



REDIRECTING FEMA TOWARD SUCCESS

A REPORT AND LEGISLATIVE SOLUTION



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I. EXECUTIVE SUMMARY

The fate and effectiveness of an emergency management agency is dependent on its relationship to a government's chief executive.

National Academy of Public Administration, 1993

In the future, I think it is likely that Congress will require that all FEMA directors have some experience in emergency management.

Former FEMA Director James Lee Witt, 1998

The divisions within FEMA that handle preparation, response, recovery and mitigation comprise a complete cycle of disaster. These four components need to be managed together as one unit.

Florida Governor Jeb Bush, 2005

Those who do not learn from history are doomed to repeat it.

Philosopher George Santayana

America has witnessed hundreds of disasters – hurricanes, earthquakes, tornadoes, floods, and terrorist attacks – since the creation of the Federal Emergency Management Agency (FEMA) in 1979. Each disaster presents a new set of challenges for the agency, some more difficult to meet than others. On several occasions, the agency has earned widespread praise; during other responses, it has been vilified.

Though each disaster is unique, there are certain characteristics which mark every successful federal response throughout the history of FEMA. We have identified three universalities and suggest the following structural changes to ensure the effectiveness of future responses:

- **FEMA must be led by a director statutorily required to possess experience in emergency management.**
- **The organizational structure of the Department of Homeland Security must reflect the vital connection between the FEMA director and the President of the United States – the director must report directly to the president during all incidents of national significance.**
- **FEMA must operate in accord with the emergency management “cycle” system – requiring the re-unification of preparedness, response, recovery, and mitigation efforts.**

This report is intended to accompany the “Plan to Restore Efficiency and Professional Accountability in Responding to Emergencies” Act (the “PREPARE” Act). This legislation will be introduced in the U.S. House of Representatives in February 2006 to implement these recommendations.

II. THE EVOLUTION OF CONGRESSIONAL DISASTER RELIEF

As the following sections demonstrate, the federal government has long provided financial assistance in times of significant disaster. Federal emergency management, however, is a relatively recent development which continues to evolve.

A. *Disaster Relief before FEMA*

The first instance of Congressional disaster relief occurred in 1803, when the Seventh Congress passed an emergency aid act to help Portsmouth, New Hampshire recover from a series of devastating fires. Federal involvement in natural disasters grew “slowly but steadily” over the years: between 1803 and 1950, Congress provided federal aid in at least one hundred response or recovery missions across the country.¹ The early twentieth century witnessed the beginning of significant federal involvement, including the Congressional chartering of the Red Cross in 1905, the use of federal troops to maintain order in San Francisco earthquake of 1906, and the grant of authority to the Army Corps of Engineers to control flooding in the Mississippi Valley in 1927.²

Federal oversight in disaster relief continued to grow in the middle of the century. The Department of Housing and Urban Development (HUD) created the Federal Disaster Assistance Administration, which oversaw disasters like Hurricane Carla (Texas) in 1962, Hurricane Betsy (Florida and Louisiana) in 1965, Hurricane Camille (Louisiana/Mississippi) in 1969, Hurricane Agnes (Florida) in 1972, the Alaskan (Good Friday) Earthquake of 1964, and the San Fernando Earthquake of 1971. Unfortunately, bureaucracy often complicated federal efforts. “Over one hundred different federal agencies were collectively involved in the relief efforts and people often complained about the lack of coordination and poor results.” Congress passed legislation to assist relief efforts – including the National Flood Insurance Act (1968) and the Disaster Relief Act (1974) – but the variety of government agencies administering disaster services proved problematic. “The dispersion of the programs across these various departments added to the problem of developing a comprehensive, coordinating function.”³

B. *Creation of FEMA*

In July 1979, under both advice and pressure to develop a comprehensive national disaster emergency policy, President Jimmy Carter issued Executive Order 12148, creating the Federal Emergency Management Agency (FEMA).⁴ Carter envisioned FEMA as the primary contact for all federal disaster relief: the agency’s slogan, “one agency, one official, one point of contact,” affirmed that concept. FEMA absorbed the Federal Insurance Administration, the National Fire Prevention and Control

¹ Aaron Schroeder, et al. “The Evolution of Emergency Management in America: From a Painful Past to a Promising but Uncertain Future,” in *Handbook of Crisis and Emergency Management* (Ali Farazmad, ed., 2001), p. 361 [hereinafter “Evolution”].

² Evolution p. 361.

³ Federal Emergency Management Agency, “FEMA History.” Retrieved online at <http://www.fema.gov/about/history.shtm>; *National Academy of Public Administration Report on FEMA*, February 1993, p. 15 [hereinafter “NAPA”]. Retrieved online at <http://www.napawash.org>

⁴ NAPA, p. 51.

Administration, the National Weather Service Community Preparedness Program, the Federal Preparedness Agency of the General Services Administration and the Federal Disaster Assistance Administration activities from HUD, while acquiring responsibility for overseeing the nation's civil defense, a function which had previously been performed by the Department of Defense's Defense Civil Preparedness Agency.⁵

Invariably, the merger of a multitude of governmental agencies and functions led to a rocky beginning for the fledgling agency. According to a performance review conducted by the National Academy of Public Administration in 1993, FEMA's administrative structure negatively impacted its ability to perform its duties. There were two significant problems. First, FEMA was "formally authorized as a federal agency, but without the proposed ties to the presidency or any structural integration."⁶ This ran counter to the Carter Administration's original plan, which envisaged direct oversight by the White House through the director of FEMA as an independent executive agency.⁷ Second, the large presence of political appointees – thirty at the agency's creation – meant that "FEMA came into existence fragmented, with hermetically sealed program compartments each overseen by a political appointee with his or her own links, not just to the president but also to both congressional committees and the interest groups concerned with the specific program."⁸ Both of these problems contributed to the inadequate management and response efforts of the agency throughout the 1980s.

In 1979, President Carter appointed John Macy, a well-respected public administrator, to be FEMA's first director. Macy "analyzed each of FEMA's programs and outlined the potential options for their future direction" until his death in January 1981. That month, the Reagan transition team "trashed" Macy's suggestions and began imposing their own view of emergency management upon the agency.⁹

⁵ NAPA, p. 15; President Jimmy Carter, "Federal Emergency Management," Executive Order 12148, 15 July 1979. Retrieved online at <http://www.fema.gov/library/eo12148.shtm>

⁶ NAPA, pp. 50-52.

⁷ See NAPA, p. 51. Under that plan, the FEMA director was to serve as the chair of the "White House Emergency Management Committee," in charge of giving direct advice to the president on ways to meet national emergencies.

⁸ NAPA, pp. 41-43.

⁹ Evolution, p. 372

III. 1980-1992: DEFICIENT LEADERSHIP, COMMUNICATION

The victim of misappropriation and mismanagement, FEMA struggled under Presidents Reagan and Bush to assert itself as a viable federal agency. As the following section demonstrates, unskilled leadership and poor communication between the FEMA director and the president contributed to the agency's disorganized responses to the major crises of the 1980s and 1990s.

A. *Reagan Revolution: Redefining Carter's FEMA*

The Reagan Administration had a different vision of federal disaster relief.¹⁰ Under President Carter, FEMA's primary responsibility was dealing with natural disasters, with a secondary role of civil defense in the event of a nuclear war. President Reagan shifted the focus of the agency away from state and local natural disaster response to one that largely prepared for national nuclear attack. Reagan proposed a seven year, \$4.2 billion program "providing for survival of a substantial portion of the population in the event of a nuclear attack" and a highly classified program to assure the continuity of government, spending twelve times as much money on civil defense than on natural disasters.¹¹

1. Cronyism and Corruption

After announcing that it would not implement the recommendations of the Macy review, the Reagan transition team fired or reassigned many of FEMA's top career staff, replacing them with political appointees.¹² Acting Director Bernard Gallagher dismissed four top FEMA officials despite never working with the officials, interviewing them, or reviewing their personnel files.¹³ Gallagher accused the officials of botching the Three Mile Island emergency, though it was later discovered that none of the officials were actually involved with FEMA's response to that crisis.¹⁴ In a memo to White House Counsel Edwin Meese, Gallagher recommended replacing the officials with Republican Party loyalists.¹⁵

¹⁰ Neither Reagan nor Carter was the first to assert his vision of federal governing upon federal emergency management. For example, in 1973, President Richard Nixon published "New Approaches to Federal Disaster Preparedness and Assistance," a report emphasizing that "federal disaster assistance is intended to supplement individual, local, and state resources." See President Richard M. Nixon, "New Approaches to Federal Disaster Preparedness and Assistance," 14 May 1973, H.Doc. 93-100, 93rd Cong., 1st sess. (Washington: Government Printing Office, 1973).

¹¹ One of the first disasters FEMA responded to occurred in the 1979 Three Mile Island nuclear accident in which the nuclear generating station suffered a partial core meltdown; James Lee Witt, speech at the "Excellence in Government Program," Washington, DC, 11 July 2000. Retrieved online at <http://govinfo.library.unt.edu/npr/library/reinvention.htm>; Stephen Casmier and Charlotte Grimes, "FEMA Tries to Ring in Better Service After Criticism Over Previous Disasters," *St. Louis Post-Dispatch*, 13 July 1993, p. 05B.

¹² *Evolution*, p. 373. Reagan officials used the provisions of the Civil Service Reform Act of 1978 to open up positions for political appointees by reassigning and removing civil servants.

¹³ *Ibid.*, p. 376.

¹⁴ *Ibid.*

¹⁵ *Ibid.*, p. 375.

To lead FEMA, President Reagan chose Louis Giuffrida, former chief advisor and organizer for California's civil defense and emergency management training programs during Reagan's governorship. Giuffrida's position, however, did not give him the emergency management background necessary to handle his new duties at FEMA. According to scholars, "things might have unfolded differently" if Giuffrida were director of the California Emergency Management Agency.¹⁶

Turmoil marked Giuffrida's tenure at FEMA, where he "rebuilt the upper levels of the agency around personal loyalty and cronyism. Over a dozen of the highest-ranked positions within the agency were filled by individuals with either direct ties to Giuffrida or the military police."¹⁷ Many observers developed the opinion that FEMA became a "backwater" for political appointees during his tenure, a trend that continued even after Giuffrida left.¹⁸ A 1992 report by the U.S. House of Representatives Appropriations Committee confirmed that the ratio of political appointees at FEMA was nearly ten times as great as at other agencies.¹⁹ In 1985, Giuffrida and other high ranking FEMA officials resigned after a Congressional committee inquired into allegations of contracting favors and questionable spending. The report found that Giuffrida and his staff abused the FEMA discretionary budget, purchasing items like a "pasta kitchen" and color televisions. The investigation also revealed the officials' use of the budget for political purposes. Noncompetitive grants, for example, were used to award contracts to longtime friends, who returned the favor with campaign contributions.²⁰

2. Lack of Influence

FEMA's efforts in natural disaster relief were routinely criticized. Contributing to the problem was FEMA's refusal "to assess the damage for assessing the damage until after the entire disaster event was over, thus delaying aid until well after the gravest and most damaging period had passed."²¹ But FEMA's reputation also suffered as a result of failing to achieve success in its new focus on national security. Part of the blame can be attributed to the weak relationship between FEMA officials and the White House. "What further damaged FEMA's reputation in the national security realm ... was its attempt to extend itself into policy realms for which it lacked clear authority, credentials, or enough power backing by the White House."²² Poor communication between the FEMA director and the president would negatively impact the agency's efforts to respond to several disasters that occurred during the George H.W. Bush Administration.

¹⁶ Ibid, p. 373.

¹⁷ Ibid, p. 376.

¹⁸ See Daniel Franklin, "The FEMA Phoenix," *The Washington Monthly* 27 (July/August 1995). Retrieved online at <http://www.washingtonmonthly.com/features/2005/0509.franklin.html>

¹⁹ Bill McAllister, "Appropriations Report Calls FEMA 'a Political Dumping Ground,'" *The Washington Post*, 31 July 1992, p. A01.

