

**The U.S. Emergency Management System:  
The Need for Intergovernmental Cooperation**

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The number, diversity, and magnitude of disasters in the U.S., both natural and human-made, are increasing. For natural disasters, alone, there was more than \$305 billion in damage in the United States in 2017, making it the most expensive year on record for natural disasters in the nation. Because each disaster, by its very nature, is unique, different protocols, responders, and funding methods cause some significant challenges during all phases of emergency management. Yet, all disasters have commonalities with respect to intergovernmental relations. With natural disasters, the role of the Federal government in preparedness and recovery, and how it interacts with state and local governments, is relatively well developed, but still needs improvement. With human-made disasters, such as terrorist attacks or acts of mass violence, the intergovernmental path is bifurcated and disjointed, making it difficult, if not impossible, for local governments to navigate. The interacting network of institutions at national, state and local levels of government must be improved to enable government to act in a more coherent manner to mitigate the impact of all types of disasters.

### **Natural and Human-made disasters: The Intergovernmental Path**

The locus of all disasters is local. If a local government is unable to handle a disaster on its own, it notifies the state that it needs state and/or federal assistance. For natural disasters, the Governor's Office, in conjunction with the State Emergency Management Department or Homeland Security Department, notifies the President and FEMA of the need for Federal assistance. The President, with advice from FEMA, decides whether to provide or deny federal assistance. When a decision is made to provide assistance, the President declares the disaster site to be a "federal disaster area." This declaration enables FEMA to provide individual assistance and aid to public entities from the National Disaster Relief Fund, as authorized by the Stafford Act. This Act provides the statutory authority for most Federal disaster response activities pertaining to FEMA assistance programs.

If the disaster is a human-induced event, the disaster site is declared a crime scene by the Federal Bureau of Investigation and then handled by the Department of Justice and the Department of Homeland Security. The Federal government's role in recovery from human-made disasters has been primarily

situational, leaving traumatized local communities to figure out which agency is in charge, what assistance might be available, and whom to contact for help, unless the incident is of sufficient magnitude to warrant either a Presidential Declaration of Disaster or an Emergency Declaration. The following two incidents illustrate the nature of some of the gaps that exist in the current intergovernmental system for both natural and human-made disasters.

### **A Natural Disaster: Louisiana Flooding**

In August 2016, devastating floods hit 20 Louisiana parishes, dumping up to 6.9 trillion gallons of water over the area during a course of 48 hours. Thirteen people died in the flooding and 30,000 people were rescued – by firefighters, law enforcement officers, the Coast Guard and National Guard, search and rescue teams, and neighbors equipped with personal boats. This disaster caught people off guard, many without flood insurance since their homes were not located in a flood zone. Flood insurance is provided through the U.S. Flood Insurance Program and administered by the Mitigation Directorate of FEMA.

FEMA could not deploy its traditional strategies on rental assistance for re-housing because the disaster left no habitable homes available for rent, much like the ongoing recovery efforts in Puerto Rico and the Virgin Islands. In Louisiana, FEMA helped homeowners to clean out and repair their premises, offering grants of up to \$33,000. These grants came after the local governments declared to the State that the disaster was beyond their capability to respond and recover. The State, in turn, notified FEMA and the President that it was beyond its capability to handle response and recovery, as well. FEMA Recovery Centers were established in each of the 22 parishes suffering devastating losses.

Although assistance for natural disasters has been evolving rapidly at all levels of government, the emphasis has primarily been on preparedness, mitigation, prevention, and response. Assistance during the recovery phase has received less emphasis although, in most cases, expenditures in any phase of emergency management helps in the other phases. For example, every dollar invested in mitigation eventually saves up to five dollars or more in disaster response costs and even more in recovery costs. The same is true for time and

funding invested in preparedness activities, such as planning, training, exercises, technology upgrades, standards, certifications, and accreditations.

### **A Human-made Disaster: The San Bernardino County Terrorist Attack**

On Wednesday December 2, 2015 in San Bernardino County, CA, a Public Health Department Environmental Health Services worker opened fire on his fellow employees killing 14 people, injuring 24 and traumatizing another 35. His wife was his accomplice. The FBI determined that this was an act of terrorism. Over the next few months, it became clear that state and federal emergency relief programs did not meet the needs of local government agencies for incidents such as this. For instance, forms from the California Office of Emergency Services (OES) for reporting damage estimates and reimbursement do not have categories for many of the types of expenses associated with such an incident. Nor does FEMA have a mechanism for post terrorism reimbursement.

Of the more than \$24 million in expenses related to the San Bernardino attack less than \$5 million will have been reimbursed. Costs that may not be covered include those associated with closure of non-essential facilities for safety reasons, relocation of traumatized EHS employees to other work locations, remodeling existing Environmental and Health Services (EHS) workspace to remove emotional triggers, and heightened security upon the reopening of County offices. Other costs that may not be covered include those associated with organizational liaisons who provided single points of contact for the families of the deceased, and management and administrative time devoted to the incident and its aftermath.

There is a need for a more highly defined structure and clearer commitment of federal resources to reimburse local response costs for recovery expenses, unique to terrorist attacks and other acts of mass violence, deaths, and destruction. The lack of clearly defined programs and sources of assistance and the difficulty in identifying and accessing them, when coupled with the prescriptive manner by which most funds are provided, leads to a situation in which local jurisdictions are left fending for themselves and feeling unsupported.

## Recommendations

- The intergovernmental emergency management system should be clear, seamless and work equally well in all phases of a disaster, whether it is natural or human-made. The necessary preparedness, mitigation, response, and recovery should be a rigorous and coordinated intergovernmental, interagency, and interdisciplinary effort with regards to planning, training, exercising, technology, and standards.
- With few exceptions, disaster response and recovery, regardless of the nature of the emergency, should be built on FEMA's all-hazard approach on an intergovernmental, interagency, and interdisciplinary basis encompassing in-depth planning, training, exercises, standards, accreditations, and certifications.
  1. FEMA should be authorized and funded to create a single point of contact for information about grants and assistance, with staff acting as “navigators” for jurisdictions impacted by acts of mass violence or terrorism.
  2. FEMA should be authorized and funded to conduct a series of tabletop exercises with responsible federal departments and agencies and representatives from state and local jurisdictions that have experienced terrorist attacks or cases of mass violence.
  3. FEMA should be authorized and funded to develop a “Go Team” available for immediate deployment in the event of a local terrorist attack or case of mass violence, responsive in the same way that FEMA historically has been for natural disasters and, similar to the National Transportation Safety Board (NTSB) accident investigation teams. One of the Go Team's tasks would be to help local jurisdictions with the documentation necessary for cost recovery. Although this approach should also be examined for natural disasters, it may not be

necessary since local jurisdictions are much more familiar with how and from whom to access resources.

4. A federal government interdepartmental task force should be formed to determine whether there are existing programs or new programs that should be developed by FEMA, with support and funding from DHS, to ensure that communities experiencing terrorist attacks emerge economically whole.
  5. In response to human-made disasters, FBI Victim specialists should work and coordinate more closely with local jurisdictions that are caring for the victims in their states or communities, so that it becomes a seamless process.
- For both human-induced and natural disasters, the recovery phase must be better funded by Congress and DHS, for FEMA, states, tribes, and local governments. At the federal level, Congress and DHS should ensure that FEMA has the necessary support/funding to drive robust recoveries after mega-disasters, as well as other more frequent disasters.