

U.S. Disaster Policy and Management in an Era of Homeland Security

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Abstract

Using the tools of policy analysis, presidency studies, and public management research, this study provides an overview of post 9/11 presidential homeland security directives, altered presidential disaster declaration powers, and revisions in the National Response Plan and the National Incident Management System. Since 9/11, the president, aided by a host of federal officials, has largely established and steered homeland security policy. Congress has provided disaster managers new authority, new responsibilities, and regular infusions of funding for purposes set forth in law and policy. Homeland security policy makers have engaged in massive government planning efforts aimed fundamentally at a broad pool of federal, state, and local disaster responders. This study maintains that changes in policy and management have been hugely consequential, both positively and negatively, for the nation's emergency management community.

Introduction

The terrorist attacks of September 11, 2001 resulted in profound changes in U.S. public policy. In public policy analysis language, the attacks represented the ultimate focusing event (See Birkland, 1997 on focusing events); it impelled the President, Congress, and a host of other government officials to craft and enact laws, policies and procedures affecting domestic preparedness, response, and "consequence management" for terror attacks. The federal government also responded to the events of 9/11 by creating the Department of Homeland Security. The President's issuance of new directives, collective federal efforts that developed new preparedness and consequence management programs,

and ongoing federally-directed reorganization and redirection of existing disaster-related programs all owe their impetus to the 9/11 terror attacks (Nicholson 2005; Tierney 2005; Bullock et al., 2005; Kettl 2004). Hurricane Katrina, which struck the U.S. Gulf Coast in late August 2005 triggering the failure of the levy system that protected New Orleans, tested the capacity, adequacy, and limits of disaster policy and management changes made since 9/11.

Policy Analysis and Presidency Studies

When political scientists engage in the study of disasters and emergency management, the tools of policy analysis, presidency studies, and the practices of public management help them do their work. “Presidency studies” involves analysis of presidential power and attempts to understand the process of presidential policy-making. Many tools of social science have been applied to the study of the presidency, including psychological theories, decision theory, organizational behavior models, sophisticated econometric techniques, historical analysis, and survey research. Public management refers to an identifiable group of actors in political life who “collectively perform a significant part of the executive function of government (Lynn 1996, p. 2). The intellectual domain of public management logically encompasses all officials and agencies sharing executive authority and their collective impact on public policy (Lynn 1996, p. 2).

Policy analysis, presidency studies, and the study of the practices of public management serve as excellent sources of theory, conceptualization, methods, and lesson drawing. This study will use policy analytic techniques to examine presidential authority and decision-making in the realm of disaster. This study is a public policy examination of federal disaster policy and management. A central aim is to describe presidential disaster

declaration powers; explain and critique the National Response Plan and the National Incident Management System; and at the same time lay out a path for researchers interested in conducting a policy analysis of this subject.

The 9/11 attacks and the 9/11 Commission Report (2004) both pressed the Bush administration to overhaul disaster management with terrorism and terror-caused disasters as the new priority. The NRP and the NIMS, refashioned largely as a reaction to the nation's sad experience on 9/11, has transformed federal, state, and local disaster planning and response.

U.S. homeland security policy makers have engaged in massive government planning efforts aimed fundamentally at a broad pool of federal, state, and local disaster responders. Since 9/11, the president and federal agency officials have largely established and steered homeland security policy. Congress has provided disaster managers new authority, new responsibilities and regular infusions of funding for purposes set forth in law and policy. Homeland security policy has manifested itself as a colossal, intergovernmental, multi-agency, multi-mission enterprise fueled by widely distributed, but often highly conditional, federal program grants to state and local governments. Planning in homeland security is more than simply reorganization or realignment of existing functions; it is part of the federal government's official policy response to the 9/11 terror attacks.

Public Policy Studies

Policy may be defined as “a relatively stable, purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern.” (Anderson 2006, p. 6). Public policies are developed by governmental bodies and officials. “Policies

consist of courses or patterns of action taken over time by governmental officials rather than their separate, discrete decisions.” (Anderson 2006, p. 7) Policies emerge from demands posed by private citizens, group representatives, legislators, or other officials. In response to policy demands “public officials make decisions that give content and direction to public policy” (Anderson 2006, p. 7-8). Policy also involves what governments do. Policy outputs are in effect actions taken in pursuance of policy decisions and statements.

The Public Policy Process model, or heuristic, maintains that policy involves five stages: policy agenda setting, policy formulation, policy adoption, policy implementation, and policy evaluation (Anderson 2006, p. 4). These stages overlap and elements of each stage may be found in both the legislative and executive branches of the government. The policy formulation stage involves, “development of pertinent and acceptable proposed courses of action for dealing with a public problem.” Policy adoption requires “development of support for a specific proposal so that a policy can be legitimized or authorized.” Policy “. . . implementation is the application of policy by the government’s administrative machinery” (Anderson 2006).

What this paper demonstrates, and something that future researchers may want to explore, is that homeland security policy is being simultaneously formulated, adopted, and implemented through the application of homeland security presidential directives, through president-led changes in disaster declaration type and eligibility, and in the NRP and NIMS planning and response activities conducted by federal, state, and local disaster management officials.

Law and policy since 9/11 is that terrorism prevention and consequence management is the primary mission of the Department of Homeland Security. In today's homeland security, terrorism trumps all. Federal emergency management as currently constituted addresses non-terror disasters and emergencies as a sub-category of "domestic incident," in which the definitive incident of note is the terror attack on the United States in September 2001.

PRESIDENTIAL DISASTER DECLARATIONS

To begin, understanding disaster policy in the U.S., or for that matter in any nation, requires consideration of emergency powers of the nation's chief executive. Before 1950, the federal government had only intermittent involvement in disasters (Birkland 1997; Platt 1999; Tierney et al., 2001, p. 201) and presidents were usually peripheral policy actors in disaster management. Occasionally, Congress would pass special relief measures to help people, as well as state and local governments, recover from certain serious disasters. However, since 1950 American presidents have been empowered to declare major disasters and emergencies. In addition, there has been a vast expansion of post-disaster federal government services to individuals, governments and organizations that have experienced disaster (Sylves and Waugh 1996, Platt 1999, Waugh 2000).

Intertwined with presidential powers are matters of national-subnational government relations: often defined in the U.S. as intergovernmental relations. These relations are conducted largely through a web of public management. May's *Recovering from Catastrophes: Federal Disaster Relief Policy and Politics* (1985) was one of the first modern era books done by a political scientist on the subject of disaster and its

intergovernmental public management. Gordons's *Comprehensive Emergency Management for Local Governments* (2002) is a more recent contribution to the intergovernmental study of disaster policy and emergency management.