²⁰ Bob Davis, "Brewing Storm: Federal Relief Agency Is Slowed by Infighting, Patronage, Regulations," *The Wall Street Journal*, 31 August 1992, p. A1; Michael Wines, "The California Quake; U.S. Relief Agency Seeks Relief From Criticism," *The New York Times*, Late Edition, p. A29; Evolution, p. 376.

²¹ Evolution, p. 375

²² Ibid.

B. *Disaster Response in 1989*

The impact of deficient leadership and presidential neglect upon federal disaster relief became public in 1989, when two major natural disasters during George H.W. Bush's first year in office showcased FEMA's ineptitude.

In September 1989, Hurricane Hugo struck Puerto Rico, St. Croix, and South Carolina, killing over 50 people and causing an estimated \$7 billion in damages.²³ Problems plagued the federal response from the beginning, particularly with regard to the non-mainland islands. In South Carolina, which bore the brunt of the storm, elected officials did not mince words. Senator Fritz Hollings referred to FEMA as "a bunch of bureaucratic jackasses," later telling the American people, "[i]t is the Federal Emergency Management Administration that has just not been up to the task. I'm embarrassed by the federal response. It's just raw incompetence. They have not recognized the scope of the emergency nor its urgency."²⁴ Local officials also voiced their disappointment. As Charleston Mayor Joseph P. Riley Jr. noted, "[w]e're very appreciative for all the help. But if it could have been done quicker and had been done quicker, it would have been better. I'm not sure the extent of the damage from Hugo is understood yet at the federal level." In rural areas, where some relief was received almost a week after landfall, officials were baffled by the delay. "What bothers me is the fact that it doesn't take but a few hours after a hurricane goes through Puerto Rico before the U.S. Army has stuff flying in. Yet it takes three days before we get the first bit of our supplies out here, simply because (we're) in a rural area," said Robert Hoffman, mayor a hard-hit rural town. "We've needed food and water and all sorts of things, but didn't start getting any till yesterday. That amazes me. I don't understand it."²⁵

President Bush displayed little confidence in FEMA's ability to respond to Hurricane Hugo. In the days after the disaster, Bush sent Interior Secretary Manuel Lujan, to the Virgin Islands and Puerto Rico to assess the damage, "bypassing" FEMA officials who would ordinarily have been in charge.²⁶ He made a similar decision weeks later, when a 7.0 level earthquake struck the San Francisco Bay area in October 1989 (hereafter referred to as the "Loma Prieta" earthquake). Immediately after the earthquake, Bush dispatched Transportation Secretary Samuel Skinner to California in order to help establish a command center. FEMA officials were "somewhat miffed" by

²³ See USA Today Weather online at <http://www.usatoday.com/weather/hurricane/whugo.htm>

²⁴ For instance, after Hugo swept across the Virgin Islands, a FEMA official said no aid was being sent right away "because the territory's governor had not asked for it." The official acknowledged at the time that one reason the request may have been slow in coming was that the hurricane knocked out telephone lines. See Richard Vernaci, "Federal Emergency Aid Promised Quickly to Bay Area," *Associated Press*, 17 October 1989. Puerto Rican Governor Rafael Hernandez-Colon had a similar experience with bureaucratic rigidity. Gov. Hernandez-Colon sent federal aid request forms to FEMA headquarters, only to have them returned when he had failed to check on section of the form. The returned forms did not reach the governor until after Hugo hit. Governor Hernandez-Colon was forced to re-file the request forms and re-send them. Federal aid was held up for days. See Franklin, "The FEMA Phoenix"; Scott Bronstein, "Bush Will Visit S.C. on Friday Amid Criticism of Relief Effort," *Atlanta Journal*, 28 September 1989, p. A/01.

²⁵ Bronstein, "Bush Will Visit S.C. on Friday Amid Criticism of Relief Effort," p. A/01.

²⁶ U.S. Department of the Interior Report on Hurricane Hugo, 27 September 1989; R. Steven Daniels and Carolyn Clark-Daniels, *Transforming Government: The Renewal and Revitalization of the Federal Emergency Management Agency* [hereinafter "Transforming Government"], 2000 Presidential Transition Series, April 2000.

this decision, and noted that the director normally serves that duty. “That’s highly unusual,” observed a senior agency official. “But we understand. He (Mr. Skinner) is highly regarded.”²⁷ Bush’s public dissociation from the agency had significant negative effects. As federal governance experts noted, “the bypassing of the official disaster agency ... had a number of serious consequences. The first was the inevitable duplication of effort ... [t]he second was the management of disaster response and recovery by less qualified personnel ... [t]he third was politicization.”²⁸

The agency did earn several positive marks. FEMA’s improved response over Hurricane Hugo can be partially attributed to longstanding emergency management plans for dealing with an earthquake in San Francisco; in fact, local and federal officials conducted a “dress rehearsal” to prepare for such an occurrence only months earlier.²⁹ Furthermore, unlike its response during Hugo, FEMA did not wait for an actual request for assistance from California before going into action. Instead, moments after news of the earthquake reached federal officials, the agency worked under the presumption that the quake would qualify as a disaster, which saved crucial hours.³⁰ In the final assessment, however, FEMA’s slight improvements were tempered by a report from the General Accounting Office (GAO) that criticized the agency for being unprepared to provide long-term assistance to victims. According to the GAO, requests for help were “unresolved” more than two years after the quake.³¹

Many Congressional leaders were critical of FEMA’s response to the earthquake. “I think there’s no question about it ... There really has not been a clear sense of mission. Frankly, I haven’t had a very high regard for the agency over the past years,” said California Representative George Brown. Most of the criticism was levied against Acting Director Robert Morris, who was viewed by FEMA personnel as a “political hack” left over from the Reagan Administration. “He’s an older gentleman whose time has passed him by. I’m sorry but I don’t know how else to put it. He’s a terribly disorganized man,” said an agency executive requesting anonymity.³² Surrounding Morris was an inexperienced and ineffective senior staff. Seven of the eight most senior executive positions in the agency in the fall of 1989 were either vacant or filled by acting officials who submitted their resignations in 1988 and were not asked to stay on permanently. At the time of the earthquake, the eighth official (the Associate Director for National Preparedness) awaited confirmation by the Senate. In addition to the top agency posts, three of the ten FEMA regions had acting directors. The person through whom the

²⁷ “Disaster Agency Strapped FEMA Track Record is Target of Criticism,” *Dallas Morning News*, 19 October 1989, p. 29A.

²⁸ Daniels and Daniels, “Transforming Government,” p. 12.

²⁹ See Joan Mower, “Federal Disaster Officials Move Quickly to Aid California,” *The Associated Press*, 18 October 1989.

³⁰ Contrast this action with FEMA’s efforts during the Reagan administration, where “FEMA refused to assess the damage until after the entire disaster event was over, thus delaying aid until well after the gravest and most damaging period had passed.” See Evolution, p. 375. During the Loma Prieta earthquake, FEMA was able to quickly open a toll-free hot line to take aid requests and logged 6,241 applications the first week. See Robert Dvorchak, “Urged to Act With Speed, FEMA Centers to Open Sunday,” *The Associated Press*, 21 October 1989.

³¹ “Disaster Agency Strapped FEMA Track Record is Target of Criticism,” p. 29A; Davis, “Brewing Storm: Federal Relief Agency Is Slowed by Infighting, Patronage, Regulations,” p. A1.

³² Mower, “Federal Disaster Officials Move Quickly to Aid California.”

regional directors reported on day-to-day matters was a former secretary and office manager on Capitol Hill.³³ Said then-Congressman Tom Ridge of Pennsylvania, “I have told the White House to get a move on. If (FEMA) is virtually rudderless, you can’t expect the course to be very direct.”³⁴ Furthermore, some FEMA officers demonstrated questionable professional judgment. Incredibly, the top medical disaster coordinator in the Office of Preparedness, Lt. Col. Jerry M. Brown, went on vacation immediately after the earthquake because he had scheduled vacation leave and purchased nonrefundable airline tickets.

Similar issues continued to plague FEMA throughout the Bush Administration. In 1992, FEMA’s public failure during Hurricane Andrew raised questions about the agency’s future viability.

C. *The Tipping Point: 1992’s Hurricane Andrew*

Incompetent management and meager presidential support again exemplified a federal response to natural disaster. In the summer of 1992, Hurricane Andrew pounded the Florida coast. Victims accused FEMA of failing to respond quick enough to house, feed, and sustain the approximately 250,000 people left homeless in the affected area around southern Florida. The widespread frustration with the federal response is best summed up by the now-famous plea by Dade County, Florida emergency management director Kate Hale, “Where in the hell is the cavalry on this one? They keep saying we’re going to get supplies. For God’s sake, where are they?”³⁵

Leadership within FEMA was again a major issue. When Andrew struck, FEMA was under the control of Director Wallace Stickney, whose previous job was managing the New Hampshire Department of Transportation. Stickney had no experience in disaster management. According to a report in the *Wall Street Journal*, “one of Mr. Stickney’s main qualifications was his friendship with John Sununu, then the White House chief of staff ... Mr. Sununu and Mr. Stickney were neighbors in Salem, New Hampshire, and their wives were also friends.”³⁶ Stickney, it seems, focused on everything but improving FEMA’s response structure. Early in his tenure, Stickney was criticized for asking a publicly gay FEMA employee to reveal the names of other homosexual employees. Internal political turmoil also exerted stress upon the agency. On the very day that Hurricane Andrew made landfall, FEMA’s second ranking official, Jerry D. Jennings, who had operational control of the agency, turned in his special communications equipment in anticipation of leaving for good after a fight with the U.S. Congress and Stickney.³⁷

³³ Judith Havemann, “Finding More Fault At FEMA; Lack of Appointees Cited by Democrats,” *The Washington Post*, 26 October 1989, p. A29.

³⁴ *Ibid.*

³⁵ Bill Adair, “Hurricane Andrew: 10 Years Later,” *St. Petersburg Times (FL)*, 20 August 2002, p. 1A.

³⁶ FEMA History; Davis, “Brewing Storm: Federal Relief Agency Is Slowed by Infighting, Patronage, Regulations,” p. A1.

³⁷ *Evolution*, p. 377; Davis, “Brewing Storm: Federal Relief Agency Is Slowed by Infighting, Patronage, Regulations,” p. A1.

Problems that plagued FEMA during the 1989 disasters rose again in 1992. Michelle Baker, one of Kate Hale's deputies, compared her interaction with FEMA to a game of "Go Fish" – FEMA would not say what help they could provide, which left the county confused. "You had to know what to ask for," Baker said. "Sometimes you don't know what is available."³⁸ Reminiscent of Puerto Rican Governor Hernandez-Colon's experience with FEMA during Hurricane Hugo, FEMA workers routinely held up vital aid requests because the proper forms were improperly filled out. "If we had asked for a certain resource this way we could have gotten it," said Hale. FEMA's incompetence "further delayed relief efforts. Food and water distribution centers couldn't meet the overwhelming need; lines literally stretched for miles. Mobile hospitals arrived late."³⁹ The high proportion of political appointees within the agency meant that stricken areas could not rely on disaster-experienced personnel to assist in the recovery process. For example, Sam Jones, the mayor of Franklin, Louisiana, says he was shocked to find that the damage assessors sent to his town a week after Hurricane Andrew had no disaster experience whatsoever. "They were political appointees, members of county Republican parties hired on an as-needed basis... they were terribly inexperienced."⁴⁰

As the full extent of the damage – and the deficiency of federal action – prompted heavy criticism, President Bush again circumvented FEMA, forming a "hurricane task force" led by Secretary of Transportation Andrew Card. This "implicit rebuke" of FEMA gave operational control of federal relief to Card, the third time that Bush dispatched different members of his cabinet to replace FEMA officials.⁴¹ The President sent Card to Florida to convince Governor Lawton Chiles that he should accept massive federal aid and a large U.S. Army presence. When Chiles agreed, Bush sent in Army troops to build shelters and provide food and medical care to the victims of the storm. The next day 3,500 troops were in southern Florida, the first of 17,000 that would eventually serve.⁴² According to Hale, the situation improved almost immediately. "The first thing that happened was the morale improved the minute that people felt they weren't alone, they weren't abandoned ... you could just see people find the strength to go one more day when they were at the point of collapse."⁴³

Three months later, Bill Clinton defeated George Bush in the 1992 presidential election. With the election of Clinton, federal emergency management would significantly change from the previous decades.

