAL INFRASTRUCTURE PROTECTION PLAN, *supra* note 21, at 110.

to protect and respond effectively. Furthermore, the capability of governments to disseminate essential, accurate, and timely information or instructions to the public prior to, during, and after a catastrophe is key to reducing immediate threats to life, property, and public health and safety.

FEMA's primary continuity business lines and associated continuity activities include:

- *Continuity Planning*: Providing direction to Federal departments and agencies and guidance to State, Tribal, and local governments and the private sector on developing continuity programs and plans.
- *Continuity Training and Exercises*: Developing and offering online and residential continuity planning courses to all levels of government and the private sector; and conducting, assessing, or supporting continuity exercises ranging in format from table-tops to full-scale exercises involving Federal and non-Federal entities.
- *Continuity Operations*: Monitoring, tracking, and reporting on readiness; maintaining a daily situational awareness watch; providing continuity-unique information to national leadership; and facilitating reconstitution in a crisis.

FEMA serves as a facilitator in all protection assistance efforts, often managing programs on behalf of or in support of other organizations, such as the U.S. Coast Guard, the Transportation Security Administration, and the Department of Agriculture, which retain primary subject matter expertise and responsibility.

FEMA's expertise in emergency management and its close relationships with State, Tribal, and local emergency responders make it an ideal representative to coordinate protective measures for the emergency services sector.



FEMA brings many different people to the table to encourage a team concept.

Response

The response mission seeks to conduct emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies; evacuating survivors; providing food, water, shelter, and medical care to those in need; and restoring critical public services.²³

A Brief History of Response

In the United States, responsibilities and authorities are shared among the Federal, State, Tribal, and local governments. Despite this sharing of



Relief supplies are loaded onto a military cargo plane bound for Florida following Hurricane Charley in 2004.

responsibilities, responding to even large-scale disasters remain the responsibility of local and State governments and nongovernmental organizations. In the last 60 years, however, the Federal Government has become increasingly involved in supporting State, Tribal, and local governments in responding to major disasters and emergencies.

Prior to 1979, various Federal departments and agencies responded more or less independently when Federal disaster assistance was required. In 1979, FEMA was established, and the agency now coordinates Federal disaster response.

To accomplish this mission, FEMA works with State, Tribal, and local governments to identify response requirements. Once needs are identified, FEMA resources and delivers Federal support to the response operation.

Overview of Mission

FEMA conducts response operations in partnership with State, Tribal, and local governments; interagency Federal partners; nongovernmental organizations; and the private sector. FEMA's complementary missions of preparedness, protection, and mitigation provide for effective response.

²³ PKEMRA, *supra* note 15, at § 504(a)(9)(C).

Since response and short-term recovery are concurrent, these activities provide a foundation for the affected jurisdiction's long-term recovery.

Echeloned Response

FEMA executes disaster operations through established incident management and incident support entities that capitalize on FEMA's nationwide organizational structure, occupying specific disaster facilities at the national headquarters level, in the affected Regional office, and in temporary field locations established near the scene of a disaster or emergency.

In accordance with the principles of incident management, FEMA manages response operations at the lowest possible organizational level. In most



First responders rescue a family from floodwaters in Oklahoma following Tropical Storm Erin.

disasters requiring Federal involvement, this happens in partnership with the State at the field or "incident" level. In accordance with the principles of NIMS and the Incident Command System, Federal, State, Tribal, and local officials, along with other key stakeholders,

establish a Unified Coordination Group (UCG). This UCG sets priorities and provides leadership for a unified response at all levels.

In response operations, personnel in FEMA's ten Regional offices engage with State officials to understand needs and provide incident management assistance. Working with headquarters, and in accordance with agency doctrine, Regional Administrators take actions to deploy Regional resources and request headquarters resources to support known and projected needs.

FEMA headquarters provides support to the affected area through the Regional Administrator and the Federal Coordinating Officer (FCO) and ensures that national-level assets, such as search and rescue teams, are deployed as requested by incident, local, or State officials. Headquarters may begin mobilizing resources to support projected needs in the affected areas while obtaining formal requests and situation updates from Regional Administrators. At the Regional

and headquarters level, the agency coordinates and synchronizes support using all available capabilities necessary to assist survivors and responders.

Response Functions

FEMA maintains its own unique capabilities that can be applied in times of crisis. FEMA's response operations include logistics, search and rescue (SAR), disaster emergency communications (DEC), and planning.

Logistics

FEMA acts as the single integrator for supply-chain planning and coordination in response to domestic emergencies and special events. Specifically, FEMA has developed and fostered strong partnerships with other Federal departments and



Rolls of blue tarp are just some of the many supplies FEMA stores at the Logistics Center in Texas.

agencies, nongovernmental organizations, and the private sector. These partnerships leverage best practices and harness and focus national logistics capabilities for delivery to State, Tribal, and local levels, which support the life saving and life sustaining needs of disaster survivors.

