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Federal Emergency Management and Homeland Security Organization: Historical Developments and Legislative Options

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Summary

Hurricane Katrina struck the Gulf coasts of Louisiana, Alabama, and Mississippi on August 29, 2005, resulting in severe and widespread damage to the region. The response of the federal government, especially the Federal Emergency Management Agency (FEMA), in the aftermath of the storm has been widely criticized. Some of the criticism has focused on the organizational arrangements involving FEMA and its parent, the Department of Homeland Security (DHS).

One month prior to the hurricane, in July 2005, Secretary of Homeland Security Michael Chertoff announced plans for a reorganization of DHS, including FEMA. Known as the "Second Stage Review," or "2SR," the reorganization transferred emergency preparedness functions from FEMA to a new Preparedness Directorate, among other changes. The Administration began implementation of the reorganization on October 1, 2005. In response to Administration requests, congressional support for the proposal was provided through approval of the FY2006 appropriations legislation.

In the aftermath of the Katrina disaster, administrative structure issues remain a matter of contention. Pending legislation before Congress (H.R. 3656, H.R. 3659, H.R. 3816, H.R. 3685, H.R. 4009, H.R. 4493, S. 1615, S. 2302, and H.R. 4840) would make further changes. The release of reports by the House, Senate, and White House on the response to Hurricane Katrina may lead to further examination of the issues. This report provides background information on the establishment and evolution of federal emergency management organizational arrangements since the end of World War II and briefly summarizes the legislative proposals.

More detailed information and analysis concerning this topic may be found in CRS Report RL33064, *Organization and Mission of the Emergency Preparedness and Response Directorate: Issues and Options for the 109th Congress*, by Keith Bea. For more information on the Chertoff initiative generally, see CRS Report RL33042, *Department of Homeland Security Reorganization: The 2SR Initiative*, by Harold C. Relyea and Henry B. Hogue.

This report will be updated as events warrant.

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Hurricane Katrina struck the Gulf Coast states of Louisiana, Alabama, and Mississippi on August 29, 2005, resulting in severe and widespread damage to the region. The response of the federal government, especially the Federal Emergency Management Agency (FEMA), in the aftermath of the storm has been a matter of considerable controversy among elected officials and in the media. Some of the criticism has focused on FEMA's organizational arrangements at the time of the disaster. Prior to these events, in July 2005, Secretary Michael Chertoff had announced a reorganization of the Department of Homeland Security (DHS), including FEMA. In the aftermath of Hurricane Katrina, the Administration proceeded with the reorganization initiative after Congress signaled its approval.[1]

As a result of concerns about the effectiveness of the federal response after Hurricane Katrina, Congress is continuing to rethink the organizational arrangements for carrying out federal emergency management functions. The release of reports by the House, Senate, and White House on the response to Hurricane Katrina may lead to further examination of these issues. Legislation has been introduced in Congress bearing upon these arrangements. As of April 7, 2006, nine such bills had been introduced. Prior to its incorporation into DHS in 2003, FEMA was an independent agency, and seven of the nine bills would reestablish FEMA as such. The two remaining bills would reorganize emergency management functions within DHS, bringing preparedness and response functions under one directorate, as they were prior to the 2SR reorganization. This report provides background information about the establishment and evolution of federal emergency management and related homeland security organization since 1950.[2] Post-Katrina assessments of current arrangements by Congress and the White House are also discussed. Finally, the report provides a brief summary of related legislation that had been introduced as of April 7, 2006.

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[1] For more information on the Chertoff initiative generally, see CRS Report RL33042, *Department of Homeland Security Reorganization: The 2SR Initiative*, by Harold C. Relyea and Henry B. Hogue. For relevant statements by congressional appropriations conferees, see U.S. Congress, Committee on Conference, *Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2006, and for Other Purposes*, report to accompany H.R. 2360, 109th Cong., 1st sess., H.Rept. 109-241 (Washington: GPO, 2005), p. 30.

[2] More detailed information and analysis concerning this topic may be found in CRS Report RL33064, *Organization and Mission of the Emergency Preparedness and Response Directorate: Issues and Options for the 109th Congress*, by Keith Bea.