³⁸ Adair, "Hurricane Andrew: 10 Years Later," p. 1A.

³⁹ Franklin, "The FEMA Phoenix."

⁴⁰ Ibid.

⁴¹ Davis, "Brewing Storm: Federal Relief Agency Is Slowed by Infighting, Patronage, Regulations," p. A1.

⁴² Franklin, "The FEMA Phoenix."

⁴³ Ibid.

IV. 1993 RECOMMENDATIONS: FUNDAMENTAL SHIFTS FOR FEMA

In the aftermath of the national failures, disaster experts, Members of Congress, and disaffected citizens called for the reorganization or elimination of FEMA. Under the leadership of U.S. Senator Barbara Mikulski, two studies were commissioned to determine the effectiveness of FEMA and the American emergency management system. These studies, conducted by the National Academy of Public Administration (NAPA) and the Government Accountability Office (GAO) produced a series of recommendations to fix what many believed was a broken system.

A. *The NAPA Report*

NAPA convened a project panel of nine experts in emergency management, national defense, government organization and operations, and political affairs. After conducting over 120 interviews with disaster officials on the federal, state, and local level, military officials, congressional staffers, executive officials, and dozens of FEMA employees, NAPA delivered a strategy to Congress in February 1993, “Coping With Catastrophe: Building an Emergency Management System to Meet People’s Needs in Natural and Manmade Disasters.”

Describing FEMA as a “patient in triage,” NAPA explained that a small independent agency could coordinate the federal response to major disasters “but only if the White House and Congress take significant steps to make it a viable institution.”⁴⁴ To achieve viability, NAPA recommended that FEMA develop a new working mission, vision, and value statements, emphasizing the agency’s commitment to both national security and domestic emergency management under an all-hazards approach.⁴⁵ NAPA stressed that neither FEMA nor the federal government should serve as the nation’s “911 first responder,” and emphasized the role of the states in responding to crises. “State and local governments must be able to manage small and medium sized disasters on their own, and they must be able to function effectively as part of an intergovernmental team when an event warrants a presidential disaster declaration and federal intervention.”⁴⁶

In reviewing FEMA’s performance during the 1980s and early 1990s, NAPA identified several areas the agency and the presidential Administration would need to improve in order to effectively respond to incidents of national significance:

1. Reliable Relationship Between the FEMA Director and the President is Necessary

According to NAPA researchers, one of the critical means of reforming FEMA was to clarify the relationship between the agency director and the president. “The fate and effectiveness of an emergency management agency is dependent on its relationship to a government’s chief executive.”⁴⁷ Unfortunately, throughout the 1980s and early 1990s,

⁴⁴ NAPA, p. ix.

⁴⁵ Ibid, p. x.

⁴⁶ Ibid, p. xi.

⁴⁷ Ibid, p. 34.

“the location and relationship of an emergency management agency to the institutional presidency and the President have always been variable and problematic.”⁴⁸ NAPA found that the George H.W. Bush Administration and his FEMA directors did not develop a strong personal and working relationship, a fact which “undermined the confidence of other agencies and the general public in FEMA, as well as FEMA’s confidence in itself.”⁴⁹ The management models used by President Bush – like assigning a cabinet member to manage the disaster response – were ineffective in managing disasters. Though the White House could not be charged with managing disaster response, NAPA believed that it was imperative to keep the Administration better informed of developing crises to hasten an executive response. NAPA specifically opposed placing FEMA within the presidential cabinet, but recommended creating a “Domestic Crisis Monitoring Unit” (DCMU) located within the White House, which would allow the president to maintain a close working relationship with the FEMA director in the event of a crisis.⁵⁰

2. Reduce Political Appointees Within the Agency

According to NAPA, the key to strengthening FEMA was to develop a competent and effective workforce by reducing the number of political appointees within the agency.⁵¹ As researchers noted, housing political appointees within an agency dedicated to emergency management creates an opportunity for the politicization of the decidedly nonpartisan issue of disaster relief.⁵² NAPA noted that the high number of political appointees managed by the FEMA director made it difficult for a director to establish the vision, planning, and goals that are necessary for effective disaster management. To improve the agency, NAPA recommended limiting the number of presidential appointments (other than the Inspector General) to the Director and Deputy Director, to ensure that future leaders are qualified and trained for their jobs, and developing FEMA career officers to reduce the politicization of the agency.⁵³

B. *The GAO Report*

Shortly after Hurricane Andrew, Congressional requesters asked the Government Accountability Office (GAO) to examine the adequacy of the federal strategy for responding to catastrophic disasters and to develop solutions for improving it. The GAO delivered the results in January 1993, in a report titled “Disaster Management: Improving

⁴⁸ Ibid, p. 22.

⁴⁹ Ibid, p. 51.

⁵⁰ Ibid, pp. 37-38. The DCMU would be composed of a small staff of detailees, and would operate in a similar fashion to the National Security Council. A White House staffer would monitor – though would not manage – crises throughout the country. Disaster management would be led by the FEMA director or under partnership with the White House staffer in charge of monitoring the DCMU.

⁵¹ Ibid, pp. 48-50.

⁵² NAPA explained the underlying problem of considering emergency management as a partisan issue. Several respected federal agencies – the Federal Bureau of Investigation (FBI), the Government Accountability Office (GAO), the Public Health Service, and the U.S. Forest Service – all have traditions of non-partisan leadership in the pursuit of critical functions of government. “If the wise conservation of the nation’s forestry resources can be accepted as non-partisan functions of government, then surely the protection of citizens from disasters can be as well.” Ibid, p. 50.

⁵³ Ibid, p. 64.

the Nation's Response to Catastrophic Disasters.” The report recommended a major reorganization of FEMA's disaster unit; a larger military role in future disaster responses; and several modifications to the Stafford Act that would allow FEMA to mobilize relief quicker. Most importantly, the report cited the need for a stronger bond between the president and the FEMA director.⁵⁴

1. Create a Stronger Relationship Between the FEMA Director and the President

The GAO emphasized the importance of presidential involvement and leadership both before and after a catastrophic disaster strikes, and recommended the creation of a new position within the White House that would coordinate catastrophic disaster preparedness and response between FEMA and other organizations. According to GAO, the FEMA director would notify this separate White House official “that (1) a catastrophic disaster is likely to occur or has occurred; (2) the affected area will almost surely require a great deal of immediate and long-term federal assistance; and (3) in the Director's judgment, federal staff should go to the affected state(s), assess the situation, and, if necessary, guide the resources needed to meet the immediate mass care needs of disaster victims.” Qualifications for the official should include “sufficient public recognition so that he or she is perceived as having the authority and attention of the President in managing the disaster,” and “access to and the confidence of the President.”⁵⁵

⁵⁴ U.S. Government Accountability Office, Report to Congressional Requesters, *Disaster Management: Improving the Nation's Response to Catastrophic Disasters (July 1993)* [hereinafter “GAO Report”], GAO/RCED 93-186.

⁵⁵ *Ibid.*, p. 6.

V. THE CLINTON YEARS: FEMA BECOMES A MODEL AGENCY

“Without bold action,” according to the NAPA report, “America’s frustration with the timeliness and quality of the federal response is very likely to continue.”⁵⁶ That bold action began in April 1993, when President Bill Clinton appointed James Lee Witt to become director of FEMA. As the former head of the Arkansas Office of Emergency Services under then-Governor Clinton, Witt became the first director in FEMA history with direct experience in emergency management. He immediately brought credibility to the beleaguered agency. “In a remarkably short period of time,” Witt “managed to transform FEMA from an ill-respected, under-performing government organization into an effective emergency management organization.”⁵⁷ Witt’s ability to improve the agency in three critical areas – agency competence, presidential communications, and the strengthening of preparedness functions – ensured FEMA’s capability to respond to the disasters of the 1990s.

A. *Witt at Work: Improving the Agency*

Witt began the transformation by conducting “a top-to-bottom review of FEMA’s mission, its personnel, and its resources.”⁵⁸ He clarified FEMA’s mission as an all-hazards responder – “de-emphasizing civil defense and national security” and emphasizing “disaster assistance” – while stipulating that his agency would focus on emergency management, rather than preserving government or providing support to state and local governments.⁵⁹ Use of the universally accepted “cycle” strategy – dividing emergency management into preparedness, mitigation, response, and recovery directorates – allowed the agency to engage in a more comprehensive and uniform response to disasters.⁶⁰ Witt tinkered with the agency’s divisions to achieve a proper synergy:

Witt realized that the structure of FEMA suffered from certain inadequacies that made it impossible to meet disaster demands. One of these was the lack of communication between the National Preparedness Directorate and the State and Local Programs and Support Directorate. Thus, the director separated the operational components of both Directorates and spread them throughout the Agency.⁶¹

These internal structural changes allowed Witt to lessen the bureaucracy within FEMA. “In its first two years, the agency shut down several unneeded field offices, reduced

⁵⁶ NAPA p. 107.

⁵⁷ Amanda Lee Hollis, “A Tale of Two Federal Emergency Management Agencies,” *The Forum* 3 (2005): p. 6.

⁵⁸ Franklin, “The FEMA Phoenix.”

⁵⁹ Hollis, “A Tale of Two Emergency Management Agencies,” p. 5.

⁶⁰ Daniels and Daniels, “Transforming Government,” p. 8.

⁶¹ Hollis, “A Tale of Two Emergency Management Agencies,” p. 5.

internal regulations by twelve percent, and drafted a plan to reduce them by fifty percent by the end of 1995.”⁶²

Witt’s approach towards political appointees improved the agency’s image almost overnight. Aided by dozens of resignations immediately prior to his arrival, Witt started with a blank slate and, with the support of President Clinton, was able to mold the agency as he saw fit.⁶³ Clinton granted Witt the opportunity to interview all of the political appointees who might serve with him in FEMA, and the power to veto any potential appointee.⁶⁴ This allowed Witt to assemble a group of well-trained managers from around the country and reduce stove piping within the agency. To his credit, Clinton selected appointees with strong backgrounds in emergency management, including two state emergency management directors, two FEMA regional directors, and one who served as then-Governor Clinton’s liaison with the Arkansas emergency management agency.⁶⁵

The emergency management experience of the appointees “improved the integration of the agency’s various directorates, a critical component of response and recovery to catastrophic disasters.”⁶⁶ To create a smoother transition for political appointees, Witt instituted a “crash” program that updated officials them on emergency management issues that they would be dealing with during their tenure. He also improved the relationship with the non-political career employees, seeking out their opinions and advice. This was crucial in retaining institutional knowledge within the agency.⁶⁷

But according to one review of his tenure, “Witt’s greatest impact was the fact that he linked FEMA to the executive branch, the Executive of the President, and the president. Witt had access.”⁶⁸ Upon reflection, Witt agreed with the essence of the suggestion, telling reporters prior to leaving office that “access to the president, I think, is critical in an agency like this.”⁶⁹ The closeness with which Witt and Clinton worked together in responding the disasters of the 1990s is apparent in the following sections, which represent several of the high-profile disasters that FEMA responded to during the decade.

⁶² Franklin, “The FEMA Phoenix.”

⁶³ See Evolution, p. 391. “Witt was aided in the personnel process by the very positions which up to that point had been the bane of FEMA’s existence: the gaggle of political appointment positions the agency had acquired. Resignations and firings of thirty-five political appointees within the agency in January 1993 – three months before he was appointed the new director of FEMA – cleared the way for him to quickly appoint persons with backgrounds in emergency management.”

⁶⁴ “The Role of the Chief Executive Officer” [Interview with FEMA Director James Lee Witt], *The Business of Government* 1 (May/June 1998): pp. 7-8.

⁶⁵ Daniels and Daniels, “Transforming Government,” p. 6.

⁶⁶ Ibid, p. 7.