Operating in times of emergency, FEMA logisticians recognize that current resources are rarely sufficient in large-scale incidents. Response operations for large incidents, therefore, often focus on managing shortfalls. Because disaster resources can mean the difference between life and death, FEMA must be innovative in acquiring resources and moving them quickly, while also maintaining visibility at all levels of the response.

Search and Rescue

FEMA rapidly deploys components of the Federal Urban Search and Rescue (USAR) Response System to provide specialized lifesaving assistance to State, Tribal, and local authorities for structural collapse search and rescue; waterborne search and rescue; inland/wilderness search and rescue; and aeronautical search and rescue.

Disaster Emergency Communications

As a national leader in the field of DEC, FEMA coordinates the Federal Government's response, continuity efforts, and restoration of essential communications before, during, and after an incident or planned event. FEMA works closely



Portable communication equipment allows FEMA to stay mobile when responding to disasters.

with Federal, State, Tribal, and other mission partners to ensure collaboration on critical communication needs. FEMA helps to unify the efforts of all responders around one common communication goal: The delivery of information to emergency management

decision-makers. Having a single, shared communications system gives emergency managers interoperable communications capabilities across all levels of government. DEC system interoperability ensures that mission-critical information and situational awareness is distributed effectively to interagency partners.

Planning

Planning is a critical element of preparedness and all phases of response operations. Planning helps emergency managers by identifying objectives, describing organizational structures, assigning tasks to achieve objectives, identifying resources to accomplish tasks, and contributing to unity of effort by providing a common blueprint for all activities.

Developed under the direction of the UCG at the incident level, the incident action plan (IAP) is a key element of incident management. IAPs guide FEMA operations. Incident planning sets priorities, jointly between Federal and State partners, based on life-saving and life-sustaining requirements. Because response operations are limited by quantity and/or application of resources during a given timeframe, there must be a disciplined approach. The UCG establishes priorities and corresponding objectives through planning, and this planning must engage Federal interagency, State, Tribal, and local partners, as well as the whole community including the private sector and survivors.

FEMA planning in support of response operations is conducted at the Regional and headquarters levels. Regional and national support plans anticipate resource requirements and programmatic issues for events that:

- Span multiple incidents (at the Regional level).
- Span multiple Regions (at the national level).

Deliberate plans, developed in concert with stakeholders before an incident occurs or threatens, prepare the whole community for response and provide incident planners with a head start when an actual incident occurs.

Recovery

The recovery mission seeks to support communities in rebuilding so individuals, civic institutions, businesses, and governmental organizations can function on their own, return to normal life, and protect against future hazards.²⁴



The Mississippi Coast was hard hit by Hurricane Katrina, prompting the need for long term recovery plans.

²⁴ PKEMRA, *supra* note 15, at § 504(a)(9)(C).

A Brief History of Recovery

Supporting the long-term recovery of communities has been at the core of FEMA's mission since the agency's inception. Recovery focuses not only on saving and sustaining lives, but also on providing for the short- and long-term needs of individuals and communities.

Since passage of the Federal Disaster Relief Act by Congress in 1950, Federal disaster assistance has provided a continuous mechanism to support State, Tribal, and local government response to and recovery from major disasters. Prior to the Federal Disaster Relief Act of 1950, Congress had to pass legislation to fund disaster recovery on an incident-by-incident basis. The 1950 statute established a standard process to allow for governors to ask the President for Federal disaster assistance and authorized the President to determine whether to provide Federal disaster aid without Congressional consent.

The Disaster Relief Act of 1974 further expanded Federal disaster assistance with the creation of the first national program to provide direct assistance to individuals and households following a disaster.

Today, the Stafford Act provides the statutory authority by which the Federal Government provides disaster and emergency assistance to enable community recovery. Under the Stafford Act, FEMA coordinates the Federal Government's response, working to support and supplement the efforts and capabilities of State, Tribal, and local governments, eligible nonprofit organizations, and individuals affected by a declared major disaster or emergency.

Overview of Mission

Recovery plays an integral role in FEMA's overall mission with an emphasis on ensuring individuals and communities affected by Presidentially declared disasters of all sizes are able to return to normal function with minimal suffering and disruption of services. This begins with a prompt and



Creating new housing solutions for disaster survivors is an ongoing recovery challenge.

effective response effort and continues with the efficient processing of State requests for supplementary disaster assistance, as well as rapid and compassionate care to communities, families, and individuals. The success of recovery is dependent on coordinated efforts, initiatives, and teamwork between FEMA; other Federal partners; State, Tribal, and local governments; private sector partners; and nongovernmental organizations.

The Stafford Act enables FEMA to apply a myriad of resources to assist individuals and communities. FEMA's recovery programs have a lasting impact and represent an important long-term commitment to our fellow citizens who have been affected by disasters and emergencies.

FEMA's recovery mission is accomplished through a combination of programs and functions that provide direct and indirect support. These include the Stafford Act Declaration process, recovery planning, and programs specifically designed to assist both individuals and local governments that have been affected by disasters.