While almost every governor can issue declarations and proclamations of state-level disaster, states often do not provide substantial disaster recovery aid without first securing a special spending measure from the state legislature, drawing down state contingency funds, or raising state taxes (Beauchesne 1998). Most states have responded to federal inducements like 75/25 federal/state-local matching subsidies of state/local relief and recovery spending when their governors have been able to win presidential declarations of major disaster or emergency (Sylves and Waugh, 1996; NAPA 1993; Platt 1999).

When a governor wins a presidential disaster declaration and qualifies for the aid provided by federal programs under a declaration, his or her state and eligible counties often stand to collect very sizable sums of federal money. Some states absorb all, and many others most, of the federally-required state-local matching share; thus, helping their disaster damaged localities avoid most of the burden of the match. Federal money to help pay for post-disaster individual and family assistance and/or disaster unemployment assistance is often substantial (Waugh 2000, Platt 1999, Sylves and Waugh 1996). So too federal funds help these sub-national governments rebuild, repair, or replace damaged state or local infrastructure such as roads, bridges, utilities, public buildings, etc. Federal disaster relief under presidential declarations often comes to states and localities as a massive infusion of federal dollars for public works (Platt 1999).

There have been numerous published studies of presidential disaster declarations before 2001 (Settle 1990, Sylves 1996, Sylves 1998, Dymon and Platt 1999, Platt 1999). Relyea crafted an excellent study regarding the history of presidential emergency powers and the legislative and reorganization issues surrounding formation of the Department of Homeland Security in his “Organizing for Homeland Security” (2003). Presidential disaster declarations interlace many features of federal emergency management. A presidential declaration of major disaster or emergency typically activates the NRP and puts various federal, state, and local agencies to work under the NIMS. These will be examined later.

Lawrence E. Lynn, Jr., asks in his book, *Public Management as Art, Science and Profession*, is public management an extension of policymaking or is policymaking an extension of public management? The answers to these questions are relevant both in presidential declaration decision-making and in homeland security disaster management.

The president’s decisions in the realm of disasters and emergencies sit squarely at the intersection of the old politics/administration dichotomy. As Lynn points out, for decades many have disputed whether politics and administration may be kept separate and distinct in the management of government. In addition, Lynn adds that for many scholars there is a division between policymaking and its administration and this distinction continues today, even though the politics/administration dichotomy was discredited 50 years ago. The public policy community is on the politics side and they have an “implementation perspective.” Their emphasis is on the politics of management. They concern themselves with social outcomes legitimated by voting constituencies, stakeholders, legislative processes, etc. The public administration community has a public

interest, public trust focus based on law, regulation, professionalism, value-neutrality, and objectivity. The exercise of presidential authority in matters of disaster declarations and homeland security is an appropriate venue for examining differences, overlaps, and coincidences of politics and administration.

Does each president decide on declaration requests in political terms as an elected representative impelled to maintain office; to ensure and improve re-election chances; and to advance the interests of their political party? Does each president behave in accord with his personal political motives and ambitions, thus encouraging him to rule on governor requests for disaster declarations to reward his political friends and punish his political enemies? Are the president's aims in such decision-making to reinforce his public image and popularity or perhaps to embellish his political and historical legacy? Another question must be posed. Do presidents, as the law suggests, decide on their own whether to approve or turn down governor requests for declarations or is this job delegated to federal disaster agency directors and White House senior staffers? If the president defers to the recommendations of his top disaster managers as he makes these decisions, this may connote his public management, rather than his politically motivated, behavior.

When presidents decide on whether to approve governor requests for declarations of disaster, they have an opportunity to make or shape "public policy." For example, presidents from Dwight D. Eisenhower to George W. Bush have been able to use disaster declaration authority to press forward their respective political ideology on matters of federal-state relations. They have been able to do this on a case-by-case basis. Moreover, President G.W. Bush has responded to the 9/11 terror attack to make homeland security policy through a series of Homeland Security Presidential Directives and by making senior

appointments to public management posts integral to homeland security. Following Hurricane Katrina in 2005, and owing to the displacement of thousands of New Orleans flood victims, President G.W. Bush took the unprecedented step of granting presidential disaster declarations to states that absorbed Katrina evacuees, but had no actual disaster damage from Katrina (<http://www.fema.gov/news/disasters.fema?year=2005>). (see appendix 1).

Disaster declarations, as well as presidential directives, often demarcate where the president wants to set the line between public sector (federal) involvement and private market involvement. When a president approves or rejects a governor's request for a declaration, that president is also drawing the line between what is a state and local obligation and what is a federal obligation. When a president approves or rejects a governor's request for a declaration, that president is also drawing the line between what is a public responsibility and what is a private responsibility. Sometimes, when the president denies a governor's request for a declaration, the president is sending a message about each American's "personal responsibility" to prepare for, or insure against, various calamities, especially those that may be foreseeable or expected. Each declaration decision asks the president to determine whether the federal government and national taxpayer should be the "insurer of last resort" for the disaster or emergency. Conversely, each declaration decision implicitly denotes whether the president wants state and local government and/or disaster victims and their insurers, and perhaps private charitable organizations, to collectively carry the burden of disaster relief or whether the federal government is to shoulder the major part of the burden.

In making declaration decisions, presidents work between two extremes. One extreme assumes that the president extends federal disaster relief purely as form of presidential political pork barreling, that is, allocating federal resources in excess of need and for political reasons. Another extreme assumes the president confers or withholds federal disaster relief based on a purely “objective” consideration of public need, this is determined by whether the nature and magnitude of the event conforms to declaration criteria set forth by federal disaster management officials. This second extreme also assumes that the president makes declaration decisions under strict norms of federal budget guardianship.

Each president, constrained by the limits of what law allows, has had some freedom to define “what is” or “what is not” a “disaster” or “emergency.” Each president’s actions have often expanded the range and definition of what constitutes a disaster or emergency. In this sense, the broad declaration authority presidents have enjoyed has enabled them to shape federal disaster policy, sometimes subtly, and sometimes dramatically.

While disasters and emergencies seem astronomically unlikely in each locality, they are more likely on the state level, and even more probable on the national level. This is because the probability of disaster or emergency occurrence increases as a function of dramatically expanding geographic scale. The point is, on a national scale, there is an almost routine flow of governor requests for federal disaster declarations to the president. The president’s serial processing of these requests allows him to steer declaration policy in various directions to achieve his general policy agenda as president. However, the almost weekly flow of declaration requests may encourage a White House routine under which senior staff attempts to relieve the president of the task of intensively pondering each

governor request. This routine may mean that presidents and their staffs are likely to defer to the recommendations of their top federal disaster directors.