⁶⁷ According to former Jane Bullock, former FEMA chief of staff, Witt owed his success during disaster response in part because “he listened to the career people who had been in that agency for a long time, and he rallied them. And there’s an institutional knowledge in that agency that is very strong, because people tend never to leave.” See Jane Bullock, interview by Martin Smith, *PBS Frontline*, 22 November 2005. Retrieved online at <http://www.pbs.org/wgbh/pages/frontline/storm/themes/fema.html>

⁶⁸ Daniels and Daniels, “Transforming Government,” p. 8.

⁶⁹ Mark Benjamin, “The Crony Who Prospered,” *Salon*, 16 September 2005, p. 1. Retrieved online at <http://www.salon.com/news/feature/2005/09/16/allbaugh/>

B. *Disaster Response in the 1990s*

1. The “Great Flood” of 1993

The “Great Flood” of 1993 was a costly and devastating flood that occurred in the Midwest from April to October of 1993. Every county in the state of Iowa was declared a federal disaster area, as were portions of eight other states in the river basin. In all, more than \$4.2 billion in direct federal assistance was spent and \$621 million in disaster loans were made to individuals and business.⁷⁰

The flood disaster in the Midwest was the first test for Clinton’s FEMA, and the agency passed with flying colors. State officials praised the efforts of the revamped agency and its leader – Witt – whom most credited for the effective response. “He’s demonstrating that when the need arises, he reacts and he brings the agency into a high state of action,” said Frank Begley, acting director of the FEMA’s regional office in Kansas City. Besides increasing the number of operators for its toll-free telephone lines, FEMA opened more disaster-aid centers and added more staff to help process applications for federal aid.⁷¹ Local officials “can’t say enough good things about FEMA. The communication lines and cooperation are wonderful,” said Tammy VanOverbeke, emergency management director of Lyon County, Minnesota. “They came in and set up a disaster assistance center within a week and a half of things starting to go chaotic. This is record time,” said Petra Haws, an emergency management official in St. Charles County, Missouri, which at the time was forty percent under water. “They’ve done every single thing we’ve asked them to do, bar none. There is assistance we didn’t even know about,” said Des Moines Mayor John Dorrian.⁷²

Witt may have been in better touch with state and local emergency managers in part because of FEMA’s new policy that it would no longer wait for states to ask for damage assessment teams. “In a catastrophic storm, we need to know the people’s needs. We need to be there as soon as the damage is done and assess people’s needs in the first six hours,” said FEMA spokesman Bobby Blalock.⁷³ For instance, Witt sent regional staffs out before the flooding became serious to help states apply for disaster assistance; had them prepare preliminary damage assessments before President Clinton’s formal disaster declaration; directed FEMA workers to respond immediately to any state requests; and anticipated requests rather than waiting for the state to tell FEMA what they needed.⁷⁴ Witt’s FEMA never lost focus on serving the customer – the state and local responders and the victims of disaster.

⁷⁰ Franklin, “The FEMA Phoenix”; David Dinell, “FEMA Marks 10th Anniversary of 1993 Flood,” *The Wichita Business Journal*, 25 July 2003. Retrieved online at <http://www.bizjournals.com/wichita/stories/2003/07/21/daily54.html>

⁷¹ Casmier and Grimes, “FEMA Tries to Ring in Better Service After Criticism Over Previous Disasters,” p. 05B.

⁷² Jill Lawrence, “Federal Emergency Managers Get Praise For a Change,” *The Associated Press*, 15 July 1993.

⁷³ “FEMA To Dispatch Early Response Teams,” *The Herald Rock Hill, SC*, 26 May 1993, p. 8a.

⁷⁴ Lawrence, “Federal Emergency Managers Get Praise For a Change.”

FEMA earned praise from both sides of the aisle, including two Republican senators from the region. According to Iowa Senator Charles Grassley, “I held meetings in nineteen different counties, and I never heard one complaint about FEMA.” Missouri Senator Christopher Bond was also happy with FEMA relief efforts. “To date, FEMA’s done a wonderful job,” said a spokesman.⁷⁵ Also pleased was Congressman Norman Mineta, then-chairman of the U.S. House of Representatives Public Works and Transportation Committee. “FEMA has delivered finally on its promise to stand with the American people when floods or hurricanes or earthquakes devastate their communities.”⁷⁶

2. Northridge (Los Angeles) Earthquake

In January 1994, an earthquake struck the Los Angeles area, reaching 6.7 on the Richter Scale. It was the costliest earthquake in American history, and FEMA initially struggled to respond in the days immediately following the disaster. According to early reports, “[t]housands of earthquake victims jammed federal disaster centers to seek emergency aid, and many complained bitterly about government red tape and confusion as they tried to piece their lives back together.”⁷⁷ Some victims were told they could get immediate vouchers for housing; some were told no vouchers were available. Newspapers reported on the inability of victims to reach FEMA officials on a toll-free number that the agency had urged victims to call rather than appear in person.⁷⁸

FEMA admitted it had been caught unprepared. “We probably underestimated the amount of people seeking assistance,” said James Lee Witt. “We were trying to hurry and help the victims and put in a much quicker system.” President Clinton issued a harsh criticism of the response, calling the delays “unacceptable” and ordering steps to speed up relief efforts.⁷⁹

As time passed, FEMA found its stride and began providing victims with relief at a much improved rate, far surpassing the federal effort during the Loma Prieta [San Francisco] earthquake in 1989. “In the Loma Prieta earthquake, it took FEMA more than a week to set up DACs (Disaster Application Centers),” said Kati Corsaut, a spokeswoman for the state Office of Emergency Services. “DACs opened throughout the affected area a mere three days after the disaster. That’s quite an achievement.”⁸⁰ In another improvement, the first federal assistance checks were mailed less than a week after the quake hit.⁸¹ FEMA’s response also exceeded the response to Hurricane Andrew. An article in the *Orlando Sentinel*, “FEMA’s Response Improves; Federal Aid is Getting to California Far Faster than it did to South Florida After Andrew,” explained

⁷⁵ Gertz, Bill, “FEMA Getting Job Done; Beleaguered Agency Assists Floor Victims,” *The Washington Times*, 13 July 1993, p. A3.

⁷⁶ Franklin, “The FEMA Phoenix.”

⁷⁷ Matt Spetalnick, “Quake Relief Effort Criticized; Death Toll Rises,” *Reuters News*, 21 January 1994.

⁷⁸ “Quake Tests Relief Agencies,” *The Kansas City Star*, 22 January 1994, p. A15.

⁷⁹ “Tempers Get Short as Relief Queues Grow Long; Continuing Tremors and Expected Rain Fray Nerves as Relief Agencies Scramble to Cope in L.A.,” *Orlando Sentinel*, 22 January 1994, p. A1; Judith Crosson, “Officials Try to Soothe Angry Quake Victims,” *Reuters News*, 22 January 1994.

⁸⁰ Tony Freemantle, “In Case of Emergency, L.A. Fine-Tunes Quake Disaster Plan,” *Houston Chronicle*, 23 January 1994, p. 1.

⁸¹ Government Computer News, Jan. 24, 1994

that despite long lines, food, water and federal aid centers were open only three days after the quake; it took a week after Hurricane Andrew. “I think FEMA benefited tremendously from that experience,” said Richard Andrews, California’s state director of emergency services.⁸² FEMA also won praise from the *Los Angeles Times* editorial board:

FEMA also deserves credit because President Clinton’s emergency response team, which included Witt, housing Secretary Henry G. Cisneros and transportation secretary Federico Pena, got here in a hurry. Along with dedicated – and at times exhausted – state, county and city officials, FEMA opened the first disaster assistance centers three days after the quake – five days ahead of the response to Florida’s Hurricane Andrew. Good start.⁸³

In addition to administrative and organizational improvements, FEMA’s investment in advanced technologies may have contributed to its improved response. In past disasters, communications tended to be one-way, with FEMA’s Washington team dispersing information to the field in bursts and holding briefings throughout the day. According to contractors working in FEMA’s emergency operations center in Washington, the Northridge earthquake was the first time FEMA used interactive data communications between headquarters and response teams at the earthquake’s epicenter and in surrounding communities so quickly after a disaster struck.⁸⁴

3. Oklahoma City Bombing

On April 19, 1995, the Alfred P. Murrah Federal Building in Oklahoma City was destroyed in a terrorist bombing, killing 168 people. Tasked with “responding to, planning for, recovering from and mitigating against disasters,” FEMA was active in preparing the federal response to the events in Oklahoma City, sharing in coordination efforts with the FBI, Department of Health and Human Services, the Department of Defense, and the National Guard.⁸⁵

By all accounts, the FEMA response in Oklahoma was exemplary. According to Tom Feuerborne, director of Oklahoma’s Civil Emergency Management Department, FEMA coordinators from Washington were on the ground in Oklahoma only four and a half hours after he made the phone call requesting help. According to Feuerborne’s timeline, the first FEMA advance team arrived five hours after the bomb detonated at 9:00 a.m.; James Lee Witt himself was on the ground shortly after 8:00 p.m.; by 2:30 a.m., the first of FEMA’s search and rescue teams had arrived to supplement the efforts

⁸² Seth Borenstein, “FEMA’s Response Improves; Federal Aid is Getting to California Far Faster Than it did to South Florida After Andrew,” *Orlando Sentinel*, 23 January 1994, p. A10.

⁸³ “For Victims, Speed is of the Essence; Federal Disaster Agency is Overwhelmed but Undaunted,” *Los Angeles Times*, 24 January 1994, p. 16.

⁸⁴ Government Computer News, Jan. 24, 1994

⁸⁵ George D. Haddow and Jane A. Bullock, *Introduction to Emergency Management* (Burlington, MA: Elsevier Science, 2003) p. 201.

of the Oklahoma City fire department. Said Feuerborne, “My office is very happy with the quick response of FEMA.”⁸⁶

C. *FEMA’s Mitigation Efforts*

In 1997, Witt unveiled “Project Impact,” a program designed to improve the country’s disaster mitigation efforts.⁸⁷ In testimony before the U.S. Senate, Witt explained that “Project Impact operates on a common-sense damage-reduction approach, basing its work and planning on three simple principles: preventive actions must be decided at the local level; private sector participation is vital; and long-term efforts and investments in prevention measures are essential.”⁸⁸ Under the project, FEMA fostered partnerships between federal, state and local emergency workers, along with local businesses, to prepare individual communities for natural disasters.⁸⁹

Project Impact partnerships developed in all fifty states, and were varied based on the needs of the community. In Seattle, the grants were used to retrofit schools, bridges and houses at risk from earthquakes. In Mississippi, the project funded the creation of a local flood plain database.⁹⁰ By the time the Bush Administration entered office in January 2001, some 250 communities had signed up for Project Impact.

D. *Final Assessment of the Witt Years*

In 1996, only four years after being vilified during Hurricane Andrew, President Clinton elevated FEMA to cabinet-level status. That year, the *Atlanta Journal-Constitution* wrote an editorial praising the agency and its leader:

FEMA has developed a sterling reputation for delivering disaster-relief services, a far cry from its abysmal standing before James Lee Witt took its helm in 1993. How did Witt turn FEMA around so quickly? Well, he is the first director of the agency to have emergency-management experience. He stopped the staffing of the agency by political patronage. He removed layers of bureaucracy. Most important, he instilled in the agency a spirit of preparedness, of service to the customer, of willingness to listen to ideas of local and state officials to make the system work better.⁹¹

⁸⁶ Franklin, “The FEMA Phoenix.”

⁸⁷ Ron Fournier, “Gore Links El Nino Effects to Global Warming,” *Associated Press*, 14 October 1997.

⁸⁸ U.S. Congress, Senate, Committee on Environment and Public Works, Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, *Hearing testimony of James Lee Witt*, 105th Cong., 2nd sess., 23 July 1998. Retrieved online at http://epw.senate.gov/105th/fem_7-23.htm

⁸⁹ John Elliston, “Disaster in the Making,” *Jackson Free Press*, 7 October 2004. Retrieved online at http://www.jacksonfreepress.com/comments.php?id=4176_0_9_0_C

⁹⁰ *Ibid.*

⁹¹ “Short Takes Quick Witt Helps,” *Atlanta Journal-Constitution*, 12 February 1996, p. A08.