Declarations

Authority for FEMA to respond to any particular disaster or emergency is generally provided by a declaration issued by the President of the United States under provisions of the Stafford Act. Before the President signs such a declaration, FEMA personnel analyze and process declaration requests submitted by the affected State(s). These requests are made by the Governor and must demonstrate that supplemental Federal assistance is necessary because the incident requires resources beyond State and local capabilities.



Recovery Centers are an important part in helping communities begin the recovery process.

The Stafford Act provides for three types of declarations: Emergency, major disaster, and fire management assistance.

- An *emergency* is defined as “any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the U.S.”²⁵
- A *major disaster* is “any natural catastrophe, regardless of cause, any fire, flood, or explosion in any part of the U.S. which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.”²⁶
- *Fire management assistance* is available to State, Tribal, and local governments, “for the mitigation, management, and control of any fire on public or private forest land or grasslands, that threatens such destruction as would constitute a major disaster.”²⁷

Federal assistance under any of these declarations is meant to supplement the resources of State, Tribal, and local governments, disaster relief organizations, and insurers.

Public Assistance

Public Assistance (PA) helps communities recover from the devastating effects of disasters efficiently, effectively, and in a customer-friendly manner through technical assistance and financial grants. PA provides Federal disaster grants from the President’s



Entire highways collapsed during the Northridge Earthquake in 1994.

Disaster Relief Fund to eligible State, Tribal, and local governments, as well as certain nonprofit organizations for the repair, replacement, or restoration of publicly owned facilities and infrastructure damaged by the disaster.

²⁵ Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. § 5122 (2009).

²⁶ *Id.*

²⁷ Stafford Act, *supra* note 25, at § 5122.

Individual Assistance



Final inspections are done on one of FEMA's temporary housing units.

Individual Assistance (IA) ensures that disaster survivors have prompt access to a full range of programs and services to speed and simplify their recovery through a coordination of assistance and partnerships among Federal, State, Tribal, and local governments; voluntary agencies; and the private sector. Federal IA is

authorized by the Stafford Act and funded by the President's Disaster Relief Fund. IA functions include:

- *Mass Care/Emergency Assistance:* FEMA works with Emergency Support Function #6 - Mass Care to support agencies and organizations to provide services such as feeding, sheltering, clothing, and reunification of households. Partners in fulfilling this mission include National Voluntary Organizations Active in Disaster, which is comprised of 51 organizations such as the American Red Cross, the Salvation Army, Mennonite Disaster Service, Catholic Charities, Feed the Children, United Way, and the Humane Society of the United States.
- *Housing:* FEMA disaster housing assistance may be provided as financial aid or direct housing assistance. The Stafford Act also authorizes FEMA to construct permanent housing under certain circumstances. Housing assistance includes rental assistance, repair, loan assistance, replacement, factory-built housing, semi-permanent and permanent construction, referrals, identification and provision of accessible housing, and access to other sources of housing assistance. For over three decades, FEMA has provided temporary housing assistance to help eligible survivors with their housing needs.



The American Red Cross is one of many organizations that assist with mass care.

- *Human Services*: FEMA coordinates individual, household, and community services recovery programs. This recovery program provides for “Other Needs Assistance” to repair/replace personal property and/or pay for transportation, medical, dental, and funeral expenses. Disaster Unemployment Insurance provides unemployment and re-employment services through the Department of Labor to individuals who have become unemployed because of the disaster and are unable to secure regular unemployment benefits.

The Crisis Counseling Program,

coordinated by FEMA and the Department of Health and Human Services provides supplemental funding to States for short-term counseling services to eligible disaster survivors. Through an agreement with the Young Lawyers Division of the



Counseling support is one of several services FEMA helps fund following a disaster.

American Bar Association, FEMA also provides free help to meet survivors’ disaster-related legal needs such as replacing legal documents lost in the disaster, advice on home repair contracts and landlord-tenant issues, and preparing powers of attorney.

- *Supporting Disaster Assistance to Survivors*: The FEMA disaster recovery processing centers are located across the United States and serve as the crucial link between the public and FEMA. Staff members in FEMA National Processing Service Centers register applicants for disaster assistance. FEMA staff or contractors also verify disaster losses through on-site inspections, process applications to determine assistance eligibility, respond to inquiries from applicants, and coordinate the FEMA applicant telephone registrations.

Recovery Planning

Recovery planning is conducted at the FEMA national and Regional levels with a broad range of partners (Federal, State, Tribal, and local governments; private sector; and nongovernment organizations) to strengthen recovery assistance for specific incidents and to support participation in national-level exercises. Planning also helps to integrate recovery programs and activities with other disaster missions such as response and mitigation.