Because presidents do not make disaster declaration determinations alone, it is fair to ask if federal emergency management officials who advise the president about governor requested declarations behave as political supporters of the president and his administration or as politically neutral or unbiased senior public servants. Public managers collectively perform a significant part of the executive function of government. Public managers who have directed federal disaster agencies from 1953 to the present era of Homeland Security have been politically appointed subject to Senate confirmation, unless they were senior civil servants asked to serve in an “acting” capacity pending selection and confirmation of the presidential appointee.

Unfortunately, the vast majority of top appointed federal disaster agency managers have lacked emergency management experience before they came to the job. An exception is James Lee Witt, an experienced state emergency manager who was appointed by President Clinton to head FEMA (1993-2001). The problem of inexperienced disaster managers was underscored by the example of Michael Brown, a President G.W. Bush appointee (2003-2005). Brown was excoriated and forced to resign for his failures in leadership during FEMA’s response to Hurricane Katrina.

If these declaration decisions have been purely administrative, one would expect that the president judges all governor requests for declarations against a scale of need or deservedness. The scale itself must be clear and must set forth objective criteria. However, the U.S. General Accounting Office once criticized the Federal Emergency Management Agency for failing to develop a clearer, more systematically explicit criterion by which to

judge the deservedness of governor requests for presidential declarations of major disaster or emergency (GAO 2001).

When presidents engage in declaration decision-making they have an opportunity to practice distributive politics. “Distributive policies involve the allocation of services or benefits to particular segments of the population.” (Anderson 2006, p.11). In distributive policy costs are widely shared, often through the public treasury, but benefits are targeted. Through disaster declarations presidents create the illusion that there are only winners and no specific losers. Presidents from Eisenhower to GW Bush have had considerable discretion and flexibility in judging governor requests in part because declaration criteria have been general or vague. This discretion and flexibility permits presidents to exhibit either public serving executive behavior or politically ambitious distributive behavior.

CHANGES IN PRESIDENTIAL DECLARATION AUTHORITY

Presidential declaration decision-making changed in the months and years after the 9/11 attacks. For example, a new term, “Incidents of National Significance” now encompasses major disasters or emergencies declared by the president (DHS 2004, 8-9). “Incidents of National Significance” under the NRP are defined as “An actual or potential high-impact event that requires coordination of Federal, State, local, tribal, nongovernmental and/or private sector entities in order to save lives and minimize damage” (DHS 2004, ix). According to the Final Draft of the NRP, issued June 30, 2004, the Secretary of the Department of Homeland Security (DHS) “can use limited pre-declaration authorities to move initial response resources . . . closer to a potentially affected area” (DHS 2004, 9).

Catastrophic Incidents

The NRP adds a new category of incident beyond major disaster and emergency. “Catastrophic Incidents” are “Any natural or manmade incident, including terrorism, which results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, and national morale and/or government functions. A catastrophic event could result in sustained national impacts over a prolonged period of time; almost immediately exceeds resources normally available to State, local, tribal, and private sector authorities; and significantly interrupts governmental operations and emergency services to such an extent that national security could be threatened. All catastrophic incidents are considered Incidents of National Significance” (DHS 2004, x).

National Special Security Events

The president maintains authority to issue both pre-event and post-event declarations for National Special Security Events (NSSEs). These include “high-profile, large-scale events that present high probability targets” (DHS 2004, 4) such as the G-8 Summit; the Republican and Democratic national political party conventions; and any other event the president believes may be vulnerable to terror attack. The U.S. Secret Service has been lead agency in managing NSSE’s. Presidents have had authority to issue NSSE’s since the early 1990’s; however, what has changed is that the Secret Service is now part of DHS. Through the president and the Secretary of DHS, NSSEs are now a component of homeland security emergency management.

Annexes to the NRP suggest that the president, under Homeland Security Act of 2002 (P.L. 107-296) authority, is formalizing declaration authority to cover bio-terror, cyber terror, food and agricultural terror attacks, nuclear or radiological incidents, and oil and hazardous materials pollution incidents of national significance, to name a few (DHS 2004, vi-vii). Moreover, under the National Emergencies Act of 2003 (50 U.S.C., 2003, §§ 1601-1651) the president must follow new procedures “for Presidential declaration and termination of national emergencies” (DHS 2004, 108). The president is obligated to identify the specific provision of law under which he “will act in dealing with a declared national emergency” and under a sunset provision in this law, declarations of national emergency are subject to automatic termination if not renewed by the president (DHS 2004, 108).

Domestic Incident Management

The Homeland Security Act of 2002, Homeland Security Presidential Directive 5, and the Stafford Act of 1988, justify and provide, according to the NRP, a comprehensive, all-hazards approach to “domestic incident management” (DHS 2004, 5). Disaster declarations in the post-9/11 era are now conceived as matters of “domestic incident management.” All major disasters, emergencies, and catastrophic incidents declared by the president are Incidents of National Significance (DHS 2004, x). Nonetheless, not every Incident of National Significance “necessarily results in a disaster or emergency declaration under the Stafford Act” (DHS 2004, 8).

Why are these changes important? The cumulative outcomes of these changes in presidential declaration power are several. The term “Incidents of National Significance”

incorporates a range of terror-relevant threats as well as conventional natural and non-terror human-caused disasters and emergencies. The president now possesses much unencumbered authority to mobilize federal, state, and local resources if he concludes that an event of some kind may be a possible target of terrorism; he would start said mobilization by issuing declarations for National Special Security Events. Presidential declaration authority now concedes openly that disasters may have nationally catastrophic consequences, and so presidents may now declare incidents as catastrophes. All hazards emergency management remains a tenet of federal emergency management, but in the past, all-hazards meant terrorism was one of many possible agents of disaster or emergency. Today, federal emergency management is predicated on terrorism as a paramount threat while other types of disasters or emergencies occupy diminished positions within the all-hazards community. Natural and non-terror human-caused disasters since 1950, with the exception of civil defense against nuclear attack, were rarely considered matters of national security. Owing to the 9/11 terror attacks, homeland security and presidential declaration authority are primarily national security instruments and secondarily instruments of conventional emergency management. Moreover, these changes have significantly increased the range of presidential authority.

HOMELAND SECURITY ORGANIZATIONS AND DIRECTIVES

The September 11, 2001 terror attacks on the U.S. homeland induced Congress and the president to enact new laws, establish a new federal department incorporating some 22 agencies including the U.S. Federal Emergency Management Agency (FEMA), and to create new administrative arrangements. Major events in U.S. history have often triggered

major changes in the governmental process (Truman 1951). The creation of the Department of Homeland Security (DHS) was one of the largest federal reorganizations since President Truman created the Department of Defense in 1947. DHS incorporated approximately 180,000 employees as well as a wide assortment of agencies and offices (Tierney 2005).