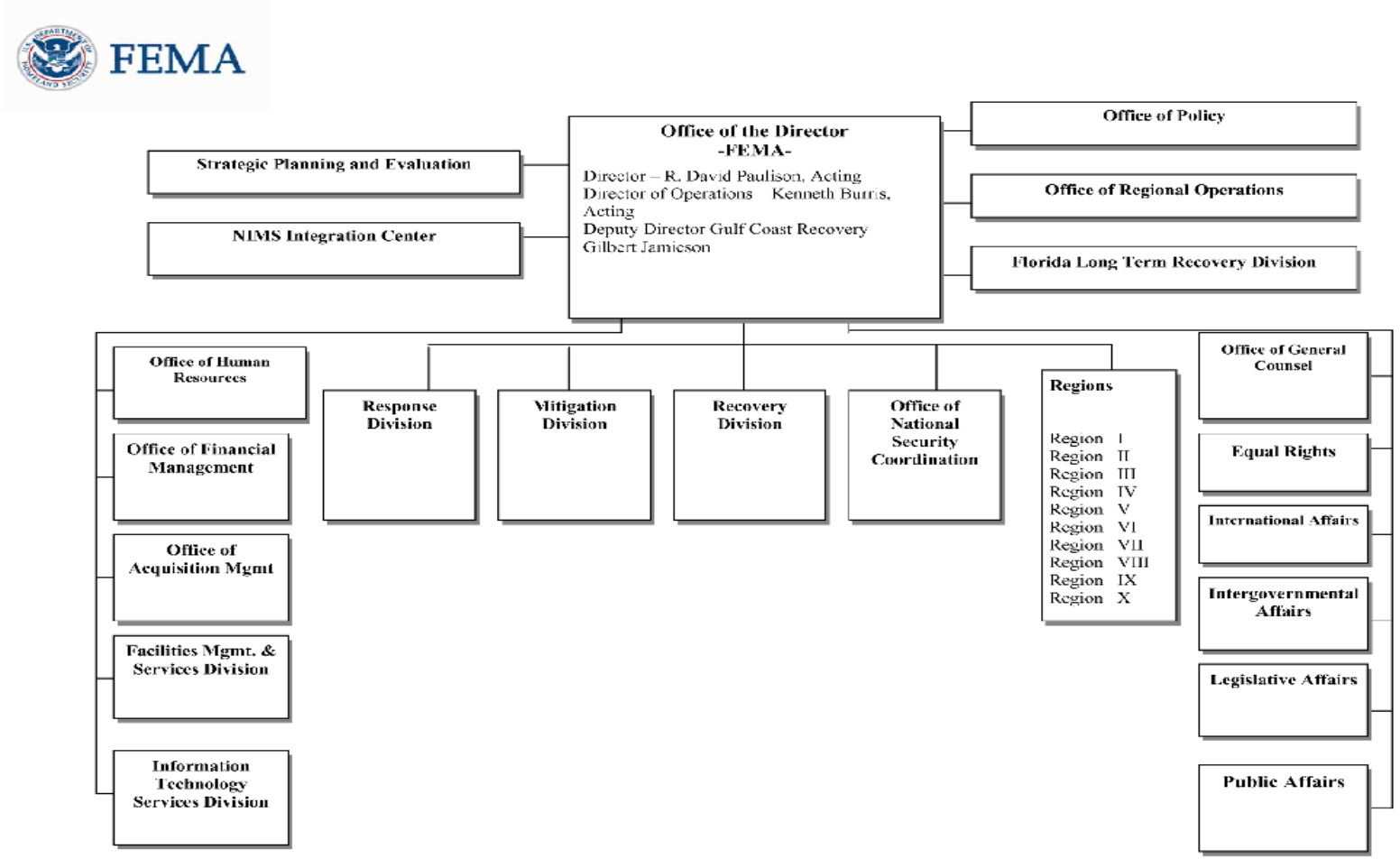
Current Organizational Arrangements

The current organizational arrangements for federal emergency management functions were implemented beginning on October 1, 2005, under the reorganization initiated by Secretary Chertoff in July 2005. These functions are presently centered in two components of DHS. FEMA, which was previously headed by an under secretary as the chief component of the Directorate of Emergency Preparedness and Response, is now a freestanding unit, headed by a director, within the department. The FEMA Director reports directly to the Secretary and directly oversees three divisions (Response, Mitigation, and Recovery) and numerous offices. **Figure 1** shows FEMA's organizational chart, as of January 23, 2006.

Preparedness functions, which were previously delegated to FEMA, are now vested in a newly formed Preparedness Directorate, which is headed by an under secretary who reports to the Secretary. Major components in the new directorate include the Assistant Secretary of Homeland Security for Infrastructure Protection, the Chief Medical Officer of DHS, the Office of Cyber Security and Telecommunications, the U.S. Fire Administration, the Office of the National Capital Region Coordination, and elements of the Office of State and Local Government Coordination and Preparedness.

The present organization of federal emergency management functions is the latest development in a more than 50-year effort to find the most economical, efficient, and effective arrangements for protecting the nation from, and responding to, disasters. This evolution is discussed in the next section.

Figure 1. U.S. Department of Homeland Security FEMA (Organizational Chart, January 2006)



Source: Department of Homeland Security.

Evolution of Organizational Arrangements

Homeland security is an outgrowth of decades of emergency preparedness and civil defense arrangements. Since the end of World War II, Congress and Presidents have debated, formulated, and revised administrative responsibilities for emergency management. The major organizational developments of that period are shown in **Table 1** in the Appendix. Some of the issues debated during the past 60 years have included the following:

- What should be the boundaries or limitations of the matters subject to the jurisdiction of the agency, department, or office charged with the management of emergencies? Should certain emergencies (e.g., nuclear facility incidents, transportation accidents, hazardous material spills) be the jurisdiction of agencies with specialized resources?

- Is it necessary to distinguish between natural threats (floods, earthquakes, etc.) and those caused by human action or inaction? Are all attacks on the United States, whether by military action or terrorist strikes, "emergencies" that require a coordinated response from agencies other than the Department of Defense or the Department of Justice?

- How should federal policies be coordinated with state policies? What are the boundaries between federal responsibilities and those held by the states under the 10th Amendment to the Constitution?

- How should responsibility for new or emerging threats be established? Are federal statutory policies sufficient to enable the President and Administration officials to address adequately the unforeseen emergency conditions?

These and other questions have regained currency as some have argued that the failures associated with the response to Hurricane Katrina reflected an inability of DHS to balance competing policy matters. For example, one former FEMA official reportedly stated that federal, state, and local natural disaster response capabilities have "been weakened by diversion into terrorism."[3] In testimony before Congress, former FEMA Director Michael Brown agreed with this position. On the other hand, Secretary Chertoff and other Administration officials contend that DHS and FEMA continue to adhere to an "all-hazards" mission that enables federal agencies to respond to natural disasters as well as terrorist attacks and accidents.

Early Federal Assignments of Responsibility

Natural Disaster Relief. From the early years of the republic to 1950, Congress enacted legislation that directed federal disaster relief, largely on an ad hoc

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[3] Seth Borenstein, "Experts Blast Federal Response," *Philadelphia Inquirer*, Sept. 1, 2005, p. A13.

basis. Laws unique to each disaster authorized the amount of funds to be distributed, the type of federal equipment to be sent, or the personnel to be allocated to stricken areas.[4] For the most part, federal emergency assistance consisted of disaster relief authorized to provide specific relief to victims after disasters occurred.[5] Departments and agencies holding resources and personnel most pertinent to the given emergency (often the Armed Forces or federal financing entities) were charged by Congress with providing disaster assistance. As a general rule, the Office for Emergency Management (OEM) in the Executive Office of the President (EOP) provided advice to the President on emergency responsibilities.[6]

The federal approach changed when the Disaster Relief Act of 1950[7] became the first comprehensive federal disaster relief law. The act authorized federal agencies, "[i]n any major disaster ... when directed by the President, to provide assistance" to states and localities by lending federal equipment, supplies, facilities, personnel, and other resources; "by distributing, through the Red Cross or otherwise, medicine, food, and other consumable supplies"; by donating surplus federal property; and "by performing ... protective and other work essential for the preservation of life and property, clearing debris and wreckage," repairing and temporarily replacing damaged or destroyed local public facilities, and providing grants to states and localities for these purposes. After the President determined that a natural catastrophe had overwhelmed state and local capabilities, federal aid was to be provided. The act authorized the President to coordinate related agency activities, prescribe related rules and regulations, and "exercise any power or authority conferred on him [by the act] either directly or through such Federal agency as he may designate." The President and agencies were also given budget flexibility with regard to the repair or reconstruction of damaged or destroyed federal facilities.

Several months after the enactment of this statute, in March 1951, President Harry S Truman issued an executive order delegating to the Housing and Home Finance Administrator (HHFA) emergency management authorities that had been delegated to the President under the Disaster Relief Act.[8] These authorities included directing federal agencies to provide assistance and agency resources during any major disaster, coordinating these activities, proposing to the President related rules

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[4] Michele L. Landis, "Let Me Next Time Be Tried by Fire: Disaster Relief and the Origins of the American Welfare State 1789-1874," *Northwestern University Law Review*, vol. 92, spring 1998, pp. 967-1034. A list of disaster legislation enacted by Congress from 1803 through 1943 may be found in Rep. Harold Hagen, Statement for the Record, *Congressional Record*, vol. 96, Aug. 7, 1950, pp. 11900-11902.

[5] The exception to this general statement concerns flood prevention policies enacted since the late 19th century. See CRS Report RL32972, *Federal Flood Insurance: The Repetitive Loss Problem*, by Rawle O. King.

[6] The Office for Emergency Management was established in the EOP by an administrative order of May 25, 1940, pursuant to Executive Order 8248, *Federal Register*, vol. 4, Sept. 12, 1939, p. 3864.

[7] 64 Stat. 1109. The act is also sometimes referred to as P.L. 875 after its public law number, P.L. 81-875.

[8] Executive Order 10221, *Federal Register*, vol. 16, Mar. 6, 1951, p. 2051.

and regulations for his issuance under the act, and proposing to the President annual and supplemental reports for his transmittal to Congress as provided for in the act. The HHFA administered disaster relief authorities until 1953, when the functions were turned over to the Federal Civil Defense Administration (FCDA), as discussed below.

Civil Emergency Preparedness. Although civil defense was perceived to be a state responsibility during World War II, federal organizations evolved in response to several war-related concerns. These included the following:

- continuity of government;
- adequacy of critical resources and capacities such as food, medicine, communications, and transportation;
- industrial mobilization for military response needs in time of war and national security emergency; and
- civil defense — localized emergency protective and response measures in the event of an attack.