Chapter 3 – Ethos and Core Values

During the Federal Emergency Management Agency’s (FEMA’s) relatively short history, several key events affected, and in some cases, altered FEMA’s organizational structure and the scope of its core mission. Some of these key events resulted in statutory changes intended to improve FEMA’s ability to address the requirements of the Nation and its citizens. Consequently, these changes allowed FEMA to incorporate new missions and organizations, transfer functions, and most recently, become a component of the Department of Homeland Security. Ultimately, it is FEMA’s history that influences its unique culture, “personality,” and how FEMA integrates additional responsibilities. Therefore, it is important to recognize and understand this history and culture because they form the foundation of how FEMA personnel function as emergency management professionals and execute their vital missions.

Ethos

Ethos is the underlying sentiment that informs the beliefs of a community or people. It is the characteristic tone or genus of an institution or social organiza-



Face to face help is a core element of what FEMA employees do.

FEMA’s fundamental goal, and the inspiration and motivation for many FEMA employees, is to serve the Nation by helping its people and first responders, especially when they are most in need.

FEMA’s responsibilities further help to complement this ethos. For example, FEMA employees are responsible for effectively executing the missions defined by statute or executive guidance. They are also required to be good stewards of Federal resources, and ensure that FEMA’s customers—both internal and external—are treated fairly and receive all the services or benefits to which they are entitled. Whether supporting State, Tribal, and local governments in responding to and recovering from disasters, directly meeting the needs of disaster survivors, supporting the first responder community, or making the Nation more resilient through preparedness or mitigation activities, FEMA employees have a unique opportunity and vital responsibility to help others.

Essential to this ethos of service is the realization that to truly serve, FEMA personnel must ensure that all those with whom they come into contact are treated fairly and respectfully, so that the Nation will ultimately become stronger, more secure, and more resilient as a result of their service. The FEMA ethos also demands that FEMA employees help citizens and communities realize they have the power to help themselves. By focusing on this ethos, FEMA employees can make a real difference to the people and communities of this Nation and provide the best service possible under the law.

Members of the FEMA family are committed to serving Americans in need. In order to fulfill this mission, FEMA employees must exhibit and draw upon their personal strength and unwavering commitment. Employees, one of FEMA's most valuable

resources, value and support their fellow peers. Sustaining this resource, however, happens not only through formal processes, such as personnel policies and training programs, but also occurs through compassionate, fair, and respectful treatment. FEMA employees exhibit these traits in their continual efforts to improve FEMA's infrastructure and mission support.



FEMA works closely with people with disabilities to make sure they receive the services they need.

Core Values

Core values are the accepted principles or standards of a person or group. In FEMA's case, core values guide behavior and provide the basis for what FEMA does and how FEMA personnel operate and interrelate with others. ***FEMA is committed to the core values of compassion, fairness, integrity, and respect.***

Compassion

In dealing with individuals and communities that have been affected by disaster, empathy and compassion are essential qualities that must be used in preparedness, response, and recovery. FEMA must ensure, for example, that it



Taking the time to talk to disaster survivors is a cornerstone of what FEMA employees do.

those affected by disaster, and to conduct this support with patience, understanding, and respect.

focuses on the needs of all members of a community, especially those who may have special requirements and those who are most disadvantaged by the incident. FEMA's primary responsibility is to support State, Tribal, and local partners in caring for all

Understanding and compassion do not apply only to FEMA's disaster work. FEMA personnel also apply these values in dealing with co-workers, response partners, and non-disaster customers.

Fairness

In all interactions, FEMA and its individual team members strive to achieve principled, well-reasoned, and just outcomes. As members of an agency committed to providing all the appropriate assistance permitted by law to disaster survivors, FEMA personnel plan for and address the needs of the whole community. This core value of fairness extends to the execution of all programs and services. FEMA employees work hard to communicate clear and consistent information regarding assistance programs and policies, to listen actively, and to consider the viewpoints of all members of the community as well as all response partners, stakeholders, and co-workers. FEMA's goal is that regardless of the outcome, all those with whom FEMA has dealings know that FEMA professionals listened to their concerns and treated them fairly and with respect.

Integrity

As individual employees and as the collective agency they comprise, FEMA personnel recognize that integrity is their most valuable attribute. They are obliged as Federal employees to comply with a range of ethics-based principles and standards of conduct. These are legitimate guidelines, but they are not enough. Emergency management is an inherently collaborative business; and therefore, earning the trust of citizens, co-workers, and partners is essential. FEMA personnel earn this trust and establish productive relationships by always behaving honestly, dependably, credibly, and professionally.

Respect

FEMA employees are committed to treating those whom they serve and those with whom they work with fairness, dignity, respect, and compassion. Being treated with respect and due consideration is not only important to disaster survivors but it is also their right. FEMA employees are committed to understanding the unique sensitivities of diverse groups and members of the community. FEMA employees are also committed to responding appropriately and treating everyone without bias or preference.



FEMA recognizes that disasters affect all facets of society.

Futhermore, FEMA personnel treat their Federal, State, Tribal, and local government and private sector partners with the dignity each partner deserves. FEMA employees do this not only because it is right but also because it creates sustainable work relationships and environments, which effectively improve every partner's capacity to meet the needs of disaster survivors. FEMA personnel also encourage their fellow employees to grow through opportunity and empowerment, to work as a cohesive team, and to remember that their commitment is valued.