The reorganization merged together agencies (or parts of agencies) with very diverse organizational structures, missions, cultures, and, importantly, diverse ideas about the management of domestic threats and emergencies. Tierney argues that the overall effect of the reorganization has been to expand the role of defense-related and law enforcement oriented agencies, most of which are focused exclusively on terrorism, while correspondingly curtailing the role of agencies working in accord with all-hazards emergency management (2005).

Homeland security presidential directives have transformed the U.S. consequence management policy system since 9/11. Homeland Security Presidential Directive Five (HSPD-5) directed the Secretary of Homeland Security to develop a National Response Plan to integrate all existing federal response plans. In separate works Tierney and Nicholson declare that the two most relevant directives are HSPD-5, “Management of Domestic Incidents,” and HSPD-8, “National Preparedness.” The stated aim of HSPD-5 was to improve the nation’s capacity to respond to domestic disasters by creating a single, comprehensive incident management system. To this end, HSPD-5 mandated the development of a “concept of operations” for disasters that would incorporate all levels of government as well as crisis and consequence management functions within one unifying management framework. The Secretary of Homeland Security was given responsibility for

implementing HSPD-5 by developing a National Response Plan and a National Incident Management System (Tierney 2005; Nicholson 2005).

Under HSPD-5 directive, all federal agencies were required to adopt NIMS and to make its adoption a requirement for other governmental entities receiving federal assistance. HSPD-8, “National Preparedness,” gives the Secretary of Homeland Security broad authority in establishing a “national preparedness goal” and implementing programs to improve “prevention, response, and recovery” operations. Although the directive explicitly calls for actions that address all hazards within a risk-based framework, its major focus is on preparedness for terrorism-related events. Similarly, while HSPD-8 is intended to address issues related to preparedness, a broad term that is generally conceptualized as an integrative and comprehensive process, the directive is mainly concerned with training and equipping emergency response agencies (Tierney 2005).

HSPD-5 significantly revamped the existing Federal Response Plan (FRP). The FRP had been developed in the late 1980’s and adopted in the early 1990’s, and had proven effective for coordinating federal resources during and after several major national emergencies, including the 9/11 attacks. At the time the new plan was mandated, the U.S. had an internationally recognized emergency management structure in place (Tierney 2005) that was compatible with its policy of “shared governance” (May and Williams, 1986). Shared governance meant that federal, state, and local governments had overlapping spheres of authority rather than a hierarchical top-down, command and control, authority relationship. While the NRP did not supplant that framework, it did make several important modifications. Under the NRP, the primary responsibility for managing domestic crises now rests with the Secretary of Homeland Security. The plan also contains

language strongly suggesting that the federal government will, in the future, assume more responsibility for directly managing some crises, which significantly modifies “shared governance” policies that assign responsibility for disaster management to local authorities in affected areas (Tierney 2005).

Whither FEMA?

The Federal Emergency Management Agency (FEMA) was formerly an independent agency within the executive branch of government. Owing to an initiative of President Clinton, the FEMA director was accorded de facto cabinet status for almost the whole of the Clinton administration. In 2003, FEMA was incorporated into DHS as lead agency for emergency preparedness and response. FEMA, which is the only agency within DHS that is charged specifically with reducing the losses associated with non-terrorism-related disasters, has lost significant visibility and financial and human resources in the reorganization. As a small agency within a massive bureaucracy, its activities are now overshadowed by much larger and better-funded entities within DHS.

According to Haddow and Bullock, here is what FEMA lost when it was absorbed into the Department of Homeland Security:

- Federal Response Plan, in which FEMA had the lead coordinating role, was replaced by a national incident response plan in which FEMA no longer has a lead coordinating role
- FEMA, within the Emergency Preparedness and Response Directorate (EP&RD) of DHS, will no longer train first responders for terrorist events of any kind, though EP&RD will be responsible for coordinating federal

agency response to acts of terrorism. (In July 2005 the EP&RD itself was disbanded and a Preparedness Directorate is to be established that does not contain FEMA. FEMA will be relegated to response and recovery functions exclusively.)

- FEMA Director no longer reports directly to the president when governors request presidential declarations of major disaster of emergency. Secretary of DHS has this authority instead.
- DHS Office of State and Local Government Coordination is outside FEMA as is the Office of Domestic Preparedness (ODP) (the one-stop shopping site state and local governments must go to in order to receive DHS grants of all types). ODP is in Border and Transportation Security Directorate of DHS (Haddow and Bullock 2003). (In 2005 ODP was moved under the umbrella of the Office of State and Local Coordination).

Haddow and Bullock argue that FEMA and emergency management are destined to lose in bureaucratic conflicts over jurisdiction and funding within the DHS because other directorates and divisions of DHS are bigger and have more political influence (2003). For example, much of the responsibility, authority, and budget for preparedness for terrorism events, which might logically have been assigned to FEMA, are now channeled through the Office for Domestic Preparedness (ODP), an entity that was transferred into DHS from the Department of Justice. ODP has taken on many and varied responsibilities, including overseeing preparedness assessments on a city-by-city basis, training, planning, exercises, and the provision of grants to local agencies (Tierney 2005). ODP manages several important DHS programs, including the Urban Areas Security Initiative, the Homeland

Security Grant Program, and the Metropolitan Medical Response System, which was transferred from FEMA (GAO 2004).

Since ODP had its origins in the Department of Justice, it is not surprising that it defines domestic preparedness primarily in terms of law enforcement functions. For example, ODP's "Preparedness Guidelines for Homeland Security" (GAO 2005) gives priority to police and other public safety agencies. One effect of ODP involvement has been to institutionalize a system of terrorism prevention and management that is largely separate from the existing emergency management system. Another has been to increase direct "top-down" oversight of local preparedness activities on a scale that had not existed prior to 9/11. For a review of how ODP dispenses federal funds to first responders see, "Emergency Preparedness: Federal Funds for First Responders" (GAO 2004). ODP, seeking to meet the requirements of HSPD-8, has attempted to advance national preparedness goals for all hazards. ODP officials have tried to use the grants system to encourage states and localities to improve their capability to address a variety of hazards, most of them terrorism related (GAO 2005).

According to Tierney, the decline in FEMA's prestige and influence in the wake of 9/11 has caused great concern among U. S. emergency management experts. Testifying before the U. S. Congress in March, 2004, former FEMA director James Lee Witt warned that the nation's ability to respond to disasters of all types has been weakened by some post-September 11 agency realignments. In written testimony regarding the loss of cabinet status for the FEMA director and the current position of FEMA within DHS, Witt stated that "I assure you that we could not have been as responsive and effective during disasters

as we were during my tenure as FEMA director, had there been layers of federal bureaucracy between myself and the White House” (Witt 2004).