The governmental capacities called for to address these concerns overlap with, but often have been distinct from, those necessary to prepare for and respond to natural disasters.

Federal civil defense functions were housed in several different organizations in rapid succession in the aftermath of World War II. First they were handled by the Army, then by the Office of Civil Defense Planning in the Department of Defense, and then by the National Security Resources Board (NSRB), which was established by the National Security Act of 1947.[9] Reorganization Plan No. 4 of 1949 transferred the board to the EOP.[10] NSRB was given the responsibility to advise the President on a variety of matters, such as the coordination of military, industrial, and civilian mobilization, including the use of manpower and resources; the establishment of reserves of strategic and critical materials; the strategic relocation of industrial and other activities; and the continuity of government.

In 1950, concern about "the potential damage of devastating modern weapons"[11] in the United States occasioned the creation of a separate civil defense organization directly linked to the White House. President Truman established the Federal Civil Defense Administration (FCDA) by executive order. The new agency was headed

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[9] 61 Stat. 499.

[10] At that time, under the Reorganization Act of 1949, as amended, reorganization plans submitted by the President went into effect unless either chamber of Congress passed a resolution of disapproval. For more on the history of presidential reorganization authority, see CRS Report RL30876, *The President's Reorganization Authority: Review and Analysis*, by Ronald C. Moe.

[11] Harry S. Truman, *Public Papers of the Presidents of the United States, 1950* (Washington: GPO, 1965), p. 641.

by a presidentially appointed administrator and located within OEM.[12] The new entity was directed, among other functions, to "prepare comprehensive Federal plans and programs," to coordinate with the states and neighboring countries, to conduct or arrange for research "to develop civil defense measures and equipment" and establish related standards, to disseminate civil-defense-related information, to conduct or arrange for civil defense training programs, to provide for civil-defense-related communications, and to "[a]ssist and encourage" the development of mutual aid agreements across political divisions. FCDA was to take on certain activities previously performed by NSRB.

Several weeks after establishing FCDA in the EOP, President Truman signed the Federal Civil Defense Act of 1950,[13] which moved the organization out of the EOP and established it as an independent agency headed by a presidentially appointed, Senate-confirmed administrator. FCDA remained in existence until 1958.[14] The statutory mission of FCDA was to minimize the potential effects of any attacks, taking such measures in advance of, during, or after such attacks. The Federal Civil Defense Act gave FCDA functions similar to those Truman had bestowed by executive order. But, under the new law, FCDA's responsibilities and authorities were more extensive and detailed. In addition to its previous functions, the agency was to delegate appropriate civil defense responsibilities to federal departments and agencies, and to review and coordinate their civil defense activities with each other and the states and other countries. It was further directed to "procure ..., construct, lease, transport, store, maintain, renovate or distribute materials and facilities for civil defense," to sell or dispose of unneeded property, and to make civil-defense-related grants to the states. The Federal Civil Defense Act also provided for additional powers ("emergency authority") that could be exercised by the President and the FCDA administrator in the event that the President, or Congress, by concurrent resolution, had proclaimed "the existence of a state of civil defense emergency," either in general or "with respect to any designated geographic area or areas."[15]

In addition to the Disaster Relief Act and the Federal Civil Defense Act, a third statutory component of federal emergency authority was added in 1950. After the Korean War began, Congress enacted the Defense Production Act of 1950.[16] Although primarily focused on ensuring the availability of industrial resources for military needs, the act could also be used to ensure adequate civil defense capacity. Among other outcomes, the act led to the establishment, by executive order, of the Office of Defense Mobilization (ODM) in the EOP.[17] As suggested by the name, the

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[12] Executive Order 10186, *Federal Register*, vol. 15, Dec. 5, 1950, p. 8557.

[13] 64 Stat. 1245.

[14] The Federal Civil Defense Act of 1950 also established a Civil Defense Advisory Council, which had 12 presidentially appointed members and continued until 1973.

[15] 64 Stat. 1251.

[16] 64 Stat. 798.

[17] Executive Order 10193, *Federal Register*, vol. 15, Dec. 19, 1950, p. 9031.

President vested in ODM direction, control, and coordination of the mobilization activities of the executive branch.

In 1952, FCDA was given a key role in assisting federal agencies with planning for service provision and continued functioning during emergencies (now referred to as "continuity of operations"). President Truman issued an executive order directing federal departments and agencies to consult with FCDA and to "prepare plans for providing [their] personnel, materials, facilities, and services ... during ... a civil defense emergency" and plans for maintaining continuity of government during such a time.[18]

Early in 1953, certain disaster relief and civil defense functions were brought together under the same agency. President Truman, by executive order,[19] redelegated emergency management authorities to FCDA that had previously been delegated to the Housing and Home Finance Administrator in 1951. In addition, the order directed FCDA to coordinate "suitable plans and preparations" by federal agencies "in anticipation of their responsibilities in the event of a major disaster." FCDA was further directed, to the degree authorized by the Disaster Relief Act, to "foster the development of such State and local organizations and plans as may be necessary to cope with major disasters."

In April 1953, President Dwight D. Eisenhower submitted Reorganization Plan No. 3 to Congress. When it went into effect on June 12 of that year, a new ODM was established with all of the functions of the old ODM, as well as those of NSRB, which was then abolished.[20] Over time, ODM was given additional related responsibilities. In 1955, for example, President Eisenhower issued an executive order[21] authorizing and directing the Director of ODM, in the event of an enemy attack on the continental United States and in the interest of national defense, to order that the General Services Administration release strategic and critical materials from existing stockpiles. In 1956, the President established the National Defense Executive Reserve "to be composed of persons selected from various segments of the civilian economy and from government to be trained for employment in executive positions in the Federal Government during periods of emergency."[22] This program was instituted and administered by ODM. As noted in one study, "by the middle of the 1950's, there had been centralized in ODM the responsibility for coordination of all major Federal civil emergency preparedness programs except civil defense."[23]

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[18] Executive Order 10346, *Federal Register*, vol. 17, Apr. 19, 1952, p. 3477.

[19] Executive Order 10427, *Federal Register*, vol. 18, Jan. 20, 1953, p. 407.

[20] See footnote 10.

[21] Executive Order 10638, *Federal Register*, vol. 20, Oct. 13, 1955, p. 7637.

[22] Executive Order 10660, *Federal Register*, vol. 21, Feb. 18, 1956, p. 1117.

[23] Office of Management and Budget, President's Reorganization Project, *Federal Emergency Preparedness and Response Historical Survey* (Washington: 1978), p. 11.

Thus, by the end of 1953, most emergency management functions were housed in two establishments — ODM, which was located in the EOP, and FCDA, an independent agency.

White House-Centered Era

The decentralization of some emergency functions lasted five years. Reorganization Plan No. 1 of 1958 went into effect on July 1 of that year, vesting emergency management authorities in the President and establishing the locus of related activities in the EOP.[24] The plan transferred the functions of ODM and FCDA to the President, and it consolidated these two organizations into the Office of Defense and Civilian Mobilization (ODCM) in the EOP. The plan further provided that this new agency would be led by a director, deputy director, and three assistant directors, with appointments to each made by the President with the advice and consent of the Senate. The Civil Defense Advisory Council and its functions were also folded into the new office.