Chapter 4 – Guiding Principles

As members of the Federal Emergency Management Agency (FEMA) team, FEMA staff members have weighty responsibilities and obligations. On behalf of the President, they administer a wide variety of programs to prepare for,



Wanting to help disaster survivors is a core concern of FEMA employees.

protect against, respond to, recover from, and mitigate the impacts of man-made and natural disasters. Over time, FEMA has developed policies and procedures to guide the delivery of its programs. This guidance tells FEMA employees what to do, but it does not always tell them how to do it. This is where guiding principles apply.

The principles described in this chapter provide a common framework for how FEMA delivers programs and services. These

principles are grounded in FEMA's core values and further define how FEMA members view themselves as an organization and how their teammates and the public view FEMA.

Publication 1's guiding principles apply across all FEMA's missions: Preparedness, protection, response, recovery, and mitigation. The principles guide FEMA's actions and are particularly important when FEMA is faced with situations for which there is no clear guidance. For FEMA personnel, knowing and applying the following guiding principles helps to ensure that they consistently act in accordance with FEMA's core values.

The Principle of Teamwork

Emergency management is an inherently collaborative activity. Success is dependent on interdisciplinary, intergovernmental, and interagency cooperation. Major disasters and emergencies are too complex for any one organization to handle. FEMA must lead the way in the area of teamwork. Whether participating in interagency incident response teams or internal FEMA task groups, FEMA employees embrace the National Incident Management System/Incident

Command Systems concept of unified command. FEMA employees also pride themselves on developing and supporting joint priorities and objectives while working together with the widest possible assortment of partners. Where others may find the process of collaboration challenging, FEMA employees are proud to be part of the Nation's emergency management team along with partners from the Federal, State, Tribal, and local governments, nongovernmental organizations, and the private and civic sector. FEMA employees work hard to maintain and strengthen these ties. They consistently approach their work with the team in mind, and pursue every opportunity to foster and support unity of effort. FEMA employees strive to develop the capabilities of all team members.



The National Response Coordination Center is the focal point for teamwork.

Teamwork is important in the response and recovery phase of any hazard and at every FEMA echelon: Incident, Regional, and national. But teamwork is especially important in the response to large-scale disaster. It is only through teamwork that FEMA can hope to accomplish its primary goal of supporting State, Tribal, and local government partners and successfully bringing the resources and capabilities of the Federal team to fruition. This teamwork is an integral feature of FEMA operations at all levels. Success at every level is predicated on FEMA's ability to effectively work within teams, large and small, to achieve the desired results.

The Principle of Engagement

Engaging the broadest range of partners complements and enhances teamwork. By reaching out to Department of Homeland Security (DHS) components; other Federal departments and agencies; State, Tribal, and local governments; the private sector; and nongovernmental organizations, FEMA tries to engage the entire emergency management community, which also includes organizations that may not traditionally have been seen as emergency management stakeholders. This process of engagement is a key enabler for developing the teams that are needed to accomplish FEMA's core missions. FEMA collaborates with stakeholders, including disaster survivors, continuously and at all levels, believing that informed citizens make better choices for themselves, their families, and their

communities. Informed employees and response partners are in the best position to fully participate in the emergency management team.



Engaging all stakeholders in emergency management fosters a team approach.

Timely, accurate, and open information sharing, along with mutual regard and respect, provide the foundation for effective engagement. And, this engagement is vital to decision-making in emergency management. FEMA must clearly and openly communicate to the

public, FEMA's partners, and FEMA's leadership those critical elements of information concerning hazards, risks, responsibilities, smart practices, preventative measures, situational awareness, capabilities, and available assistance. At the same time, FEMA employees must carefully respect their obligation to safeguard certain types of information.

FEMA employees collect, analyze, and share pertinent information from all elements of FEMA, fellow DHS components, and other partners to maintain a common operating picture, support sound decision-making, and promote unity of effort.



Engagement of unique resources is an important element of FEMA's coordination.

Although sharing information is essential to engagement, engagement is composed of other important elements. For example, responding to major disasters and emergencies is challenging. And for truly catastrophic incidents, FEMA will need to find innovative solutions and new sources for response resources. To do this, FEMA must engage the broadest possible range of partners including non-traditional sources and disaster survivors.

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Effective engagement means that employees respect and value the professionalism and capabilities that their partners provide. FEMA employees seek new opportunities and innovative ways to include their partners in routine decision-making processes in addition to their collaboration during the execution of disaster missions. FEMA employees understand that FEMA is a member of the emergency management team and that it takes the entire team, working together, to effectively respond to a disaster.

The Principle of Getting Results



This elevated home in Port Sulphur, Louisiana is an example of the results created by mitigation.