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The accolades continued through Clinton's second term. In 1996, FEMA developed "Annual Individual Assistance Surveys" to determine how consumers were responding to the agency's work. FEMA received an eighty percent approval rating for customer service that year.⁹² In 1998, the number rose to eighty-five percent, and grew to eighty-nine percent in 2000.⁹³ By focusing on three critical areas – agency competence, presidential communications, and the strengthening of the preparedness functions – Witt transformed FEMA from an unprepared political dumping ground to one of the most respected agencies in the federal government. Unfortunately, FEMA enjoyed only a short time at the top of the bureaucratic world; by 2005, the agency again faced substantial criticism.

⁹² James Lee Witt, speech at the "IBM Business Recovery Services Users Symposium and Exposition," Phoenix, AZ, 7 May 1996.

⁹³ Federal Emergency Management Agency, *Annual Performance and Accountability Report for Fiscal Year 2002 (January 2003)*, p. 49. Retrieved online at <http://www.fema.gov/ofm/acrept/account02.shtm>

VI. UNCERTAIN FUTURE: FEMA IN THE 21ST CENTURY

In January 2001, George W. Bush took office and nominated Joe Allbaugh to replace Witt as FEMA Director. Like Witt, Allbaugh was extremely close to the president. He served as chief of staff to then-Governor Bush in Texas before becoming Bush's national campaign manager during the 2000 presidential election, where he was known for being the third member of the "Iron Triangle" of Bush advisors.⁹⁴ Senior FEMA official Bruce Baughman described the relationship between Bush and Allbaugh: "Joe signed on to be agency head, not to play second fiddle. He didn't want to be reporting to anybody but the president."⁹⁵ The similarities to Witt ended there. Unlike Witt, Allbaugh had no emergency management experience, harkening back to the dark days of the 1980s and raising questions of credibility and qualification among some scholars. "He was inept," says Claire Rubin, a senior researcher at George Washington University's Institute for Crisis, Disaster and Risk Management. "He didn't have an emergency management background, other than the disasters he ran into in Texas, and he wasn't a very open guy. He didn't want to learn anything."⁹⁶

Under Allbaugh's leadership, the Bush Administration implemented its vision of federal emergency management through "several internal, though questionably effective reorganizations of FEMA."⁹⁷ Asserting that Witt's organization of FEMA "did not fit President Bush's streamlining goals," Allbaugh reorganized the agency into six directorates: Regional Operations, Readiness Response and Recovery, Federal Insurance Administration and Mitigation, External Affairs, Administration and Resource Planning, and Information Technology Services.⁹⁸ In February 2001, the Bush Administration proposed the elimination of Witt's mitigation program, Project Impact, instituting a series of mitigation grants awarded on a competitive basis in its place. Allbaugh explained the Bush theory on disaster assistance. "Many are concerned that federal disaster assistance may have evolved into both an oversized entitlement program and a disincentive to effective state and local risk management. Expectations of when the federal government should be involved and the degree of involvement may have ballooned beyond what is an appropriate level."⁹⁹

But the expectations of Americans in the twenty-first century far exceed the proposals set forth by the Bush Administration. While Nixon and Reagan could craft their emergency management policies in accord with their more conservative philosophies, Americans in the twenty-first century have grown to expect a higher level

⁹⁴ Karen Hughes and Karl Rove were the other two members of the triangle. See Dan Balz, "Team Bush: The Iron Triangle," *The Washington Post*, 23 July 1999, p. C01. Retrieved online at http://www.washingtonpost.com/wp-srv/politics/campaigns/wh2000/stories/teambush072399_fulltext.htm

⁹⁵ Michael Grunwald and Susan B. Glasser, "Brown's Turf Wars Sapped FEMA's Strength," *The Washington Post*, 23 December 2005, p. A01.

⁹⁶ Jon Elliston, "A Disaster Waiting to Happen," *Gambit Weekly*, 28 September 2004. Retrieved online at http://www.bestofneworleans.com/dispatch/2004-09-28/cover_story.html

⁹⁷ Richard Sylves Ph.D. and William R. Cumming, J.D., "FEMA's Path to Homeland Security: 1979-2003," *Journal of Homeland Security and Emergency Management* 1 (2004): pp. 15-16.

⁹⁸ McLaughlin, M., "FEMA Shuffles Offices, Creates IT Service Center," *Government Computer News*, 2 July 2001, p. 5.

⁹⁹ Elliston, "A Disaster Waiting to Happen."

of service from the federal government that cannot be dramatically shifted every four years. As noted by scholars in “The Evolution of Emergency Management,”

There has been a quantum leap in people’s expectations as to what their governments can do about such things. Not only do they expect a response but they expect far more in the way of a response. Not only do they expect a response after the fact and help in coping, but they expect warnings and prevention.

As we continue to extend our built environment into the path of powerful forces of nature, we will face an increasing number of events that we call emergencies, crises, disasters, or catastrophes. And as that number increases, so does our expectation that our government, at all levels but certainly at the national level, should and must “do something” about them – rhetoric to the contrary notwithstanding.¹⁰⁰

With the terrorist attacks of September 11th, the Bush Administration’s concept of a scaled-down FEMA changed significantly.

A. *FEMA’s Efforts Through September 11th*

Bush’s FEMA won positive reviews for its response to natural disasters in the summer of 2001. According to one newspaper report, “the new Administration is getting generally high marks for its rapid response to Tropical Storm Allison,” a storm that killed twenty-two people while causing flooding and billions of dollars of damage in the Houston area in June 2001.¹⁰¹ But not everybody attributed the positive response to Bush and Allbaugh. “While experts credited the White House for quick action, they also noted that the president was lucky to inherit a disaster-response agency that was substantially retooled and improved by his Democratic predecessor.” One observer believed that FEMA’s successful response came in spite of the Administration’s organizational changes, which were not in place long enough “to shake up a lot of stuff” at the agency.¹⁰²

When terrorists attacked the nation on September 11, 2001, FEMA again performed admirably. From its Washington headquarters, FEMA coordinated the response efforts of twenty-seven different departments and agencies under the requirements of the Federal Response Plan. In the immediate aftermath, FEMA activated its ten regional emergency response centers across the country, and placed about 800 personnel on duty at the Washington headquarters and regional centers.¹⁰³ FEMA also

¹⁰⁰ Evolution, pp. 358-359

¹⁰¹ Bennett Roth, “Allison Aid Wins Praises for Bush,” *Houston Chronicle*, 1 July 2001, p. 01

¹⁰² Ibid.

¹⁰³ U.S. Congress, Senate, Committee on Environment and Public Works, *Hearing testimony of Joe Allbaugh, Director of FEMA*, 107th Cong. 1st sess., 16 October 2001. Retrieved online at <http://www.fema.gov/library/jma101601a.shtm>.

dispatched eight urban search-and-rescue teams to New York and four teams to the Pentagon to assist those rescue efforts.¹⁰⁴ Several weeks after the attacks, FEMA was the lead agency for 1,600 recovery personnel, twenty Urban Search and Rescue teams, 200 Disaster Medical Assistance Teams (DMATs), and twenty-four community relations teams.¹⁰⁵ According to a final assessment by the GAO, FEMA provided \$8.8 billion in disaster assistance to New York City.¹⁰⁶

In the aftermath of the attacks, the federal emergency management structure underwent an extreme makeover. Unfortunately, the creation of a new agency – the Department of Homeland Security – threatened to limit FEMA’s ability to be the all-hazards response agency that earned it high accolades.

B. *The Creation of the Department of Homeland Security*

In November 2002, President Bush proposed the creation of the Department of Homeland Security (“Department”), an agency intended to consolidate the homeland security-related executive agencies under one roof. That month, the U.S. Congress passed the Homeland Security Act of 2002, creating the new agency. The agencies slated to become part of the Department were placed in one of four major directorates: Border and Transportation Security, Emergency Preparedness and Response, Science and Technology, and Information Analysis and Infrastructure Protection.¹⁰⁷

Under the reorganization, FEMA was placed in the Emergency Preparedness and Response Directorate.¹⁰⁸ Though it was not required by statute, the Under Secretary for Emergency Preparedness and Response became the Director of FEMA.¹⁰⁹ The creation of the Department resulted in “a complete merger of federal emergency management with homeland security efforts.”¹¹⁰ But as the following sections demonstrate, emergency management in the Department focused almost exclusively on preparing for terrorism at the expense of natural disaster preparation. This fundamental shift within the agency, coupled with the official separation of the director from the White House, would produce significant consequences in FEMA’s ability to respond to disasters.

1. Controversy over FEMA’s Placement Within the Department, Chain of Command Structure

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ U.S. Congress, Senate, Committee on Environment and Public Works, Subcommittee on Clean Air, Climate Change, and Nuclear Safety, *Hearing testimony of JayEtta Z. Hecker, Director of Physical Infrastructure Issues*, 108th Cong., 1st sess., 24 September 2003. Retrieved online at <http://www.gao.gov/new.items/d031174t.pdf>.

¹⁰⁷ See Department of Homeland Security organizational history at <http://www.dhs.gov/dhspublic/display?theme=10&content=5271>

¹⁰⁸ Ibid.

¹⁰⁹ U.S. Congress, House of Representatives, Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *Hurricane Katrina: the Role of the Federal Emergency Management Agency*, Testimony of Michael Brown, 109th Cong., 1st sess., 27 September 2005. Retrieved online at http://www.katrina.house.gov/hearings/09_27_05/brown092705.pdf

¹¹⁰ Sylves and Cumming, “FEMA’s Path to Homeland Security: 1973-2003,” p. 16.

The architects of the Department envisioned a FEMA “on steroids” – a robust agency with the ability to deal with both terrorist attacks and natural disasters.¹¹¹ In practice, FEMA had already proven that its “all hazards approach” allowed for effective responses to both. Observers wondered whether the agency could continue to meet its obligations during natural disasters operating within a structure devoted exclusively to homeland security. Some were optimistic about the possibility of success. According to scholars Richard Sylves and William Cumming, “the absorption of FEMA into the Department of Homeland Security does not necessarily represent the end of FEMA.” Instead, FEMA “may occupy a central place in DHS if DHS officials can prevent its work from being totally yoked, subsumed, and trivialized under an overwhelming preoccupation with counter-terrorism.”¹¹² A 2002 GAO report offered a more pessimistic outlook:

With the emphasis on terrorism preparedness in the aftermath of September 11th, the transfer of FEMA to DHS may result in decreased emphasis on mitigation and natural hazards. Opponents of the FEMA transfer, such as a former FEMA director, said that activities not associated with homeland security would suffer if relocated to a large department dedicated essentially to issues of homeland security. They argue that agency resources dedicated to those functions have already been and would continue to be diverted to the homeland security mission, resulting in diminished federal capabilities for non-national security activities.¹¹³

Unfortunately, FEMA’s focus shifted almost exclusively to terrorism. According to one senior FEMA official, “if you brought up natural disasters, you were accused of being a pre-9/11 thinker.”¹¹⁴ Funding for first responders went mostly to terrorism-focused programs.¹¹⁵ According to one report, “more than \$2 billion in grant money is available to local governments looking to improve the way they respond to terrorist attacks, but only \$180 million is available under the Emergency Management Performance Grant program,” the Department’s main grant program for natural disaster

¹¹¹ Grunwald and Glasser, “Brown’s Turf Wars Sapped FEMA’s Strength,” p. A01.

¹¹² Sylves and Cumming, “FEMA’s Path to Homeland Security: 1973-2003,” p. 16.

¹¹³ U.S. General Accounting Office, Report to the Chairman, Subcommittee on International Security, Proliferation, and Federal Services, Committee on Governmental Affairs, U.S. Senate, *Hazard Mitigation: Proposed Changes to FEMA’s Multihazard Mitigation Programs Present Challenges (September 2002)*, GAO 02-1035.