In his message accompanying the 1958 reorganization document, President Eisenhower stated, "Under the plan, the broad program responsibilities for coordinating and conducting the interrelated defense mobilization and civil defense functions will be vested in the President for appropriate delegation as the rapidly changing character of the nonmilitary preparedness program warrants." President Eisenhower issued an executive order redelegating functions and authorities, previously delegated to the two consolidated offices (ODM and FCDA) by earlier orders, to the new office.[25] This executive order also established a Defense and Civilian Mobilization Board, chaired by the Director of ODCM and otherwise composed of the heads of departments and agencies as designated by the director. Congress later renamed ODCM the Office of Civil and Defense Mobilization (OCDM) by enacting a law amending the plan.[26] President Eisenhower amended his order to reflect this change.[27]

By 1961, OCDM had encountered organizational and functional difficulties. President John F. Kennedy, when introducing his appointee to head OCDM, remarked that, "OCDM as presently constituted is charged with the staff function of mobilization planning and, at the same time, with the operating functions of civilian defense." He considered it "imperative that [the entity] be organized and performed with maximum effectiveness," and he directed his appointee and the Director of the Budget to conduct "a thoroughgoing review of our nonmilitary defense and mobilization programs."[28] As a result of this review, many operational civil defense

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[24] See footnote 10.

[25] Executive Order 10773, *Federal Register*, vol. 23, July 3, 1958, p. 5061.

[26] 72 Stat. 861.

[27] Executive Order 10782, *Federal Register*, vol. 23, Sept. 10, 1958, p. 6971.

[28] John F. Kennedy, *Public Papers of the Presidents of the United States, 1961* (Washington: GPO, 1962), p. 5.

functions were transferred to the Defense Department. By executive order,[29] President Kennedy redelegated to the Secretary of Defense certain functions contained in the Federal Civil Defense Act of 1950, and vested in the President by Reorganization Plan No. 1 of 1958. These functions included the development and execution of a fallout shelter program; a chemical, biological, and radiological warfare defense program; arrangements for warning or alerting federal military and civilian authorities, state officials, and the civilian population; various other communications functions; post-attack emergency assistance to states and localities; continuity of government plans; and funding for state civil defense needs. The Secretary of Defense was further tasked with planning for, and undertaking, post-attack damage and hazard assessments and with arranging for the donation of federal surplus property as provided for in law. The Secretary of Defense established the Office of Civil Defense (OCD) to administer these functions.

Although many operational civil defense functions were transferred to the Defense Department, the role of "coordinating ... civil defense preparations with other non-military defense preparations" remained in OCDM.[30] Under E.O. 10952, OCDM was to "advise and assist the President" with

(i) determining policy for, planning, directing, and coordinating the total civil defense program;

(ii) reviewing and coordinating the civil defense activities among federal agencies and between federal agencies and the states and other countries;

(iii) determining appropriate civil defense roles of federal agencies and gaining state and local participation, mobilizing national support, evaluating program progress, and reporting to Congress on civil defense matters;

(iv) promoting and facilitating interstate civil defense compacts and reciprocal civil defense legislation; and

(v) assisting states with arranging for mutual civil defense aid with neighboring countries.

The order also charged OCDM with developing plans, conducting programs, and coordinating preparations related to continuity of federal, state, and local governments in the event of an attack.

One month after issuing this executive order, President Kennedy issued another executive order redelegating additional duties from OCDM. He delegated to the Secretary of Health, Education, and Welfare and the Secretary of Agriculture, respectively, certain medical stockpile and food stockpile functions contained in the

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[29] Executive Order 10952, *Federal Register*, vol. 26, July 22, 1961, p. 6577.

[30] John F. Kennedy, *Public Papers of the Presidents of the United States, 1961* (Washington: GPO, 1962), p. 525.

Federal Civil Defense Act of 1950, and vested in the President by Reorganization Plan No. 1 of 1958.[31]

In late September 1961, Congress renamed OCDM (the Office of Civil and Defense Mobilization) again, this time as the Office of Emergency Planning (OEP).[32] Neither the duties nor the mission of the agency were changed by Congress, but the new name reflected the responsibilities of the office in the wake of the changes initiated by the President.

In 1962, at a time of increased international tension related to the Soviet military buildup in Cuba, President Kennedy reaffirmed and expanded the advisory and management functions of OEP.[33] The agency's responsibilities included certain functions related to general emergency planning and preparedness, agency coordination, development of an emergency decision-making system, emergency resource control and distribution, emergency preparedness research, dispersal and protection of private and public facilities, stockpiling of survival food and medical supplies, advising and guiding states and localities on emergency preparedness and continuity of government, planning emergency federal government organizational arrangements, preparation of emergency legal authorities, continuity of government, preparation for post-attack recovery, defense production, strategic and critical materials stockpiling, investigation of national security threats related to imports, disaster relief, and emergency telecommunications.

During the Johnson Administration, relatively minor changes were made in the organization of emergency management functions. In 1964, OCD was moved from the Office of the Secretary of Defense to the Department of the Army. According to a Department of Defense explanation, the move was made because the functions of OCD were essentially operational and therefore better suited to one of the military departments.[34] In 1968, Congress renamed OEP as the Office of Emergency Preparedness, reflecting the broader scope of its responsibilities.[35]

The gap between civil defense and natural disasters narrowed during the Administration of President Richard M. Nixon. The Disaster Relief Act of 1969 expanded the federal government's disaster relief responsibilities.[36] President Nixon delegated to OEP the administration of many of these provisions.[37] Under the order, OEP was given the authority to allocate road repair and reconstruction money; to provide timber-removal grants to states; to provide assistance, including grants, to states to develop relief plans and programs; to appoint a federal coordinating officer

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[31] Executive Order 10958, *Federal Register*, vol. 26, Aug. 16, 1961, p. 7571.

[32] 75 Stat. 630.

[33] Executive Order 11051, *Federal Register*, vol. 27, Oct. 2, 1962, p. 9683.

[34] Harry B. Yoshpe, *Our Missing Shield: The U.S. Civil Defense Program in Historical Perspective* (Washington: FEMA, 1981), p. 377.

[35] 82 Stat. 1194.

[36] 83 Stat. 125.

[37] Executive Order 11495, *Federal Register*, vol. 34, Nov. 20, 1969, p. 18447.

for a major disaster area; to provide temporary housing for displaced persons; to provide assistance to individuals who had lost employment due to a major disaster; to make grants and loans to states for fire suppression; to make grants to states and localities for debris removal; and to prescribe rules and regulations as needed. The order delegated authority related to the distribution of food and food coupons to the Secretary of Agriculture.

Decentralization

Driven primarily by calls to reduce the size and reach of the EOP, in 1971, President Nixon proposed the establishment of four new departments with broad areas of responsibility. These departments would have subsumed many of the functions of existing federal departments and agencies. One of the proposed departments, the Department of Community Development, would have incorporated federal disaster assistance functions, but not the civil defense functions then being performed by OCD.[38] Congress held hearings, in 1972, on legislation to implement this plan, but the legislation was not enacted.

The reorganization concept, however, did not die with the legislation. The Nixon Administration subsequently pursued more limited reorganizations, including those in Reorganization Plan No. 1 of 1973. The plan, which went into effect on July 1, 1973, transferred certain functions out of the EOP.[39] Among other provisions, the plan abolished OEP, and nearly all functions previously vested in that office or its director were transferred to the President. The plan also abolished the Civil Defense Advisory Council, which had been established in 1950.