Getting results means identifying what must be achieved. And, this must be articulated in terms of outcomes rather than processes. Understanding as clearly as possible what FEMA is trying to achieve improves the likelihood that FEMA personnel will make the best decisions

under the extreme pressures inherent in large-scale disaster operations. Focusing on outcomes also helps FEMA employees understand the circumstances and identify and implement the best courses of action.

Underlying this principle is FEMA's belief that those closest to the need will deliver the FEMA mission most efficiently and expeditiously. The goal is to innovate when there are roadblocks and to succeed where there are opportunities.

The Principle of Preparation

Preparation is the key to getting desired results. One of the most important preparation tasks in which FEMA continually engages is the act of planning. In fact, FEMA is guided by the adage that failing to plan is planning to fail.

FEMA is committed to planning carefully and ensuring that its plans are grounded in reality. FEMA's plans must account for all elements of the population and focus on integrating the access and functional needs of all community members rather than the average community member. The plans must also be readily adaptable to the situation at hand, which will rarely be the exact scenario for which FEMA planned. Finally, FEMA's plans must prepare the agency to acquire and apply whatever capabilities are needed to achieve the desired outcomes.



Supplies stand ready at one of FEMA's Logistics centers.

To support this effort, FEMA continues to offer its employees specialized training and to plan, train, exercise, and equip in partnership with stakeholders in the Federal, State, Tribal, and local government and private sector, so that they can effectively respond together in all hazards.

The Principle of Empowerment

The nature of FEMA's responsibilities means that it must constantly lean forward and always be prepared to take decisive action. FEMA employees



Empowering FEMA employees to help disaster survivors is integral to our success.

This guiding principle reflects the understanding that every FEMA employee plays an important role in the execution of its mission.

must be empowered to take actions expeditiously to achieve desired outcomes. Empowerment starts at the top. Senior management must trust team members and authorize them to make decisions and meet the needs of a situation without having to request permission from superiors.

Empowerment is achieved when those closest to the need are ready and able to act and make informed, prompt decisions based on the appropriate authorities, principles, and practices. When applied correctly, empowered decision-making

in disasters means that FEMA employees ask the following questions:

- Is the decision lawful?
- Is the course of action I decided the best one available to achieve the jointly developed, outcome-based objective(s)?
- Am I willing to be accountable for this decision?

The Principle of Flexibility

No two incidents are identical. As a result, FEMA disaster response personnel are trained and programs are designed to be flexible and capable of adapting within their original mission, scope, and authority to get the job done. As one member of a larger emergency management effort, FEMA anticipates and is

prepared to accommodate substantial changes in goals, courses of action, and operating environments with minimal notice. FEMA is also prepared to adjust quickly as risks and stakeholder needs change. FEMA personnel work in dynamic environments characterized by rapidly changing priorities and ground



FEMA flexible was important for Urban Search and Rescue team members in Bam, Iran in 2003.

rules. FEMA employees thrive in this environment, and devise innovative ways to meet new challenges as they arise. This expectation of great adaptability is nowhere more clearly demonstrated than employees' acceptance of FEMA's conditions of service. They understand that in the event of an emergency, any FEMA employee may be deployed with little advance notice to support the response to a disaster, that they may be called on to work irregular hours, and that they may have to perform duties other than those specified in their normal position descriptions. Being prepared to respond to such a need quickly and enthusiastically is at the heart of what it means to be a FEMA employee.

The Principle of Accountability

Supporting Federal, State, Tribal, and local partners often requires FEMA to respond quickly under rapidly changing conditions, and sometimes with

limited information. FEMA personnel embrace their responsibilities for meeting the needs of survivors and other customers, and they seek accountability. FEMA employees pride themselves on being able to meet extraordinary needs even in difficult and often austere conditions. FEMA employees accept responsibility for accomplishing their missions, are transparent in their decision-making, and expect to be held accountable for the actions they take.

The Principle of Stewardship

While the core of FEMA's mission is to support its State, Tribal, and local partners, including citizens and first responders, FEMA is also expected to ensure that the Nation is ready and able to address all hazards. FEMA employees are committed to maximizing the impact of the resources and authorities with which they are entrusted.²⁸ They routinely reassess FEMA programs, policies, and actions to identify issues, lessons learned, and best practices to ensure that FEMA is operating as effectively and efficiently as possible when addressing present and future challenges. FEMA employees also work closely with their Federal, State, Tribal, and local partners to ensure they are all making the best use of collective resources and authorities.

FEMA personnel are public servants entrusted with public resources to perform a critical mission. They have ethical, moral, and legal responsibilities to protect these resources and ensure they are used effectively and for their intended purpose. FEMA employees are also entrusted with the responsibility to be good stewards of the Nation's natural and cultural resources and take this responsibility very seriously in executing their mission.



²⁸ Here, the term resources refers to everything paid for with Federal funds; FEMA employee salaries and travel reimbursements; services FEMA requests and monitors; and assistance given to individuals and governments in the form of grants.