Tierney offers the following criticism, “As a consequence of the increased flow of resources into law enforcement agencies and counterterrorism programs from ODP and other sources, preparedness for natural and technological disasters has assumed far less importance on the public policy agenda. Moreover, as agencies based on command-and-control principles assume greater importance in local preparedness efforts, the influence of organizations that focus on hazards other than terrorism and that operate in a broadly inclusive fashion and on the basis of co-ordination, rather than control, has waned” (Tierney 2005).

WHAT IS THE NATIONAL RESPONSE PLAN?

Development of a National Response Plan was mandated in the Homeland Security Act of 2002 and Homeland Security Presidential Directive #5 (HSPD-5); the NRP was to embody a single comprehensive national approach; advance coordination of structures and administrative mechanisms; provide for direction for incorporation of existing plans with emphasis on concurrent implementation of existing plans; and set forth a consistent approach to reporting incidents, providing assessments and making recommendations to the President, DHS Secretary, and HSC (Yagerman 2004).

The NRP superseded the Federal Response Plan (FRP), the Domestic Terrorism Concept of Operations Plan (CONPLAN), the Federal Radiological Emergency Response Plan (FRERP), and the Interim National Response Plan (INRP). Many of the familiar concepts and mechanisms associated with these plans were carried over to the NRP. For

example, the former FRP Emergency Support Function (ESF) process was retained. New elements were introduced, such as the Homeland Security Operations Center (HSOC), the Interagency Incident Management Group (IIMG), the Principal Federal Official (PFO), and the Joint Field Office (JFO) (Yagerman 2004).

The Federal Response Plan relied on preparedness. NRP preparedness functions were, and remain today, interdependent and delegated among a pool of more than 26 federal agencies (<http://www.dhs.gov/interweb/assetlibrary/NIMS-90-web.pdf> p. 122 and Haddow and Bullock 2003, p. 76-77,). Below are 16 current categories of emergency support functions:

1. Transportation
2. Communications
3. Public Works and Engineering
4. Firefighting
5. Information and Planning
6. Law Enforcement and Security
7. Mass Care
8. Resource Support
9. Health and medical services
10. Search and Rescue
11. Hazardous Materials Response
12. Food and Water
13. Energy
14. Public Information

15. Animals and Agricultural Issues

16. Volunteers and Donations

The NRP, as the core plan, is designed to link to an array of national-level hazard-specific contingency plans, such as the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). These plans can be implemented independently during localized incidents or concurrently with the NRP during Incidents of National Significance.

The NRP includes the Base Plan and supporting annexes and appendices. The Base Plan outlines the coordinating structures and the processes applicable in national incident management. The Base Plan includes the concept of operations; roles and responsibilities; specific incident management activities; and plan management and maintenance (Yagerman 2004).

Emergency Support Function (ESF) Annexes group capabilities and resources into functions most likely needed during an incident. The ESF Annexes describe the responsibilities of primary and support agencies that are involved in providing support to a state or other federal agencies during Incidents of National Significance. Support Annexes provide the procedures and administrative requirements common to most incidents, such as Public Affairs, Financial Management, and Worker Safety and Health.

Incident Annexes describe the procedures and roles and responsibilities for specific contingencies, such as bio-terrorism, radiological response, catastrophic incidents, etc. In many cases, these annexes are typically supported by more detailed supporting plans. The Appendices to the annexes contain other relevant information including terms, definitions, etc. Also included is a compendium providing a complete listing and summary of national interagency plans, which serve as support plans to the NRP.

The NRP establishes the national framework for assessing domestic incidents to determine the appropriate level of federal involvement, and for coordinating interagency incident management efforts for events considered “Incidents of National Significance.” The definition of Incidents of National Significance is directly based on the criteria established in HSPD-5:

- 1) When another Federal department or agency has requested DHS assistance;
- 2) When State/local capabilities are overwhelmed and Federal assistance is requested;
- 3) When an incident substantially involves more than one Federal department/agency;
- 4) When the (DHS) Secretary has been directed by the President to assume incident management responsibilities (Yagerman 2004).

A basic premise of the NRP is that incidents are handled at the lowest governmental level possible. DHS becomes involved through the routine reporting and monitoring of threats and incidents, and/or when notified of an incident or potential incident that is of such severity, magnitude, complexity and/or threat to homeland security that it is considered an Incident of National Significance. When this happens, DHS establishes multi-agency structures at the headquarters, regional, and field level to coordinate efforts and provide support to the on-scene incident command structures. Other federal agencies carry out their incident management and emergency response authorities within this overarching framework (Yagerman 2004).

The NRP has been developed through an interagency process designed to incorporate input from a wide range of stakeholders. The plan was drafted by an

interagency writing team based on: 1) guiding principles established by the Homeland Security Council, 2) input from various stakeholder groups, and 3) feedback from multiple rounds of review. Throughout the process, the Homeland Security Council continued to provide guidance and served as the multi-agency body for review and approval (Yagerman 2004).

The NRP work involved many rounds of stakeholder reviews about the base plan and the annexes. Through 3 rounds of review, there were 4260 total comments on the base plan. More than 70% of these were accepted and incorporated into the plan. Stakeholder feedback was the most critical component of the development process and substantially determined the final content of the plan (Yagerman 2004).

Implementation of the NRP

According to Yagerman, if local authorities carry out their duties in accord with the NRP, their capabilities to manage disaster should improve. HSPD-5 mandates federal agency compliance with the NIMS. The NRP is based on mutual support, cooperation, coordinated work effort, and partnerships. The federal government does not compel state and local governments to comply with the NRP. State and local governments are "encouraged" to work within the concept of operations. However, state and local officials understand that their prospects of winning some types of homeland security federal grants is much improved if they agree to join in and comply with the requirements of the NRP (Yagerman 2004). As the section on the Incident Command System will show, the federal government is in effect buying state and local compliance with the NRP through conditions it sets forth in its grants to these governments.

The NRP and NIMS require that local emergency managers acquire additional training in ICS, exercises, and certifications. Local officials must also put together mutual aid agreements, and modify their standard operating procedures. The NRP is built on existing systems and provides greater clarity on the roles and responsibilities of federal departments and agencies in support of, and in coordination with, State, local, tribal and private sector partners (Yagerman 2004).

Yagerman declared, “Our goal was too preserve and mirror the existing structure of state emergency operations plans to the degree that we could. There are only three new Emergency Support Functions (ESFs) and some modifications to a few of the existing ESFs. The new structures in the plan -- the Homeland Security Operations Center (HSOC), the Joint Field Office, and the Interagency Incident Management Group, primarily involve the Federal partners” (Yagerman 2004).

The federal government does not dispense grants specifically for compliance with the NRP. Yagerman indicated that “The only grants that I know of are the Emergency Management Planning Grants (EMPG), and I believe that there is enough flexibility in those funds to permit funding NRP related planning activities” (Yagerman 2004).