In his message accompanying the plan, President Nixon stated his intent to delegate the transferred functions to the Department of Housing and Urban Development (HUD), the General Services Administration (GSA), and the Department of the Treasury, and he did so by executive order[40] at the time the plan went into effect. Functions delegated to HUD included those relating to preparedness for, and relief of, civil emergencies and disasters. The Federal Disaster Assistance Administration (FDAA) was established in HUD to administer disaster relief. GSA was given responsibilities related to continuity of government in the event of a military attack, to resource mobilization, and to management of national security stockpiles — duties assigned to the Office of Preparedness, later renamed the Federal Preparedness Agency, within GSA. The Treasury Department was given responsibility for investigations of imports that might threaten national security.

Also during the Nixon Administration, civil defense responsibilities moved. In 1972, the Secretary of Defense abolished the Office of Civil Defense, then located in the Department of the Army, and established, within the Office of the Secretary

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[38] For information on this initiative, see U.S. Executive Office of the President, Office of Management and Budget, *Papers Relating to the President's Departmental Reorganization Program: A Reference Compilation* (Washington: GPO, 1971).

[39] See footnote 10.

[40] Executive Order 11725, *Federal Register*, vol. 38, June 29, 1973, p. 17175.

of Defense, the Defense Civil Preparedness Agency (DCPA). As the Nixon Administration pursued a policy of detente with the Soviet Union, the leaders of the Department of Defense and DCPA envisioned a role in assisting states and localities with preparations for both any possible nuclear attack or natural disaster.[41]

Centralization in an Independent Agency

The dispersal of emergency functions among federal agencies did not resolve administration challenges. In fact, the 1973 plan exacerbated problems, according to many who had to work in the decentralized environment. Most notably, a National Governors' Association (NGA) study, conducted in 1977, reported, among other findings, that emergency preparedness and response functions were fragmented at the state and federal levels. It recommended a more comprehensive approach to emergency management that would include, in addition to preparedness and response, mitigation of hazards in advance of disasters and preparations for long-term recovery. In addition to calling for such comprehensive emergency management at the state level,[42] NGA endorsed organizational changes at the federal level that would promote a more comprehensive and coordinated approach to emergency management. It adopted, on February 28, 1978, a policy position that called for "consolidation of federal emergency preparedness and disaster relief responsibilities into one office [to] make the management and operation of the federal effort more effective and efficient." The NGA paper urged that the director of this new agency be charged with "additional responsibility for coordinating the efforts of all federal agencies that deal with emergency prevention, mitigation, any special preparedness and disaster response activities in other federal agencies, and short and long-term recovery assistance."[43]

Using existing statutory presidential reorganization authority, President Jimmy Carter submitted to Congress, on June 19, Reorganization Plan No. 3 of 1978, which proposed the merger of five agencies from the Departments of Defense, Commerce, and Housing and Urban Development, as well as GSA, into one new independent agency, the Federal Emergency Management Agency (FEMA).[44] The statutory authority[45] for such a reorganization plan provided for expedited congressional

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[41] Yoshpe, *Our Missing Shield*, chapter 7.

[42] See, for example, National Governors' Association, *Comprehensive Emergency Management: A Governor's Guide* (Washington: GPO, 1979).

[43] National Governors' Association, "National Governors' Association Policy Position A. -17: Emergency Preparedness and Response," *1978 Emergency Preparedness Project: Final Report* (Washington: GPO, 1979), pp. 363-364.

[44] U.S. Congress, House, *Message from the President of the United States Transmitting A Reorganization Plan to Improve Federal Emergency Management and Assistance, Pursuant to 5 U.S.C. 903 (91 Stat. 30)*, H.Doc. 95-356, 95th Cong., 2nd sess. (Washington: GPO, 1978).

[45] This reorganization authority is provided for in Chapter 9 of Title 5 of the *U.S. Code.* Portions of this chapter were amended in 1980 and 1984. The authority has since become dormant.

consideration and action, and, under that process, Congress allowed the plan to go into effect.[46]

On March 31, 1979, President Carter issued an executive order putting Reorganization Plan No. 3 of 1978 into effect.[47] FEMA was established as an independent agency, as of April 1, and some transfers were completed at that time. The order transferred certain functions to FEMA from the Department of Commerce (fire prevention and control, certain Emergency Broadcast System functions); the Department of Housing and Urban Development (flood insurance); and the President (other Emergency Broadcast System functions).

In July, the President issued a second executive order that transferred to FEMA additional functions from the Departments of Defense (civil defense) and Housing and Urban Development (federal disaster assistance), GSA (federal preparedness), and the Office of Science and Technology Policy (earthquake hazards reduction). The order also authorized FEMA to coordinate "all civil defense and civil emergency planning, management, mitigation, and assistance functions," in addition to dam safety, "natural and nuclear disaster warning systems," and "preparedness and planning to reduce the consequences of major terrorist incidents." In addition, the order mandated establishment of the Federal Emergency Management Council, composed of FEMA and Office of Management and Budget Directors, and others as assigned by the President.[48]

FEMA Developments and Evaluations. By 1983, four years after its creation, FEMA was reportedly still struggling with becoming a cohesive, effective organization. A General Accounting Office (GAO)[49] report evaluated the evolution of FEMA's management and administrative support systems and found that "reorganization startup problems adversely affected FEMA management; ... fragmentation impaired management of FEMA programs and resources; ... [and] administrative support function deficiencies compounded management problems."[50]

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[46] At that time, under the Reorganization Act of 1977, reorganization plans submitted by the President went into effect unless either chamber of Congress passed a resolution of disapproval. Such a resolution had to be introduced, at the time the plan was submitted by the President, by the chairs of the House Government Operations Committee and the Senate Governmental Affairs Committee. In this case, the House, on Sept. 14, rejected the resolution of disapproval, and the Senate, on Sept. 18, postponed the resolution indefinitely, by unanimous consent. For more on the history of presidential reorganization authority, see CRS Report RL30876, *The President's Reorganization Authority: Review and Analysis*, by Ronald C. Moe.

[47] Executive Order 12127, *Federal Register*, vol. 44, Apr. 3, 1979, p. 19367.

[48] Executive Order 12148, *Federal Register*, vol. 44, July 24, 1979, p. 43239.

[49] Now known as the Government Accountability Office.

[50] U.S. General Accounting Office, *Management of the Federal Emergency Management Agency — A System Being Developed*, GAO Report GGD-83-9 (Washington: Jan. 6, 1983), pp. i-v.

Assessments of the organization at the end of the 1980s suggested that the agency had improved, but shortcomings remained. Following criticism of FEMA in the aftermath of Hurricane Hugo and the Loma Prieta Earthquake in 1989, a 1991 GAO study found that, media coverage notwithstanding, "FEMA generally fulfilled its statutory obligations to supplement state and local efforts" to respond to the disasters.[51] Nonetheless, the report identified shortcomings in emergency management by federal, state, and local actors, including FEMA. It noted that FEMA was "not prepared to take over the state's role as immediate responder" when the state's resources were overwhelmed and had placed little emphasis on preparing for long-term recovery in the aftermath of a disaster. Some of FEMA's actions during the response to the two disasters were criticized in the report as inefficient and uncoordinated.