¹¹⁴ Susan B. Glasser and Josh White, “Storm Exposed Disarray at the Top,” *The Washington Post*, 4 September 2005, p. A01. Retrieved online at http://www.washingtonpost.com/wp-dyn/content/article/2005/09/03/AR2005090301653_pf.html

¹¹⁵ A report by the Government Accountability Office showed that “almost three of every four grant dollars appropriated to the [Department of Homeland Security] for first responders in fiscal year 2005 were for three primary programs that had an explicit focus on terrorism.” See U.S. General Accounting Office, Report to the Chairman and Ranking Democratic Member, Subcommittee on Economic Development, Public Buildings and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives, *Homeland Security: DHS’ Efforts to Enhance First Responders’ All-Hazards Capabilities Continue to Evolve (July 2005)*, GAO 05-652, p. 36.

funding.¹¹⁶ A review of FEMA's training exercises illustrates the focus on terrorism. A July 2004 document detailing the agency's national emergency exercises showed that only two of the 222 simulations involved hurricanes.¹¹⁷

Furthermore, the organizational structure of the Department of Homeland Security created a new chain of command in emergency management, virtually eliminating the indispensable connection between the FEMA director and the President. Under the structure of the Department, the FEMA director headed the Emergency Preparedness and Response Directorate and reported directly to the Secretary. This created an obvious gap in FEMA's ability to communicate directly with the White House. According to George Haddow, deputy chief of staff to James Lee Witt, the restructuring created an "incalculable loss of influence" for FEMA.¹¹⁸ Time eventually revealed the prescience of those predictions.

2. Michael Brown: Dubious Qualifications, Questionable Relationship with the White House

Unwilling to deal with the challenges of a new bureaucracy, Joe Allbaugh resigned as FEMA director shortly before the merger became effective.¹¹⁹ Michael Brown, the agency's general counsel and Allbaugh's close friend, replaced him. Prior to joining FEMA, Brown had little emergency management experience: he was dubiously involved in emergency services oversight as an administrative assistant to the city manager of Edmond, Oklahoma in the mid-1970s, and his job preceding FEMA was serving as the Judges and Stewards Commissioner for the International Arabian Horse Association.¹²⁰ Nevertheless, the Senate voted to confirm Brown for the position of Deputy Director in June 2002, and in March 2003 he was named Director when the Department of Homeland Security was created.

Reminiscent of the 1980s, many political appointees found a home within FEMA. In a review of the agency in 2005, the *Washington Post* reported that "five of eight top Federal Emergency Management Agency officials came to their posts with virtually no experience in handling disasters and now lead an agency whose ranks of seasoned crisis managers have thinned dramatically since the Sept. 11, 2001, attacks."¹²¹ Shortly after the merger, FEMA experienced massive turnover among its high-level officials, as veterans who once led the agency's offices of response, recovery and preparedness left to take consulting or managing positions. Similar to the reduction in upper management that occurred under President Reagan, personnel records indicate the number of career

¹¹⁶ The administration proposed cutting that amount to \$170 million, even though NEMA had identified a \$264 million national shortfall in natural-disaster funding. See Farhad Manjoo, "Why FEMA Failed," *Salon*, 7 September 2005. Retrieved online at

http://www.salon.com/news/feature/2005/09/07/fema/index_np.html

¹¹⁷ Lisa Myers, "Was FEMA ready for a disaster like Katrina?," *MSNBC Online*, 2 September 2005. Retrieved online at <http://www.msnbc.msn.com/id/9178501/>.

¹¹⁸ Manjoo, "Why FEMA Failed."

¹¹⁹ Grunwald and Glasser, "Brown's Turf Wars Sapped FEMA's Strength," p. A01.

¹²⁰ Daren Fonda and Rita Healy, "How Reliable is Brown's Resume?" *Time Online Edition*, 8 September 2005. Retrieved online at <http://www.time.com/time/nation/article/0,8599,1103003,00.html>.

¹²¹ Spencer S. Hsu, "Leaders Lacking Disaster Experience; 'Brain Drain' At Agency Cited," *The Washington Post*, 9 September 2005, p. A01.

disaster management professionals in senior FEMA jobs was cut by more than fifty percent since 2000.¹²² The turnover had an effect on operations and diminished institutional memory. “Three of the five FEMA chiefs for natural-disaster-related operations and nine of ten regional directors are working in an acting capacity.”¹²³

The one significant difference between Brown’s FEMA and Louis Giuffrida’s FEMA under Reagan was the relationship between the director and the president. Giuffrida and Reagan were close from their days in California government; Brown and Bush, on the other hand, had no obviously apparent connection aside from Allbaugh. The organization of the Department further complicated Brown’s relationship with Bush. Allbaugh later acknowledged that the merger into the Department cost FEMA its independence, but also hinted that Brown’s relationship with Bush lacked the necessary connection to achieve success in emergency management. “I had a unique relationship with the president, having been his chief of staff,” Allbaugh said. “If you don’t have that kind of relationship, it just makes things tougher.”¹²⁴

C. *Disasters in the Department of Homeland Security Era*

1. 2004 Hurricane Season

In the summer of 2004, several hurricanes caused significant destruction in central and south Florida. Hurricane Charley caused over \$15 billion in property damage and resulted in ten deaths; Hurricane Frances caused an estimated \$9-10 billion in damage, and several deaths. Along with Ivan and Jeanne, the 2004 hurricane season caused an estimated \$26 billion in damage.¹²⁵

Under the Bush Administration’s leadership, FEMA was active from the very beginning of the 2004 hurricane season. According to one article, “FEMA’s relatively quick response to the hurricanes has thus far won mostly high marks from Florida officials, who remember well a time when the disaster agency seemed the last party to show up after catastrophes.”¹²⁶ When Hurricane Charley landed in August, FEMA, National Guard troops, and relief supplies were all on stand-by, and the President was prepared to deliver help immediately.¹²⁷ According to one report, “Governor Jeb Bush sought federal help Friday while Charley was still in the Gulf of Mexico. President Bush

¹²² In 2000, forty percent of the top FEMA jobs were held by career workers who rose through the ranks of the agency, including the chief of staff. By 2004, that figure was less than nineteen percent, and the deputy director/chief of staff job was held by a former TV anchor turned political operative. See Seth Borenstein and Shannon McCaffrey, “Political Appointees Dominate FEMA,” *The Kansas City Star*, 10 September 2005. Retrieved online at <http://www.kansascity.com/mld/kansascity/news/politics/12607291.htm>

¹²³ Hsu, “Leaders Lacking Disaster Experience; ‘Brain Drain’ At Agency Cited,” p. A01.

¹²⁴ Spencer S. Hsu and Susan B. Glasser, “FEMA Director Singled Out by Response Critics,” *The Washington Post*, 6 September 2005, p. A01.

¹²⁵ Charles Mahtesian, “How FEMA Delivered Florida for Bush,” *Government Executive*, 3 November 2004. Retrieved online at <http://www.govexec.com/dailyfed/1104/110304cm1.htm>.

¹²⁶ Elliston, “A Disaster Waiting to Happen.”

¹²⁷ Cargo planes flew FEMA supplies from a Georgia Air Force base to a staging area in Lakeland, Florida and the U.S. Army Corps of Engineers had stockpiled eleven truckloads of water and fourteen truckloads of ice. See Steve Bousquet, Bill Adair, and Chase Squires, “Unlike Andrew, Aid’s Right on Charley’s Heels,” *St. Petersburg Times*, 17 August 2004, p. A1.

approved the aid about an hour after the hurricane made landfall.” Guy Daines, former director of emergency services for Pinellas County, expressed pleasure with the rapid response. “It amazed me how they got over 4,000 National Guard troops in there that quick. Rather than sit there and react, they are trying to get a jump-start on everything.”¹²⁸ The effort was repeated for Hurricanes Frances, Ivan, and Jeanne. By the end of September, FEMA processed 646,984 registrations for assistance with the help of phone lines operating twenty-four hours a day, seven days a week. Federal and state assistance to households reached more than \$361 million, which included nearly 300,000 housing inspections and around 150,000 waterproof tarps for homeowners.¹²⁹

FEMA officials and political analysts wondered whether the 2004 presidential election played a role in the massive response. “They’re doing a good job,” one former FEMA executive said of the Administration’s response efforts. “And the reason why they’re doing that job is because it’s so close to the election, and they can’t f--k it up, otherwise they lose Florida – and if they lose Florida, they might lose the election.”¹³⁰ Agency documents indicate that Brown made special efforts to ensure the recovery process went perfectly. Brown wrote a memorandum to President Bush supporting a cost-sharing agreement that would require FEMA to accept one hundred percent of the cost for the first seventy-two hours of debris removal and emergency fire and police costs, and ninety percent of the costs for local governments. Later, he sent a memo to President Bush “requesting an adjustment of the cost-sharing agreement for all of the state’s declared disasters that year, despite the fact that the disasters had not yet met the financial threshold usually reserved for that change.”¹³¹

When reports surfaced about over-expenditures, the Senate Homeland Security and Governmental Affairs Committee and the Inspector General’s office at the Department of Homeland Security both conducted investigations into the matter. According to the Department investigation:

The Federal Emergency Management Agency made \$31 million in questionable payments to residents of Miami-Dade County for damage from Hurricane Frances last September even though the storm caused only minimal damage in that area of Florida, government investigators said yesterday. More than \$8 million of that amount was given to 4,300 people to rent temporary housing even though they had not asked for the money, and in many cases their homes were almost completely undamaged by the storm. FEMA paid to replace thousands of televisions,

¹²⁸ Ibid.

¹²⁹ Charles Mahtesian, “A Vote for FEMA,” *Government Executive*, 1 November 2004.

¹³⁰ Elliston, “A Disaster Waiting to Happen.”

¹³¹ See Melanie Payne and Jeff Cull, “Documents on FEMA Response to ‘04 Storms Released,” *The Fort Myers News Press (FL)*, 2 December 2005. Retrieved online at http://www.wkyc.com/news/news_article.aspx?storyid=44236. Note, however, that Louisiana, Alabama and Mississippi did not receive similar deals after Hurricane Katrina. Each state will be reimbursed for only seventy-five percent of their recovery costs.

air conditioners, beds and other furniture, as well as a number of cars, without receipts, or proof of ownership or damage, and based solely on verbal statements by the residents, sometimes made in fleeting encounters at fast-food restaurants.¹³²

FEMA's response to the 2004 hurricane season suggests that a close relationship between the emergency manager and the White House is imperative to assure a quick, effective (though questionably appropriate) response. It just so happened that the close relationship in 2004 involved the Governor of Florida and the president, not the FEMA director. When Hurricane Katrina struck one year later, the disconnect within the organizational structure became apparent.

2. Hurricane Katrina

In August 2005, Hurricane Katrina, a Category 4 storm, touched down along the Gulf of Mexico, severely battering the coasts of Mississippi, Alabama, and Louisiana and creating a storm surge that breached the New Orleans levee system. The storm resulted in over 1,300 deaths and damages are estimated at around \$75 billion, making it the costliest storm in history.

In many ways, Hurricane Katrina was FEMA's "perfect storm," a large-scale disaster that showcased how ineffective management, poor communication between the director and the White House, and a significant change in the agency's focus can devastate an effective federal response. Much of the criticism about the federal efforts to respond to Katrina was levied at FEMA Director Michael Brown, whose responses about FEMA's efforts in New Orleans became symbolic of the ineptitude of the federal government. For example, Brown told Ted Koppel "We just learned of the convention center – we being the federal government – today," though problems at the New Orleans Convention Center were evident to millions watching television news days earlier.¹³³ When several reports found inaccuracies in his résumé, Brown's qualifications for the directorship went under fire. Though Brown handled over 150 presidentially-declared disasters by the time Katrina hit, he resigned several weeks into the recovery mission amid charges of incompetence.¹³⁴ Months later, the U.S. House of Representatives Select Committee to Investigate the Preparation for and Response to Katrina (Select Committee) made public Brown's emails during the disaster, which revealed his focus on wardrobe, dog sitting, and dining during some of the most critical moments of the disaster.¹³⁵

But Brown's qualifications – or lack thereof – contributed only partially to FEMA's ineffective response. Hurricane Katrina was the first large-scale test for the new

¹³² John Mintz, "Report Calls Payments by FEMA Questionable; Investigators Cite \$31 Million Disbursed in Florida," *The Washington Post*, 19 May 2005, p. A25.