According to Yagerman, the Office of Domestic Preparedness (ODP) and FEMA’s Emergency Management Institute (EMI) are to provide training, educational materials, and exercise opportunities. EMI developed an on-line independent study course to help emergency managers and others gain familiarity with the NRP.

According to Yagerman, the NRP was developed in close coordination with the White House, the interagency team, and state and local stakeholders. The base plan includes annexes regarding the proper roles of private sector and donations management

organizations (2004). When events transpire and the NRP is put into effect, officials in the participating agencies prepare after-action reports (AARs) (Yagerman 2004).

WHAT IS THE NATIONAL INCIDENT MANAGEMENT SYSTEM?

The National Incident Management System was developed by the Department of Homeland Security and deployed March 1, 2004. NIMS was a product of DHS' collaboration with state and local government officials and representatives from a wide range of public safety organizations. NIMS incorporates many existing best practices into a comprehensive national approach to domestic incident management, applicable at all jurisdictional levels and across all functional disciplines. NIMS' aim is to help responders at all jurisdictional levels and across all disciplines to work together more effectively and efficiently. One of the federal fiscal year (FY) 2005 requirements for implementing NIMS is "institutionalizing the use of ICS, across the entire response system." Beginning in federal FY-2006, federal funding for state, local and tribal preparedness grants will be tied to compliance with the NIMS (DHS 2005).

According to DHS, one of the most important best practices incorporated into the NIMS is the Incident Command System (ICS), a standard, on-scene, all-hazards incident management system already in use by firefighters, hazardous materials teams, rescuers and emergency medical teams. The ICS has been established by the NIMS as the standardized incident organizational structure for the management of all incidents.

The concept of ICS was developed more than thirty years ago, in the aftermath of a devastating wildfire in California. During 13 days in 1970, 16 lives were lost, 700 structures were destroyed and over one-half million acres burned. The overall cost and loss

associated with these fires totaled \$18 million per day. Although all of the responding agencies cooperated to the best of their ability, numerous problems with communication and coordination hampered their effectiveness. As a result, the Congress mandated that the U.S. Forest Service design a system that would "make a quantum jump in the capabilities of Southern California wildland fire protection agencies to effectively coordinate interagency action and to allocate suppression resources in dynamic, multiple-fire situations." The FIREScope ICS is primarily a command and control system delineating job responsibilities and organizational structure for the purpose of managing day-to-day operations for all types of emergency incidents.

Although FIREScope ICS was originally developed to assist in the response to wildland fires, it was quickly recognized as a system that could help public safety responders provide effective and coordinated incident management for a wide range of situations, including floods, hazardous materials accidents, earthquakes and aircraft crashes. It was flexible enough to manage catastrophic incidents involving thousands of emergency response and management personnel. By introducing relatively minor terminology, organizational, and procedural modifications to FIREScope ICS, the National Inter-agency Incident management System (NIIMS) ICS became adaptable to all-hazards type emergency management.

ICS is, according to DHS, based on proven management tools that contribute to the strength and efficiency of the overall system. The following ICS management characteristics are taught by DHS in its ICS training programs:

Common Terminology

Modular Organization

Management by Objectives
Reliance on an Incident Action Plan
Manageable Span of Control
Pre-Designated Incident Mobilization Center Locations and Facilities
Comprehensive Resource Management
Integrated Communications
Establishment and Transfer of Command
Chain of Command and Unity of Command
Unified Command
Accountability of Resources and Personnel
Deployment
Information and Intelligence Management.

In Homeland Security Presidential Directive-5 (HSPD-5), President Bush called on the Secretary of Homeland Security to develop a national incident management system to provide a consistent nationwide approach for federal, state, tribal and local governments to work together to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size or complexity .

HSPD-5 states that: "Beginning in Fiscal Year 2005, Federal departments and agencies shall make adoption of the NIMS a requirement, to the extent permitted by law, for providing Federal preparedness assistance through grants, contracts, or other activities. The Secretary shall develop standards and guidelines for determining whether a State or local entity has adopted the NIMS."

The NIMS represents a core set of doctrine, principles, terminology, and organizational processes to enable effective, efficient and collaborative incident management at all levels. In order to provide the framework for interoperability and compatibility, the NIMS is based on a balance between flexibility and standardization. The recommendations of the National Commission on Terrorist Attacks upon the United States (The 9/11 Commission Report 2004) further highlight the importance of ICS. The Commission's report recommends national adoption of the ICS to enhance command, control, and communications capabilities <http://www.dhs.gov/interweb/assetlibrary/NIMS-90-web.pdf>

The NIMS provides a consistent, flexible and adjustable national framework within which government and private entities at all levels can work together to manage domestic incidents, regardless of their cause, size, location or complexity. This flexibility applies across all phases of incident management: prevention, preparedness, response, recovery and mitigation.

The NIMS provides a set of standardized organizational structures – including the ICS, Multi-Agency Coordination Systems and public information systems – as well as requirements for processes, procedures, and systems to improve interoperability among jurisdictions and disciplines in various areas.

As declared on their department website, Department of Homeland Security officials recognize, “that the overwhelming majority of emergency incidents are handled on a daily basis by a single jurisdiction at the local level. However, the challenges we face as a nation are far greater than the capabilities of any one community or state, but no greater than the sum of all of us working together” (DHS 2005).

Standing DHS policy is that domestic incident management operations depend on the involvement of emergency responders from multiple jurisdictions, as well as personnel and equipment from other states and the federal government. These instances require effective and efficient coordination across a broad spectrum of organizations and activities.

Domestic incident management requires that responders be able to mobilize and effectively use multiple outside resources. They must bring these resources together in an organizational framework that is understood by everyone. They must utilize a common plan, as specified through a process of incident action planning. DHS authorities insist that this will only be possible if all parties unite, plan, exercise, and respond using the common NIMS.

When Homeland Security officially issued NIMS in 2004, then-Secretary Tom Ridge and Under Secretary Michael Brown indicated that they believed state and local agencies would, if they had not already, quickly adopt the ICS (Harrington 2003). They recognized that in some cities, the fire and police departments have worked together using ICS for years. In other places, only the fire department used ICS. Although law enforcement, public works and public health officials were aware of the concept, many regarded ICS as a fire service system. The NIMS sought to end this discrepancy because HSPD 5 requires state and local adoption of the NIMS conceptualization of ICS as a condition for receiving federal preparedness funding. According to DHS officials, while ICS was first pioneered by the fire service, it was, and still is, at its core, a management system designed to integrate resources to effectively attack a common problem. This system is not exclusive to one discipline or one set of circumstances; its hallmark is its flexibility to accommodate all circumstances (DHS 2005).