In April 1992, the Federal Response Plan (FRP), developed in response to criticism of FEMA in the aftermath of Hurricane Hugo and based upon a 1988 catastrophic earthquake plan developed by the agency, was completed. The plan assigned roles to 27 federal agencies and the American Red Cross in the event of a large-scale disaster.[52]

Later in 1992, from August 24 through 26, Hurricane Andrew hit south Florida as a Category 4 hurricane and the central Louisiana coast as a Category 3 hurricane. The FRP received its first full-scale test just months after it was published.[53] The storm caused 23 deaths and $26.5 billion in damage in the United States.[54] The vast majority of damage occurred in south Florida. FEMA's response was criticized, as "[t]housands of homeless Floridians searched days for food, water and help while relief efforts lagged."[55] In an attempt to address the deficient response, President George H.W. Bush bypassed FEMA and sent in a task force led by Secretary of Transportation Andrew H. Card, Jr., to coordinate the response.

Perceptions of poor performance by FEMA in response to Hurricane Andrew led to calls by some Members of Congress for reassessment and reform of the agency. In September, Congress instructed FEMA, in an appropriations conference committee report, to contract with the National Academy of Public Administration (NAPA) for "a comprehensive and objective study of the Federal, state, and local

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[51] U.S. General Accounting Office, *Disaster Assistance: Federal, State, and Local Responses to Natural Disasters Need Improvement*, GAO Report RCED-91-43 (Washington: Mar. 1991), p. 66.

[52] Thomas W. Lippman, "Hurricane May Have Exposed Flaws in New Disaster Relief Plan," *Washington Post*, Sept. 3, 1992, p. A21.

[53] For a discussion of the first implementation of the plan, see U.S. Federal Emergency Management Agency, *Federal Response Plan* (Washington: 1992).

[54] U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), "Hurricane Andrew," available at [http://www.noaa.gov/hurricaneandrew.html], accessed Apr. 12, 2006.

[55] Bob Davis, "Brewing Storm: Federal Relief Agency Is Slowed by Infighting, Patronage, Regulations — FEMA Is Widely Criticized for Hurricane Response, and It's Part of a Pattern — 'Political Dumping Ground'," *Wall Street Journal*, Aug. 31, 1992, p. A1.

governments' capacities to respond promptly and effectively to major natural disasters occurring in the United States."[56]

The congressionally mandated NAPA report was issued in February 1993.[57] The report addressed the viability of FEMA, calling the following conditions essential for its success:

1. Reduction of political appointees to a director and deputy director, development of a competent, professional career staff and appointment of a career executive director.

2. Access to, and support of, the President through the creation of a Domestic Crisis Monitoring Unit in the White House.

3. Integration of FEMA's subunits into a cohesive institution through the development of a common mission, vision and values; an integrated development program for career executives; and effective management systems.

4. Development of structure, strategy and management systems to give agency leadership the means to direct the agency.

5. A new statutory charter centered on integrated mitigation, preparation, response, and recovery from emergencies and disasters of all types.

6. Joint assessment teams and a gradated response scale for more timely and effective responses to disasters, including catastrophic.

7. Development of functional headquarters-field relationships.[58]

The NAPA report also made recommendations with regard to the respective roles of the civilian federal government, military, states, and localities in disaster response. Furthermore, the report stated that "[e]mergency management and FEMA are overseen by too many congressional committees, none of which has either the interest [in] or a comprehensive overview of the topic to assure that coherent federal policy is developed and implemented." To be successful, the agency, or its successor, would need "a more coherent legislative charter, greater funding

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[56] U.S. Congress, Conference Committee, *Making Appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for Sundry Independent Agencies, Commissions, Corporations, and Offices for the Fiscal Year Ending September 30, 1993, and for Other Purposes*, conference report to accompany H.R. 5679, H.Rept. 102-902, 102nd Cong., 2nd sess. (Washington: GPO, Sept. 24, 1992), p. 63.

[57] National Academy of Public Administration, *Coping with Catastrophe: Building an Emergency Management System to Meet People's Needs in Natural and Manmade Disasters* (Washington: Feb. 1993).

[58] Ibid., p. ix.

flexibility, and sustained support for building an effective agency and a national emergency management system."[59]

Following months of testimony on the issue, GAO issued a July 1993 report recommending that, in order to "underscore the commitment of the President, responsibility for catastrophic disaster preparedness and response should be placed with a key official in the White House."[60] In addition, GAO said that "a disaster unit is needed to provide the White House and the Director of FEMA with information, analysis, and technical support to improve federal decision-making on helping state and local governments before, during, and after catastrophic disasters."[61] The report also noted that "the FEMA Directorates whose resources would form the disaster unit — National Preparedness and State and Local Programs and Support — have historically not worked well together," and it suggested that a major reorganization was needed.[62]

On September 7, 1993, Vice President Al Gore submitted the initial report of the National Performance Review (NPR) to President William J. Clinton. The report, which reviewed myriad government programs and issues, included four recommendations related to FEMA. It called for shifting FEMA's resources and focus from preparedness for nuclear war to preparation for, and response to, all disasters; developing "a more anticipatory and customer-driven response to catastrophic disasters"; creating "results-oriented incentives to reduce the costs of disaster"; and developing "a skilled management team among political appointees and career staff."[63]

Shortly after taking office, and considering the preceding studies, FEMA Director James L. Witt reorganized the agency, in accordance with many of the NAPA and GAO recommendations.[64] The National Preparedness Directorate, the

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[59] Ibid., pp. xii-xiii.

[60] U.S. General Accounting Office, *Disaster Management: Improving the Nation's Response to Catastrophic Disasters*, GAO Report RCED-93-186 (Washington: July 1993), p. 2.

[61] Ibid.

[62] Ibid., p. 7.

[63] Office of the Vice President, *From Red Tape to Results: Creating a Government That Works Better & Costs Less. Report of the National Performance Review* (Washington: Sept. 7, 1993), p. 140. See also Office of the Vice President, *From Red Tape to Results: Creating a Government That Works Better & Costs Less: Federal Emergency Management Agency. Accompanying Report of the National Performance Review* (Washington: Sept. 1993).

[64] Aaron Schroeder, Gary Wamsley, and Robert Ward, "The Evolution of Emergency Management in America: From a Painful Past to a Promising but Uncertain Future," in *Handbook of Crisis and Emergency Management*, edited by Ali Farazmand (New York: Marcel Dekker, 2001). The adoption of the NPR recommendations appears to have been more gradual. In December 1994, GAO found that two NPR recommendations had been partially implemented and two had not been implemented at all. (U.S. General Accounting Office, *Management Reform: Implementation of the National Performance Review's Recommendations*, GAO Report OCG-95-1 (Washington: Dec. 1994), pp. 130-136.) NPR's (continued...)

entity concerned with national security emergencies, was eliminated. Three functional directorates were established to correspond to major phases of emergency management — the Mitigation Directorate, the Preparedness, Training and Exercises Directorate, and the Response and Recovery Directorate.[65]

This reorganization was not the only FEMA-related change initiated under the Clinton Administration. Years after the reorganization, during remarks before a meeting of the National Emergency Management Association, on February 26, 1996, President Clinton announced that he was "extending Cabinet membership for the first time in history to FEMA and to James Lee Witt."[66] This development lasted for the remainder of Witt's tenure. When forming his Cabinet in 2001, President George W. Bush elected not to include the FEMA Director among its members.[67]