Chapter 5 – Future Updates

The FEMA capstone doctrine is based on the experiences of the FEMA workforce. As time passes, the doctrine will continue to evolve in order to reflect changes in the FEMA mission, personnel, lessons learned, authorities, risks, and hazards. The capstone doctrine should be updated incrementally through small deliberate changes rather than impulsive reactions to single events or changes in leadership. Although this document is primarily intended to be internal guidance, it indirectly affects FEMA's partners and customers. Updates to this doctrine should reflect the needs and perspectives of all those whom FEMA serves.



Appendix A: FEMA Authorities

- **HOMELAND SECURITY ACT OF 2002** created the Department of Homeland Security (DHS) as an executive department of the United States. The Homeland Security Act consolidated component agencies, including the Federal Emergency Management Agency (FEMA), into DHS. The Secretary of Homeland Security is the head of DHS and has direction, authority, and control over it. All of the functions of the officers, employees, and organizational units of DHS are vested in the Secretary. The mission of DHS includes preventing terrorist attacks within the United States, reducing America’s vulnerability to terrorism, and minimizing the damage and recovering from attacks that do occur. The Post Katrina Emergency Management Reform Act (described below) amended the Homeland Security Act with respect to the organizational structure, authorities, and responsibilities of FEMA and the FEMA Administrator.
- **ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT (Stafford Act)** authorizes the programs and processes by which the Federal Government provides disaster and emergency assistance to State, Tribal, and local governments, eligible private nonprofit organizations, and individuals affected by a declared major disaster or emergency. The Stafford Act covers all hazards, including natural disasters and terrorist events. It also encourages hazard mitigation measures to reduce losses from disasters establishing programs for State, Tribal, and local hazard mitigation planning, as well as grant programs that provide funding mechanisms to reduce losses in pre- and post-disaster environments.
- **POST KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006 (PKEMRA)** clarified and modified the Homeland Security Act with respect to the organizational structure, authorities, and responsibilities of FEMA and the FEMA Administrator. It enhanced FEMA’s responsibilities and its authority within DHS and transferred many functions of DHS’s former Preparedness Directorate to FEMA. According to PKEMRA, FEMA leads and supports the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation. Under the act, the FEMA Administrator reports directly to the Secretary of Homeland Security, and FEMA is a distinct entity within DHS.

- THE FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974 created the U.S. Fire Administration and directed the Secretary of Commerce to establish a National Academy for Fire Prevention and Control.
- THE NATIONAL FLOOD INSURANCE ACT OF 1968, as amended, created the National Flood Insurance Program to provide a means for property owners to protect themselves financially.
- THE NATIONAL DAM SAFETY PROGRAM ACT establishes a national program to bring together the expertise and resources of Federal and non-Federal communities to reduce the national dam safety hazard.
- THE NATIONAL EARTHQUAKE HAZARD REDUCTION ACT OF 1977 establishes the interagency National Earthquake Hazard Reduction Program, which is led by the National Institute of Standards and Technology, in cooperation with FEMA, the National Science Foundation, and the U.S. Geological Survey.
- TITLE 44 OF THE CODE OF FEDERAL REGULATIONS (CFR) establishes “Emergency Management and Assistance” as an element of the CFR, which is a codification of the general and permanent rules and regulations published in the Federal Register. Title 44 is entitled “Emergency Management and Assistance,” and Chapter 1 of Title 44 contains the regulations issued by FEMA including those related to the implementation of the Stafford Act.
- EXECUTIVE ORDER 13407, “PUBLIC ALERT AND WARNING SYSTEM” requires “an effective, reliable, integrated, flexible, and comprehensive system to alert and warn the American people in situations of war, terrorist attack, natural disaster or other hazards to public safety and well being.”²⁹ DHS designated FEMA to lead the implementation of this executive order.
- HOMELAND SECURITY PRESIDENTIAL DIRECTIVE (HSPD)-5 “INCIDENT MANAGEMENT” directs the establishment of a single, comprehensive national incident management system led by the Secretary of Homeland Security that covers the prevention, preparation, support, response, and recovery from terrorist attacks, major disasters, and other emergencies. The implementation of such a system includes plans, doctrine, resource typing credentialing, team and cadre formation, and other activities to enable all levels of government throughout the Nation to work together efficiently and effectively.

²⁹ Exec. Order No. 13,407, 71 Fed. Reg. 36,975 (June 28, 2006).