With the exception of the way the intelligence function is handled, the principles and concepts of the NIMS ICS are the same as the FIRESCOPE and National Interagency Incident Management System (NIIMS) ICS. Is there a difference between NIMS ICS and FIRESCOPE/NIIMS ICS? The ICS organization has five major functions, including command; operations; planning; logistics; and finance and administration. In the NIMS ICS, a potential sixth functional area covers an intelligence function. Intelligence supplies responders with analytic work and incident related information, which they share among one another. Intelligence may include national security or classified information as well as operational information such as risk assessments, medical intelligence, weather information, structural designs of buildings, and toxic contaminant levels. In standard ICS, information and intelligence functions are located in the Planning Section. However, in exceptional situations incident commanders (ICs) may need to assign this role to other teams of the ICS organization. Under the NIMS ICS, the intelligence and information function may be assigned in one of the following ways:

Within the Command Staff;

As a unit within the Planning Section;

As a branch within the Operations Section; or

As a separate General Staff Section.

ICS and Homeland Security

State and local government officials are expected to comply with NIMS and incorporate and use ICS across their entire response system. Their ICS training had to be consistent with the concepts, principles and characteristics of the ICS training offered by

DHS training entities. Responders who have already been trained in ICS were told by DHS that they do not need retraining if their previous training is consistent with DHS standards.

The Homeland Security NIMS Integration Center (NIC) works with federal and state ICS trainers helping them advance a common understanding and application of the ICS. The Center collaborates with stakeholders at all levels of government and across all response disciplines. The initial staff of the Center came from FEMA, the Office for Domestic Preparedness (ODP), and the Science and Technology (S&T) Directorate. Homeland Security leaders expect the NIMS Integration Center to grow and evolve into a robust, fully integrated center that incorporates additional DHS employees, interagency representatives, and liaisons, as well as state, tribal and local government representatives.

DHS officially indicates that, throughout the transition to the NIMS, it is important to remember why the NIMS and why ICS are critical pieces of the incident management system. Most incidents are local, but when responders are faced with the worst-case scenario, such as 9/11, all responding agencies must be able to interact and work together. According to DHS, the NIMS, and in particular, the ICS component, allow that to happen, but only if the foundation has been laid at the local level. If local jurisdictions adopt a variation of ICS that cannot grow or is not applicable to other disciplines, the critical ties between responding agencies and jurisdictions cannot occur when the response expands (DHS 2005). As agencies adopt the principles and concepts of ICS as established in the NIMS, the incident command system can expand to meet the needs of the response, regardless of the size or number of responders. The key to both NIMS and ICS is a balance between standardization and flexibility (DHS 2005).

Criticism of NIMS

Tierney offers an excellent critique of NIMS and several of her arguments are excerpted here. “In mandating NIMS, the plan also institutionalizes the Incident Command System (ICS) as the preferred organizational structure for managing disasters for all levels of government and within all organizations that play (or wish to play) a role in disaster response activities. While numerous U. S. jurisdictions and organizations already use ICS, this directive may nevertheless have problematic consequences. Some critics fault ICS for overly emphasizing command-and-control principles; they also question the wisdom of mandating one particular management framework for the many and diverse organizations that respond to disasters” (Tierney 2005).

Emergency management policy expert William Waugh observes that ICS “was created utilizing management concepts and theories that are now more than 30 years old” (Waugh 2003) and that current management theory places much less emphasis on the command-and-control philosophy on which ICS is based. Waugh also notes that ICS is far more compatible, both structurally and culturally, with command-oriented organizations like police and fire departments than with the structures and cultures of the many other civilian types of agencies and groups that play key roles in responding to disasters but that do not operate according to hierarchical and paramilitary principles. In his view and that of other critics, top-down management models like ICS (and now NIMS) are particularly ill-suited to the distinctive challenges disasters present, which call for flexibility, improvisation, collaborative decision-making, and organizational adaptability. The danger is that in mandating a single, standardized management approach that is familiar mainly to command-and-control agencies, the NRP will stifle the capacity to improvise and exclude

many entities and groups that make can critical contributions during extreme events (Waugh 2003, Tierney 2005).

More broadly, the push toward universal adoption of NIMS and ICS reflects the highly questionable assumption that once a consistent management structure is adopted, preparedness and response effectiveness will automatically improve. Such an assumption ignores many other factors that contribute to effective disaster management, such as ongoing contacts among crisis-relevant agencies during non-disaster times, common understandings of community vulnerability, and the likely consequences of extreme events, realistic training and exercises, and sound public education programs (Tierney 2005).

According to Tierney, “The growing emphasis on terrorism readiness and ICS principles has led to a concomitant emphasis on first responder agencies and personnel. In current homeland security parlance, the term ‘first responder’ refers to uniformed personnel (fire, police, and emergency services personnel) that arrive at the scene of a disaster. Missing from this discourse is a recognition that, as numerous studies indicate, ordinary citizens are the true ‘first responders’ in all disasters. For example, in HSPD-8, a mere two sentences are devoted to the topic of citizen participation in preparedness activities. These new policies and programs may leave vast reserves of talent and capability untapped in future extreme events.” (2005)

Many post-9/11 investigations have highlighted problems associated with “stovepiping,” or the tendency for organizations and agencies to closely guard information, carry out their own specialized activities in isolation from one another, and resist efforts to encourage cross-agency collaboration (Gilmore 2005, 9/11 Commission Report 2004).

Indeed, DHS itself was created in order overcome stovepipes, better integrate disparate agencies and programs, and improve information-sharing and cooperation. It is ironic, then, that some homeland security initiatives appear to be creating new stovepipes and reinforcing existing organizational and institutional barriers.

For example, while diverse law enforcement agencies at different governmental levels may be making progress in working together on terrorism-related issues, the law enforcement sector itself may have little incentive to take an active role in broader cross-sectoral preparedness efforts. Rather than promoting comprehensive preparedness for all potential threats—including disasters and terrorism—special-purpose initiatives encourage organizations to interact and plan within their own separate spheres and to focus on particular kinds of threats. Large infusions of funds into specialized programs only exacerbate the problem” (Tierney 2005).

Conclusions

American homeland security policy is being simultaneously formulated, adopted, and implemented vis-à-vis homeland security presidential directives and through the actions of federal, state, and local homeland security and emergency management officials. This study has examined presidential declaration authority, the NRP, and the NIMS. Remember, approved presidential declarations trigger activation of the NRP and NIMS, which is fundamentally the tactical implementation of the NRP.