Homeland Security Developments

By the end of the Clinton Administration, FEMA had improved in many ways. Rather than suffering constant criticism from the media and political leaders, the agency was cited as a source of best practices in agency transformation in one study. Although the agency was credited with significant improvements, however, it was not free from challenges. In the final year of the Clinton presidency, the same study identified financial management and the disaster declaration process as two areas in need of improvement.[68]

Although the administration of FEMA during the 1990s was perceived to be an improvement over past efforts, some recognized gaps in emergency management policies and practices. In mid-1998, the U.S. Commission on National Security/21st Century (USCNS/21), co-chaired by former Senators Gary Hart and Warren B. Rudman, began a comprehensive reexamination of U.S. national security policies and processes in view of the changed international environment and technological, social,

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[64] (...continued)
own Sept. 1995 assessment said that all of the recommendations had been implemented and most had been "completed." (Office of the Vice President, *Common Sense Government Works Better & Costs Less* (Washington: Sept. 1995), p. 99.) For more on FEMA and NPR, see Saundra K. Schneider, "Reinventing Public Administration: A Case Study of the Federal Emergency Management Agency," *Public Administration Quarterly*, vol. 22, spring 1998, p. 35.

[65] James L. Witt, Memorandum for All FEMA Employees, "Organizational Structure and Management," Nov. 5, 1993.

[66] U.S. President (Clinton), "Telephone Remarks to the National Emergency Management Association Meeting," *Weekly Compilation of Presidential Documents*, vol. 32, Feb. 26, 1996, pp. 380-381.

[67] Ken Herman, "Bush Ponders Slimming Down His Cabinet," *Austin American Statesman*, Feb. 24, 2001, p. A1.

[68] R. Steven Daniels and Carolyn L. Clark-Daniels, *Transforming Government: The Renewal and Revitalization of the Federal Emergency Management Agency* (Washington: PricewaterhouseCoopers Endowment for The Business of Government, 2000). For an additional assessment of FEMA under the Clinton Administration, see Schneider, "Reinventing Public Administration," p. 35.

and intellectual changes of the late 20th century. This panel, which was chartered by the Department of Defense and also known as the Hart-Rudman Commission, issued three reports beginning in September 1999. The last of these, released on February 15, 2001, included 50 recommendations for governmental changes.[69]

Second among the commission's recommendations was a proposal to create a Cabinet-level National Homeland Security Agency (NHSA). The new agency would have been given "responsibility for planning, coordinating, and integrating various U.S. government activities involved in homeland security." FEMA would have been "a key building block in this effort."[70] Under the proposal, FEMA would have been the core of an Emergency Preparedness and Response Directorate. The Coast Guard, Border Patrol, and Customs Service, among other entities, would also have been transferred to the newly formed NHSA. Among other rationales for creating NHSA, the commission envisioned building on what it perceived as FEMA's strengths:

> FEMA has adapted well to new circumstances over the past few years and has gained a well-deserved reputation for responsiveness to both natural and manmade disasters. While taking on homeland security responsibilities, the proposed NHSA would strengthen FEMA's ability to respond to such disasters. It would streamline the federal apparatus and provide greater support to the state and local officials who, as the nation's first responders, possess enormous expertise. To the greatest extent possible, federal programs should build upon the expertise and existing programs of state emergency preparedness systems and help promote regional compacts to share resources and capabilities.[71]

On March 21, 2001, during the 107th Congress, Representative Mac Thornberry introduced H.R. 1158, the "National Homeland Security Agency Act." This legislation would have established an NHSA similar to that recommended by Hart-Rudman Commission. Hearings were held that April, but no further action was taken on H.R. 1158.[72]

Upon taking office in January 2001, the Bush Administration reorganized FEMA. In contrast with the Clinton Administration's decision to eliminate the National Preparedness Directorate, President Bush directed FEMA Director Joe M. Allbaugh, in May, to form an Office of National Preparedness (ONP). On June 5, Allbaugh announced a functional realignment of FEMA. He reported his finding that "the existing organization is not the best fit for the evolving mission of the Agency nor does it support President Bush's restructuring and streamlining goals." The goals he sought to achieve in the reorganization were to "flatten the organization where

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[69] U.S. Commission on National Security/21st Century, *Road Map for National Security: Imperative for Change* (Washington: 2001).

[70] Ibid., p. 15.

[71] Ibid., p. 21.

[72] U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, and House Committee on Government Reform, Subcommittee on National Security, Veterans Affairs, and International Relations, *Combating Terrorism: Options to Improve the Federal Response*, joint hearings, 107th Cong., 1st sess., Apr. 24, 2001 (Washington: GPO, 2001).

possible; reduce the number of organizations reporting directly to the Office of the Director; and consolidate like functions."[73] The realignment created several new organizations, including ONP, and combined and modified other organizations.

Department of Homeland Security. Following the Hart-Rudman Commission report and the events of 9/11, Congress passed the Homeland Security Act of 2002. On November 25 of that year, President Bush signed the legislation into law.[74] The act established the Department of Homeland Security (DHS), which included the Emergency Preparedness and Response (EPR) Directorate. Title V of the act transferred the functions, personnel, resources, and authorities of six existing entities, the largest of which was FEMA, into EPR. Section 507 of the act specifically charged FEMA with "carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program." Although all of FEMA was transferred into the new department, it was not defined as an autonomous or distinct entity within its parent organization. The act explicitly gave the President and Secretary significant discretion in reorganizing the department, including FEMA.[75]

FEMA functions were transferred to DHS on March 1, 2003.[76] The following January, Secretary Tom Ridge used his reorganization authority to consolidate organizational units and reallocate functions within DHS. Among other changes, "select grant award functions [then] exercised by the Under Secretary for Emergency Preparedness and Response," under Sections 502 and 503 of the Homeland Security Act, were consolidated within the Office of State and Local Government Coordination and Preparedness, an office that would report directly to the Secretary.[77]

The organizational components changed again in 2005. Upon his appointment as Secretary of Homeland Security, Michael Chertoff launched a "systematic evaluation of the Department's operations, policies and structures."[78] This initiative, which came to be known as the Second Stage Review (2SR), led to a department-wide reorganization, which Chertoff announced on July 13, 2005. As part of this reorganization, effective October 1, 2005, most preparedness functions housed in the

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[73] Joe M. Allbaugh, Memorandum to All FEMA Employees, "Functional Realignment," June 5, 2001.

[74] P.L. 107-296, 116 Stat. 2135.

[75] See CRS Report RS21450, *Homeland Security: Scope of the Secretary's Reorganization Authority*, by Stephan R. Vina.

[76] U.S. White House Office, "Department of Homeland Security Reorganization Plan," (Washington: Nov. 25, 2002), Washington, DC, available at [http://www.whitehouse.gov/news/releases/2002/11/reorganization_plan.pdf], accessed Feb. 23, 2006.

[77] Letter from Secretary of Homeland Security Tom Ridge to Sen. Joseph I. Lieberman, Jan. 26, 2004.

[78] U.S. Department of Homeland Security, "Secretary Michael Chertoff, U.S. Department of Homeland Security Second Stage Review Remarks," Ronald Reagan Building, Washington, DC, July 13, 2005, available at [http://www.dhs.gov/dhspublic/display?theme=44&content=4597], accessed Feb. 24, 2006.