¹³³ Michael Brown, interview by Ted Koppel (1 September 2005), *ABC News: Nightline*.

¹³⁴ *Hurricane Katrina: the Role of the Federal Emergency Management Agency*, Testimony of Michael Brown, 27 September 2005.

¹³⁵ "Can I quit now?" FEMA Chief Wrote as Katrina Raged," *CNN*, 4 November 2005. Retrieved online at <http://www.cnn.com/2005/US/11/03/brown.fema.emails/>

National Response Plan (NRP), a strategy designed and implemented by the Department of Homeland Security that establishes “a single, comprehensive approach” to managing terrorist attacks, natural disasters and other large-scale emergencies.¹³⁶ Unfortunately, the NRP’s design created further distance between the FEMA director and the White House during times of disaster, and complications surrounding the effect of the NRP contributed to governmental failures. The NRP places responsibility for incident response within the Emergency Preparedness and Response Directorate “regardless of the cause.”¹³⁷ But the NRP also requires the Secretary to appoint a “principal federal officer” – the Secretary’s “representative to coordinate overall Federal interagency incident management efforts.”¹³⁸ According to a *Washington Post* report, the Department would likely appoint a FEMA official during a natural disaster, “but probably a law enforcement official in an incident of terrorism.”¹³⁹ During Hurricane Katrina, delays by Secretary Chertoff to activate the NRP – he declared the disaster an “Incident of National Significance” the day *after* landfall – and Brown’s resistance to be named principal federal officer meant that the NRP imposed a serious bureaucratic impediment to the federal response. Furthermore, “the 426-page plan proved to be mostly irrelevant once local responders were unable to participate; FEMA had not finalized the “Catastrophic Annex” that was supposed to guide that situation.”¹⁴⁰

The lines of communication between FEMA and the White House to instill a sense of urgency about the situation simply did not exist. “President Bush seemed so regularly out of it last week, it made you wonder if he was stuck in the same White House bubble of isolation that confined his dad,” *TIME*’s White House correspondent Matt Cooper wrote.¹⁴¹ On the same day Katrina touched down, President Bush called Secretary Chertoff from Air Force One to talk with him about immigration issues.¹⁴² He also shared a birthday cake photo-op with Senator John McCain.¹⁴³ The level of trust and communication between the President and Michael Brown was so lacking that White House staffers – not FEMA officials – were finally able to convince the Bush to act. “The reality, say several aides who did not wish to be quoted because it might displease the president, did not really sink in until Thursday night [three days after Katrina made landfall]. Some White House staffers were watching the evening news and thought the

¹³⁶ Joe Fiorill, “Approval Imminent For Terrorism Response Plan,” *Government Executive*, 16 November 2004. Retrieved online at <http://www.govexec.com/dailyfed/1104/111604gsn1.htm>

¹³⁷ U.S. Department of Homeland Security. *National Response Plan, Base Plan and Appendices (December 2004)* [hereinafter “NRP”], p. 3. Retrieved online at http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0566.xml

¹³⁸ NRP p. 91.

¹³⁹ Grunwald and Glasser, “Brown’s Turf Wars Sapped FEMA’s Strength,” p. 5 (online edition), emphasis added.

¹⁴⁰ *Ibid.*

¹⁴¹ Matthew Cooper, “Dipping His Toe Into Disaster,” 12 September 2005. Available by subscription at <http://www.time.com/time/archive/preview/0,10987,1101279,00.html>. See also http://www.time.com/time/press_releases/article/0,8599,1101283,00.html

¹⁴² White House, Press Release, “President Participates in Conversation on Medicare,” 29 August 2005, 10:06am MST. Retrieved online at <http://www.whitehouse.gov/news/releases/2005/08/20050829-5.html>

¹⁴³ Paul Morse, “White House Photo Essay,” 29 August 2005. Retrieved online at http://www.whitehouse.gov/news/releases/2005/08/images/20050829-5_p082905pm-0125-515h.html; “President Participates in Conversation on Medicare,” 29 August 2005; White House, Press Release, “President Discusses Medicare, New Prescription Drug Benefits,” 29 August 2005, 2:40pm PDT. Retrieved online at <http://www.whitehouse.gov/news/releases/2005/08/20050829-11.html>

president needed to see the horrific reports coming out of New Orleans. Counselor Bartlett made up a DVD of the newscasts so Bush could see them in their entirety as he flew down to the Gulf Coast the next morning....”¹⁴⁴ Furthermore, the Administration seemed as confused as the Department over the NRP. “For days, Bush’s top advisers argued over legal niceties about who was in charge, according to three White House officials who declined to be identified because of the sensitivity of the negotiations.”¹⁴⁵

For emergency managers around the country, FEMA’s response to Katrina was a foreseeable tragedy. Prior to Katrina, many predicted that the agency’s focus on terrorism would have negative consequences for disaster response. For example, leaders of the National Emergency Management Association (NEMA), fearing that a disastrous FEMA response was imminent, came to Washington just days before Katrina struck to warn Secretary Chertoff that the shift from an all hazards approach to an emphasis on terrorism “was weakening their [FEMA’s] readiness for disasters.”¹⁴⁶ The devolution of the agency since 2001 was best summed up by the disgraced Brown, who told the Select Committee that he is “happy to be a scapegoat ... if it means that the FEMA that I knew when I came here is going to be able to be reborn and we’re going to be able to get it back to where it was” when he joined the agency in 2001.¹⁴⁷

Unfortunately, it is highly unlikely that FEMA will see a return to glory. In fact, given the most recent reorganization by Secretary Chertoff, FEMA’s ability to respond to disasters in the future will further be weakened.

D. *The Impact of “Second Stage Review” (2SR) on Preparedness*

In October 2005, President Bush accepted recommendations for the reorganization of the Department of Homeland Security made by Secretary Chertoff under the process known as the “Second Stage Review” (2SR). The goal of 2SR was to allow the Secretary to assess changes that should be made to the mission and function of the Department, as well as problems and inefficiencies that can be corrected through reorganization. One of Secretary Chertoff’s recommendations was to “dismantle” the Emergency Preparedness and Response Directorate and reorganize FEMA.¹⁴⁸

¹⁴⁴ Evan Thomas, “How Bush Blew It,” *Newsweek*, 19 September 2005. Retrieved online at <http://www.msnbc.msn.com/id/9287434/>

¹⁴⁵ “The Lost City,” *Newsweek*, 12 September 2005, p. 5 (online edition). Retrieved online at <http://www.msnbc.msn.com/id/9179587/site/newsweek/>

¹⁴⁶ “Exposed by Katrina, FEMA’s Flaws Were Years in Making,” *USA Today*, 7 September 2005. Retrieved online at http://www.usatoday.com/news/opinion/editorials/2005-09-07-our-view_x.htm.

¹⁴⁷ Spencer S. Hsu, “Brown Defends FEMA’s Efforts; Former Agency Director Spreads Blame for Failures in Katrina Response,” *The Washington Post*, 28 September 2005, p. A01.

¹⁴⁸ The components of the Preparedness Directorate include: Cyber and Telecommunications (responsibility for working with other Federal agencies in completing comprehensive plans for executing our responsibilities to prevent and mitigate cyber based attacks); the Chief Medical Officer (responsibility for working with other Federal agencies in completing comprehensive plans for executing our responsibilities to prevent and mitigate biologically based attacks); the Fire Administration (reduces deaths and economic losses from fires and related emergencies through public education, training for fire protection personnel and enhanced technology); Grants and Training (assists states, local communities, regional authorities, and tribal jurisdictions to prevent, deter, and respond to terrorist and other threats to national security through funding, training, and exercises designed to increase preparedness and responsiveness); Infrastructure Protection (identifies and assesses current and future threats to the nation’s

Prior to the reorganization, FEMA's mission comprised the full cycle of emergency management – preparedness, response, recovery, and hazard mitigation. Under 2SR, Chertoff changed that focus. He identified “response and recovery” as the core operations of FEMA to be retained by the agency, and transferred the preparedness functions to a new directorate.¹⁴⁹ Now, FEMA retains responsibility for “consequence management” – administering federal response and recovery after a disaster.¹⁵⁰ Chertoff explained his rationale for the transfer:

[W]e wanted to make sure the leadership of FEMA was not torn between its need to focus on the FEMA role and these additional, rather more strategic, preparedness functions, which we think that we are now seeking to unify and put together in a coordinated fashion.¹⁵¹

Many in the emergency response community disagreed with him. NEMA voiced apprehension with the restructuring, announcing “[w]e are very concerned about the moving of preparedness functions out of FEMA as part of the Secretary's Second Stage Review into a new directorate of Preparedness. Preparedness is what emergency managers do every day in order to be able to respond. The separation of this function seems to be a further dismantling.”¹⁵² Florida Governor Jeb Bush echoed Brown's assessment. In testimony before the House Homeland Security Committee, the Governor explained that “the divisions within FEMA that handle preparation, response, recovery and mitigation comprise a complete cycle of disaster. These four components need to be managed together as one unit.”¹⁵³

Department officials also questioned the restructuring. Inspector General Richard Skinner had “reservations about segregating FEMA's preparedness function from its response and recovery responsibilities. Disaster preparedness, response and recovery are integrally related, each relying on the other for success. The proposal should be studied

physical and informational infrastructure, issuing timely warnings to prevent damage to the infrastructure that supports our community and economic life); Office of National Capital Region Coordination (oversees and coordinates Federal programs for and relationships with the National Capital Region to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities). See Department of Homeland Security organizational structure. Retrieved online at http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0794.xml

¹⁴⁹ Keith Bea, “CRS Report for Congress: Organization and Mission of the Emergency Preparedness and Response Directorate: Issues and Options for the 109th Congress,” *Congressional Research Service*, RL33064, 7 September 2005, p. 13.

¹⁵⁰ *Ibid.*, p. 2.

¹⁵¹ U.S. Congress, House of Representatives, Committee on Homeland Security, *Review of Department of Homeland Security Organization*, Testimony of Sec. Michael Chertoff, 109th Cong., 1st sess., 25 July 2005, transcript available by subscription through CQ Homeland Security.

¹⁵² International Association of Emergency Managers, “News Release: IAEM Announces Recommendations for Improved Emergency Response,” 25 October 2005. Retrieved online at <http://www.iaem.com/documents/RecommendsforImprovedEmResponse10-25-20051.pdf>.

¹⁵³ U.S. Congress, House of Representatives, Committee on Homeland Security, *Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies*, Testimony of Gov. Jeb Bush, 109th Cong., 1st sess., 19 October 2005. Retrieved online at <http://hsc.house.gov/files/TestimonyBush.pdf>

very carefully before it is put into practice.”¹⁵⁴ Similarly, Bruce Baughman, who led the Office of National Preparedness prior to the creation of the Department, said the separation “was a big mistake. We tried that before, and it was a disaster.”¹⁵⁵ FEMA Director Brown described the problem in June 2005, explaining the impact of withdrawing the preparedness functions from the rest of the emergency cycle:

Merging FEMA’s small preparedness functions with the prevention mission of the department will destroy the emergency management cycle and lead to failure. I don’t want to see us fail this President or the nation because of a desire to consolidate that which shouldn’t be consolidated.¹⁵⁶

Despite significant opposition, the Department continues to implement the Secretary’s recommendations. The proposals in the following section seek to reverse the dangerous trail that the Department walks as long as the preparedness and response functions are separated.

¹⁵⁴ U.S. Congress, Senate, Committee on Homeland Security and Governmental Affairs, *Outlook for the Department of Homeland Security*, testimony of Richard Skinner, Inspector General of the Department of Homeland Security, 109th Cong., 2nd sess., 26 January 2006. Retrieved online at http://hsgac.senate.gov/_files/RichardLSkinnerTestimonyFINAL.pdf

¹⁵⁵ Robert Block, "Homeland Security Wrestles with Revamp," *The Wall Street Journal*, June 13, 2005, p. A4.