- HSPD-8 “NATIONAL PREPAREDNESS” defines preparedness to encompass “threatened or actual domestic terrorist attacks, major disasters, and other emergencies.”³⁰ Furthermore, it tasks the Secretary of Homeland Security with developing a National Preparedness Goal, building national capabilities, and coordinating preparedness for Federal, State, Tribal, and local governments, the private sector, and citizens.
- NATIONAL SECURITY PRESIDENTIAL DIRECTIVE -51/HSPD-20 “NATIONAL CONTINUITY POLICY” prescribes the continuity responsibilities, which FEMA performs on behalf of the Secretary of Homeland Security, to assist in coordinating the implementation, execution, and assessment of Federal continuity operations and activities.
- A number of other statutes (e.g., ATOMIC ENERGY ACT), strategies (e.g., NATIONAL STRATEGY TO COMBAT WEAPONS OF MASS DESTRUCTION), and Presidential directives (e.g., HSPD-13 “MARITIME SECURITY POLICY,” HSPD-16 “AVIATION STRATEGY”) provide sector-specific direction and guidance that influence DHS and FEMA programs that support protection. In addition, there are several disability rights laws that provide a basis for non-discriminatory and inclusive practices in serving individuals with disabilities in all aspects of emergency management (e.g., AMERICANS WITH DISABILITIES ACT, REHABILITATION ACT, FAIR HOUSING ACT, ARCHITECTURAL BARRIERS ACT, INDIVIDUALS WITH DISABILITIES EDUCATION ACT, and other civil rights laws).
- THE NATIONAL CONTINUITY POLICY IMPLEMENTATION PLAN defines Federal continuity responsibilities.
- NATIONAL RESPONSE FRAMEWORK is a guide to how the Nation conducts all-hazards response. It is built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the Nation, linking all levels of government, nongovernment organizations, and the private sector. It is intended to capture specific authorities and best practices for managing incidents that range from serious but purely local events to large-scale terrorist attacks or catastrophic natural disasters.³¹

³⁰ Homeland Security Presidential Directive/HSPD-8—National Preparedness, 2 PUB. PAPERS 1745 (Dec. 17, 2003).

³¹ Catastrophic incident is defined as an incident of such magnitude that all available assets that were designed and put in place for response are completely overwhelmed or broken at the incident, regional, or national level.

- NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) is a structured template used nationwide for both governmental and nongovernmental agencies to respond to disasters and/or terrorist attacks at the Federal, State, Tribal, and local levels of government. NIMS provides a consistent, flexible, and adjustable national template within which government and private entities can work together to manage domestic incidents regardless of their cause, size, location, or complexity. HSPD-5 requires all Federal agencies to adopt NIMS and to use it in their individual domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation programs and activities. The directive also requires Federal departments to make the adoption of NIMS by State, Tribal, and local organizations a condition for Federal preparedness assistance beginning in fiscal year 2005.

Appendix B: Executive Order 12127 – Federal Emergency Management Agency

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 304 of Reorganization Plan No. 3 of 1978, and in order to provide for the orderly activation of the Federal Emergency Management Agency, it is hereby ordered as follows:

1-101. Reorganization Plan No. 3 of 1978 (43 FR 41943), which establishes the Federal Emergency Management Agency, provides for the transfer of functions, and the transfer and abolition of agencies and offices, is hereby effective.

1-102. The Director of the Office of Management and Budget shall, in accord with Section 302 of the Reorganization Plan, provide for all the appropriate transfers, including those transfers related to all the functions transferred from the Department of Commerce, the Department of Housing and Urban Development, and the President.

1-103. (a) The functions transferred from the Department of Commerce are those vested in the Secretary of Commerce, the Administrator and Deputy Administrator of the National Fire Prevention and Control Administration (now the United States Fire Administration (Sec. 2(a) of Public Law 95-422)), and the Superintendent of the National Academy for Fire Prevention and Control pursuant to the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), but not including any functions vested by the amendments made to other acts by Sections 18 and 23 of that Act (15 U.S.C. 278f and 1511). The functions vested in the Administrator by Sections 24 and 25 of that Act, as added by Sections 3 and 4 of Public Law 95-422 (15 U.S.C. 2220 and 2221), are not transferred to the Director of the Federal Emergency Management Agency. Those functions are transferred with the Administrator and remain vested in him. (Section 201 of the Plan.)

(b) There was also transferred from the Department of Commerce any function concerning the Emergency Broadcast System which was transferred to the Secretary of Commerce by Section 5B of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978). (Section 203 of the Plan.)

1-104. The functions transferred from the Department of Housing and Urban Development are those vested in the Secretary of Housing and Urban Development pursuant to Section 15(e) of the Federal Flood Insurance Act of 1956, as amended (42 U.S.C. 2414(e)), and the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), and Section 520(b) of the National Housing Act, as amended (12 U.S.C. 1735d(b)), to the extent necessary to borrow from the Treasury to make payments for reinsured and directly insured losses, and Title XII of the National Housing Act, as amended (12 U.S.C. 1749bbb et seq., and as explained in Section 1 of the National Insurance Development Act of 1975 (Section 1 of Public Law 94-13 at 12 U.S.C. 1749bbb note)). (Section 202 of the Plan.)

1-105. The functions transferred from the President are those concerning the Emergency Broadcast System which were transferred to the President by Section 5 of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978). (Section 203 of the Plan.)

1-106. This Order shall be effective Sunday, April 1, 1979.³²

³² Exec. Order No. 12,127, *supra* note 7.