Has natural hazards emergency planning been helped or hurt by the federal emphasis on terrorism? At the risk of seeming disingenuous, the answer is both. Natural hazards emergency planning has not been ignored in the massive establishment of

homeland security organization and funding. Each new natural disaster serves as a reminder of the value of all-hazards emergency management as an organizing paradigm. Hurricane Katrina devastated the Gulf coast of Louisiana, Alabama, and Mississippi; triggered the failures of levees surrounding New Orleans; and caused arguably one of the nation's most expensive natural disasters. The immensely destructive and widespread hurricane is blamed for over 1000 deaths and has displaced more than a half a million people for periods ranging from weeks to months. The flaws revealed in after-action reports about the hurricane may highlight aspects of the NRP and NIMS that have to be changed or improved.

Few can deny that state and local emergency management has enjoyed a windfall of federal assistance that has provided training; equipment; funding for large-scale and more realistic exercises and drills; facilitation of planning, etc. So far unexplored is the possibility that states, owing to pressures from federal authorities, have passed through to localities more funding and resources than they otherwise would have were it not for federal homeland security funding initiatives. Natural hazards emergency planning is still embedded in the NRP and NIMS. It is difficult to imagine how the nation could have organized for future terror attacks, possibly involving weapons of mass destruction, without revamping its system of emergency management at the same time. Responders to natural disasters and emergencies will most likely be many of the same people expected to respond to the destructive consequences of a terror attack. The expertise and skill sets of people in public health, information technologies, transportation security, national security, and law enforcement, to name a few, now complement the expertise of traditional (if there still is such) emergency managers.

Natural hazards emergency planning has been “hurt” in the sense that FEMA’s absorption into a massive new federal bureaucracy with a counter-terrorism mission has fashioned FEMA into a “shadow” of its former self. Every time DHS undergoes a reorganization aimed at integrating its inherited legacy agencies and programs into a more coherent whole, the vestiges of FEMA are parsed or splintered anew. Moreover, a host of new interests now reside in DHS and many of these new homeland security “players” know little or nothing about emergency management. These interests often behave as political pressure groups that work to advance their interest in bureaucratic competitions (Richardson 1993). Members of the natural hazards community who are supportive of FEMA now face considerable challenges from these new pressure groups.

Because major disasters and emergencies of any type are now subsumed under the rubric “incidents of national significance” emergency management is today very much a concern of national security. Moreover, the president’s serial processing of governor requests for declarations allows him to steer declaration policy toward the achievement of his policy agenda. Emergency managers must today work shoulder to shoulder with military authorities in a realm of “civil security” (Healy 2003, Haddow and Bullock 2003). Law enforcement has also had a very major impact on how homeland security and emergency management is to proceed.

Threats of different forms of terrorism (e.g., bioterror, weapons of mass destruction, sabotage, suicide bombings, etc.) have changed the substance and process of federal disaster response planning. Some local emergency managers have complained that these plans are turning into “encyclopedias and federal requirements for all this additional paper keeps growing” (Yagerman 2004). The 9/11 disaster, as in many disasters, further

centralized authority. The president has developed new forms of emergency management authority for his office. Homeland security laws as implemented by DHS have demanded broad-ranging state and local conformity to federal disaster planning and response. Some emergency managers may conclude officials who have made these changes have neglected to adequately consult the emergency managers before they fashioned these reforms.

Emergency management involves four fundamental phases each of which is related to the others: mitigation, preparedness, response, and recovery. Examining how changes made through presidential directives, disaster declarations, the NRP, and NIMS have affected the nation's ability to address all four phases is beyond the scope of this study. However, a mitigation policy obsessed by a federal effort to prevent terrorism disregards, at great peril, the importance of reducing disaster vulnerability, particularly vulnerability to natural disasters.

Disaster policy is a worthy domain for policy analysis, presidency studies, and public management research. Disaster sociologists have done magnificent work examining social constructions of disaster phenomena in individual, communal, and organizational terms. However, political science has much to offer too; government institutions, laws, public spending, presidential directives, and the political dynamics associated with the operation of a democratic republic are worth considering as well. Disaster policy research encompasses facts and forces deserving of explanation. Focusing events, like 9/11 and Hurricane Katrina produce political consequences that bring change in public policy. Politics unable to adapt to the demands and pressures imposed by major focusing events risk loss of public legitimacy. History has repeatedly demonstrated that erosion of public legitimacy may lead to the ultimate collapse of an entire political system.

National response planning and incident management work continues to remake the nation's system of disaster management work. In accord with fiscal federalism, the DHS uses the conditions of federal grants to state and local governments as both "carrots" and "sticks." Planning, money, and tactical requirements have dramatically re-made and re-shaped the public policy of disaster management in the U.S.

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Appendix 1

Table 1: Approvals and Turndowns of Governor Requests for Presidential Disaster Declarations, 1953-2005

<u>Administration</u>	<u>Time-Span</u>	<u>Pres. Approvals</u>			<u>Pres. Turndowns</u>			<u>Turndown Percentage</u>		
		<u>Major*</u>	<u>Emer**</u>	<u>Total</u>	<u>Major<</u>	<u>Emerg<<</u>	<u>Total</u>	<u>Major</u>	<u>Emerg</u>	<u>Total</u>
Eisenhower	5/2/53-1/21/61	106	0	106	55	0	55	34%	0%	34%
Kennedy	1/21/61-11/20/63	52	0	52	22	0	22	30%	0%	30%
Johnson	11/21/63-1/21/69	93	0	93	49	0	49	35%	0%	35%
Nixon	1/21/69-8/5/74	195	1	196	102	15	117	34%	94%	37%
Ford	8/5/74-1/21/77	76	23	99	35	7	42	32%	23%	30%
Carter	1/21/77-1/21/81	112	59	171	91	37	128	45%	39%	43%
Reagan	1/21/81-1/21/89	184	9	193	96	16	112	34%	64%	37%
GHW Bush	1/21/89-1/21/93	158	2	160	43	3	46	21%	60%	22%
Clinton	1/21/93-1/21/01	380	68	448	103	13	116	21%	16%	21%
<u>GW Bush</u>	<u>1/21/01-9/22/05</u>	<u>247</u>	<u>98</u>	<u>345</u>	<u>46</u>	<u>12</u>	<u>58</u>	<u>16%</u>	<u>11%</u>	<u>14%</u>
Total		1603	260	1863	642	103	745	29%	28%	28%

*Represents approved Presidential declarations of major disasters, which begin in 1953.

**Represents approved Presidential declarations of emergencies. Emergency declarations begin in 1974.

<Represents President's turndown of a governor's request for a presidential declaration of major disaster.

<<Represents President's turndown of a governor's request for a Presidential declaration of emergency.

Date of declaration checked for each administration to the day.

Source FEMA, DARIS June 1997, FEMIS Dec 2001, DHS EP&R, Justification of Estimates FY04 March 2003.

Source of 9/11/01-9/22/05 turndown data, letter to author from Sen. Carper re: DHS FOI Request 9/22/05