¹⁵⁶ Letter from FEMA Director Michael Brown to Deputy Secretary of Homeland Security Michael Jackson, June 2005. Retrieved online at <http://www.pbs.org/wgbh/pages/frontline/storm/etc/brownconcern.html>

VII. RECOMMENDATIONS

With 2SR only several months old and already suffering from criticism, Secretary Chertoff announced that he will unveil a new organizational structure for FEMA in February 2006. With that announcement in mind, several Democrats on the U.S. House of Representatives Homeland Security Committee announce the following recommendations for changes to FEMA, which will be presented in the “PREPARE Act” that we will introduce in February 2006. These three changes – statutorily requiring the FEMA director to possess experience in emergency management, organizing the Department of Homeland Security to allow the director to report directly to the president during all incidents of national significance, and reuniting the preparedness and response functions within FEMA – must be enacted for FEMA to function successfully in the twenty-first century.

A. *Experience Matters*

A director of any agency must deal with the stress and strain of achieving its organizational mission. But being the director of FEMA carries with it a much greater pressure. “Emergency management organizations must plan and train in obscurity and neglect with few resources. Then, in one brief moment, in full glare of media and public scrutiny, they are expected to perform flawlessly like a goalie in hockey, or soccer, or a kicker in football.”¹⁵⁷ It is hardly surprising that FEMA directors lacking emergency management experience performed inadequately in times of crisis.

Choosing an appointee without an emergency management background to manage FEMA is both reckless and dangerous. Examples of bureaucratic incompetence at the highest level litter FEMA’s history like a bad storm: Hugo, Loma Prieta, Andrew, and Katrina represent not only the worst inflictions of Mother Nature, but the worst responses by our federal government. It is troubling that in this day and age – when our country faces a dual threat of terrorism and natural disasters – our leaders might select an emergency management director on the basis of party identification rather than qualification.

Emergency management and disaster relief must become a nonpartisan effort. But finding the proper means to accomplish that goal are not readily apparent. Support exists to eliminate many of the political positions within FEMA. In 1993, NAPA recommended limiting the number of presidential appointments to the Director and Deputy Director, to ensure that future leaders are qualified and trained for their jobs. Gen. Julius Becton, Jr., a FEMA director in the Reagan Administration, said the agency had become too political and should be run by a nonpolitical appointee.¹⁵⁸ However, James Lee Witt proved that a successful director could be a political appointee as long as he surrounded himself with qualified staff. The trait that made Witt successful was not that he was apolitical, but that he demonstrated aptitude for the job.

¹⁵⁷ NAPA, p. 17.

¹⁵⁸ Borenstein and McCaffrey, “Political Appointees Dominate FEMA,” *The Kansas City Star*, 10 September 2005.

In the past, the U.S. Congress has found it suitable to impose qualifications upon executive appointees in positions of a nonpartisan nature. For instance, the Chief Financial Officers Act of 1990, a law creating a higher level of management and accountability in the federal government, requires chief financial officer appointees to possess “demonstrated ability in general management of, and knowledge of and extensive practical experience in financial management practices in large governmental or business entities.” Similarly, the Director of the National Park Service is statutorily required to possess “substantial experience and demonstrated competence in land management and natural or cultural resource conservation.”¹⁵⁹

With these considerations in mind, **we recommend the FEMA director be statutorily required to have “ability in, knowledge of and extensive background in emergency or disaster-related management.” FEMA’s Deputy Director must also possess an extensive background in emergency or disaster-related management and must be a career Federal employee.** Support exists within the emergency management community for such a proposal. In 1998, former Director Witt voiced support for a provision requiring state or local emergency management experience. “In the future, I think it is likely that Congress will require that all FEMA directors have some experience in emergency management. I think state and local experience provides an essential background for this job.”¹⁶⁰ Former FEMA Deputy Director Mike Walker echoed those thoughts in an editorial after Hurricane Katrina made landfall.¹⁶¹ And in September 2005, the National Emergency Management Association (NEMA), the professional association of state emergency management directors, recommended a series of qualifications, knowledge, and expertise for the FEMA director. The recommendation set includes requiring emergency management or a similar related career at the federal, state or local government level; executive level management experience, governmental administration and budgeting experience; and an understanding of fundamental principles of disaster preparedness, mitigation, response and recovery. NEMA also suggests a fixed appointment term of five years.

Creating qualifications for the FEMA director is only the first step in improving emergency management in the United States.

B. *Direct Connection to the President*

Historians of FEMA can predict the efficacy of the federal response to a major disaster with the same kind of accuracy that meteorologists can forecast a storm. While the leadership of a qualified director is an extremely important factor, equally vital to a successful response is the relationship between the FEMA director and the president, as well as their communication during the disaster. The strength of that relationship will determine the effectiveness of the federal response.

¹⁵⁹ Chief Financial Officers Act of 1990, 16 U.S.C. § 1, available online at <http://govinfo.library.unt.edu/npr/library/misc/cfo.html>;

¹⁶⁰ “The Role of the Chief Executive Officer” [Interview with FEMA Director James Lee Witt], p. 7.

¹⁶¹ Mike Walker, “What Ails FEMA?” *The Washington Times*, 13 September 2005. Retrieved online at <http://www.washingtontimes.com/op-ed/20050912-090352-6779r.htm>

The power of direct reporting to the president helps explain FEMA's successes and failures over the last twenty-five years. During the largest natural disasters of his Administration, President George H.W. Bush bypassed the agency all three times, relying on trusted members of his cabinet to serve as head coordinators of the federal response rather than trusting the efforts of the agency's dubiously qualified directors. In the 1990s, the close, trusting relationship between President Clinton and James Lee Witt has been referred to as Witt's "greatest asset," and certainly contributed to the successful responses to floods and earthquakes during the decade. Finally, though he had no emergency management experience, President George W. Bush selected Joe Allbaugh, a member of his "Iron Triangle," to be his close confidant at the agency. Their relationship contributed to FEMA's well-regarded response to the September 11th attacks.

The creation of the Department of Homeland Security had a significant, negative impact on federal emergency management by limiting the FEMA director's access to the president. The new organizational structure of the Department imposes an additional roadblock in the line of communication by requiring the FEMA director to report directly to the Secretary during incidents of national significance. The problems associated with the restructuring could have been mitigated by a director with a strong emergency background and a close working relationship with the President. Unfortunately, Michael Brown was Allbaugh's friend from Oklahoma, not Bush's; he lacked the appropriate relationship with the President to make the structure work.

The impact of the Department's poor structure was not readily apparent until Hurricane Katrina. When hurricanes struck Florida in 2004, the President relied on his close relationship with his brother, Governor Jeb Bush, to ensure a successful federal response. But when Katrina hit the Gulf Coast, it became apparent to everyone that the United States emergency management structure had failed its biggest test.

The solution is to reorganize the Department in such a way that will remove the stifling effect that the current structure imposes upon the President and his FEMA director. Some have proposed making FEMA an independent agency again to re-establish a direct line of reporting to the President. Former Director James Lee Witt notes that "FEMA, having lost its status as an independent agency, is being buried beneath a massive bureaucracy whose main and seemingly only focus is fighting terrorism while an all-hazards mission is getting lost in the shuffle." But the solution to securing our homeland is to strengthen the Department of Homeland Security – FEMA included.

FEMA's success in the 1990s is partially attributable to the open communication between the director and the president. Strengthening FEMA's position with the White House and within the Department's structure will allow it to leverage the resources of the Department in the event of a national crisis in a way that an independent agency could not. With these considerations in mind, **we recommend requiring a direct line of reporting between the Director of FEMA and the President of the United States during incidents of national significance.**¹⁶² This recommendation retains support from

¹⁶² Based on criteria established in HSPD-5, an "incident of national significance" is an actual or potential high-impact event that requires a coordinated and effective response by and appropriate combination of

some of the most respected emergency managers and executive officials. For example, during testimony before the U.S. House of Representatives Committee on Homeland Security, Florida Governor Jeb Bush stated “when a disaster is declared, the FEMA director should report directly to the President, just like Craig Fugate, Florida’s Director of Emergency Management, reports directly to me.”¹⁶³ In creating a direct line of reporting during those crises, FEMA can achieve the success of the 1990s while operating within the Department of Homeland Security.

C. *Preserving the Cycle: Returning Preparedness to Response*

Emergency managers across the world frame their efforts in terms of a “cycle.”¹⁶⁴ According to FEMA, “emergency managers prepare for emergencies and disasters, respond to them when they occur, help people and institutions recover from them, mitigate their effects, reduce the risk of loss, and prevent disasters such as fires from occurring.” To create a comprehensive and effective emergency management system, the link between those phases cannot be broken – “they are all interdependent, and they are all vital.”¹⁶⁵

The link between the phases is broken under FEMA’s current organization within the Department of Homeland Security. Prior to the reorganization, FEMA’s mission comprised four broad areas – preparedness, response, recovery, and hazard mitigation. Under 2SR, Secretary Chertoff identified response and recovery as the “core” operations of FEMA to be retained by the agency, and transferred the preparedness functions to a new directorate. But now, FEMA retains responsibility only for “consequence management” – administering federal response and recovery after a disaster.¹⁶⁶

The unification of preparedness and response is widely supported by many in the emergency management and response community. The non-partisan Congressional Research Service recognized the possible detriment to responders from the separations: The Department’s actions “should be reconsidered because emergency preparedness activities should be administered in proximity to the response functions to ensure that funding, technical assistance, and administrative decisions are coordinated and administered efficiently.”¹⁶⁷ Furthermore, in testimony before the U.S. House of Representatives Homeland Security Committee, Governor Jeb Bush explained that “the divisions within FEMA that handle preparation, response, recovery and mitigation comprise a complete cycle of disaster. These four components need to be managed

Federal, State, local, tribal, nongovernmental, and/or private-sector entities in order to save lives and minimize damage, and provide the basis for long-term community recovery and mitigation activities. See NRP, p. 67.

¹⁶³ *Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies*, Testimony of Gov. Jeb Bush, 19 October 2005.

¹⁶⁴ *Hurricane Katrina: the Role of the Federal Emergency Management Agency*, Testimony of Michael Brown, 27 September 2005.

¹⁶⁵ Federal Emergency Management Agency, “About FEMA.” Retrieved online at <http://www.fema.gov/about/what.shtm>; “News Release: IAEM Announces Recommendations for Improved Emergency Response,” 25 October 2005.

¹⁶⁶ Bea, “CRS Report for Congress: Organization and Mission of the Emergency Preparedness and Response Directorate: Issues and Options for the 109th Congress,” “Summary” page.

¹⁶⁷ *Ibid*, p. 36

together as one unit.”¹⁶⁸ NEMA has also expressed opposition to the separation of the Department’s preparedness and response functions.

Reuniting the agency’s preparedness functions with its response functions is absolutely essential to re-establish the emergency management cycle. With these considerations in mind, **we recommend the Department of Homeland Security reunite the preparedness and response functions of FEMA by placing FEMA in the new Preparedness Directorate and making the FEMA director the “Under Secretary of Preparedness.”** The reunification of these efforts will restore the emergency cycle within the Department.

¹⁶⁸ *Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies*, Testimony of Gov. Jeb Bush, 19 October 2005.

VIII. CONCLUSION

History demonstrates that there are three specific characteristics that mark a successful response by FEMA. In accord with these findings, Members of the U.S. House Committee on Homeland Security present the “Plan to Restore Efficiency and Professional Accountability in Responding to Emergencies” (the “PREPARE” Act). The PREPARE Act will statutorily require the FEMA director to possess experience in emergency management; it will organize the Department of Homeland Security to allow the director to report directly to the president during all incidents of national significance; and it will reunite the preparedness and response functions by placing FEMA in the new Preparedness Directorate and making the FEMA director the “Under Secretary of Preparedness.” These proposals will strengthen American emergency management for the twenty-first century.