EPR Directorate were to be transferred to a newly created Preparedness Directorate. Specifically, Chertoff announced that he intended to

> separate preparedness resources from response and recovery and combine them in the [Information Analysis and Infrastructure Protection] Directorate, which will be renamed the Directorate for Preparedness. [This] Directorate ... will contain the [Office of State and Local Government Coordination and Preparedness] preparedness programs and key preparedness programs of EP&R. ... [The] Directorate will include the following components: Infrastructure Protection; a new Chief Medical Officer; the unified Office of Cyber Security and Telecommunications; [FEMA's] U.S. Fire Administration; the Office of the National Capital Region Coordination; and elements of the Office of State and Local Government Coordination and Preparedness that are responsible for grants, training and exercises .... Other [FEMA] functions to be transferred include the hazardous materials training and assistance program, the chemical stockpile emergency preparedness program, the radiological emergency preparedness program and the BioShield program.[79]

The remaining components of EPR and FEMA (the names were used interchangeably) were to focus on response and recovery, not on preparation.[80]

Chertoff implemented the reorganization proposal, but it was not universally accepted. For example, the National Emergency Management Association (NEMA), composed of state emergency directors, criticized the proposed reorganization of DHS in a July 27, 2005, letter to House and Senate committees. The association said it would be a mistake to separate disaster planning from response, and that it would "result in a disjointed response and adversely impact the effectiveness of departmental operations."[81] The director of Florida's Division of Emergency Management said the plan would recreate the fragmentation that occurred prior to 1979 when FEMA was formed.[82] On August 22 and 23, state emergency management directors from across the country met with Chertoff and his senior staff in Washington to discuss the proposed DHS reorganization. The directors were especially concerned about the increased separation between the preparedness, response, and recovery functions.[83]

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[79] Letter from Secretary of Homeland Security Michael Chertoff to House Committee on Homeland Security Chairman Christopher Cox, July 13, 2005, pp. 4-5.

[80] For more on the reorganization plan, see CRS Report RL33064, *Organization and Mission of the Emergency Preparedness and Response Directorate*; and CRS Report RL33042, *The 2SR Initiative*.

[81] Letter from NEMA President David E. Liebersbach to Honorable Susan M. Collins and Honorable Joseph I. Lieberman, July 27, 2005.

[82] Cory Reiss, "FEMA Weathers Battles: Proposed Restructure Looms as Agency Faces Sharp Criticism," *Herald Tribune*, Aug. 22, 2005.

[83] National Emergency Management Association, "Directors Meet with Secretary Chertoff," available at [http://www.nemaweb.org/dynamic/previous_News/index.cfm?Date=09/06/2005], accessed Oct. 4, 2005.

Although the 109th Congress has not enacted legislation changing the structure of the department or FEMA, it addressed the Administration's reorganization plan during the FY2006 appropriations process, which was underway at the time Chertoff's initiative was announced. The Administration submitted to congressional appropriators a budget amendment requesting a modification of the appropriations structure to align appropriations with the newly organized department. In response, "[f]or the most part, the conferees ... complied with these requests."[84]

Hurricane Katrina Implications

In the aftermath of Hurricane Katrina, committees in both houses of Congress and the Bush Administration have conducted investigations into governmental failures during the preparation for and response to the disaster. The House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina[85] held nine hearings and, on February 15, 2006, issued a report of its findings.[86] Among other findings, the report noted the role of organizational problems at FEMA and DHS in Katrina failures:

> For years emergency management professionals have been warning that FEMA's preparedness has eroded. Many believe this erosion is a result of the separation of the preparedness function from FEMA, the drain of long-term professional staff along with their institutional knowledge and expertise, and the inadequate readiness of FEMA's national emergency response teams. The combination of these staffing, training, and organizational structures made FEMA's inadequate performance in the face of a disaster the size of Katrina all but inevitable.[87]

The House Select Committee report did not, however, make any recommendations.

The White House's Katrina assessment, which focused solely on the federal level of government, also led to the production of a final report, on February 23, 2006.[88] Although the report provided some assessment of failures of the governmental response to Katrina, it focused primarily on developing recommended changes based on the "lessons learned" from this event. The report appeared to assume a continuation of the basic emergency management organizational

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[84] U.S. Congress, Committee on Conference, *Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2006, and for Other Purposes*, report to accompany H.R. 2360, 109th Cong., 1st sess., H.Rept. 109-241 (Washington: GPO, 2005), p. 30.

[85] The committee's report notes that the Democratic leadership elected not to appoint members officially to the panel, but that some Democratic members chose to participate on an individual basis.

[86] U.S. Congress, House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *A Failure of Initiative*, 109th Cong., 2nd sess. (Washington: GPO, 2006).

[87] Ibid., p. 158.

[88] U.S. White House Office, Assistant to the President for Homeland Security and Counterterrorism, *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington: Feb. 2006).

arrangements growing out of Secretary Chertoff's 2SR initiative. Several of the report's 125 recommendations, however, would make further adjustments to that organizational structure and distribution of functions. For example, the White House report recommended that

- in order to "[i]ntegrate and synchronize the preparedness functions," DHS "should consider adding an Assistant Secretary for Preparedness Programs and an Assistant Secretary for Operational Plans, Training and Exercises, and an Executive Director for Public and Citizen Preparedness to the Undersecretary of Preparedness' senior staff";[89]

- DHS should also have a "unified departmental external affairs office ... that combines legislative affairs, intergovernmental affairs, and public affairs as a critical component of the preparedness and response cycle";[90]

- a National Operations Center should be established, and it should "combine, co-locate, and replace the situational awareness mission of the Homeland Security Operations Center ..., the operational mission of the National Response Coordination Center ... and the role of the [Interagency Incident Management Group], and be staffed with full time detailed employees assigned to a planning cell from relevant departments and agencies";[91]

- legislation be proposed that would transfer the National Disaster Medical System from FEMA to the Department of Health and Human Services;[92]

- the Department of Housing and Urban Development be designated "as the lead Federal agency for the provision of temporary housing";[93]

- DHS "should establish an office with responsibility for integrating non-governmental and other volunteer resources into Federal, State, and local emergency response plans and mutual aid agreements [and] a distinct organizational element to assist faith-based organizations";[94] and

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[89] Ibid., p. 91.

[90] Ibid.

[91] Ibid., p. 92.

[92] Ibid., p. 105.

[93] Ibid., p. 108.

[94] Ibid., p. 115.

- DHS "should consolidate homeland security related training and exercise assets in a new Office of Training, Exercises and Lessons Learned (TELL)," within the Preparedness Directorate, during FY2006.[95]

Secretary Chertoff also conducted an internal review, and in a speech to the National Emergency Management Association (NEMA), he described changes to be implemented at DHS in response to the Katrina failures. He did not call for any basic organizational structure changes in his speech, but discussed adjustments to the existing arrangements. He called for the "integration of a unified incident command," updating of the department's operational capabilities, and improved human resources development.[96]

The Senate Committee on Homeland Security and Governmental Affairs has also undertaken an investigation of the Katrina disaster, and 21 related hearings had been held as of March 8, 2006. The committee is expected to issue a report in 2006.

Legislative Activity, 109th Congress

Prompted by questions about the response to Hurricane Katrina, legislation that would statutorily alter FEMA's organizational location is pending in both the House and the Senate. Nine such bills had been introduced as of April 7, 2006. Of these nine bills, seven would reestablish FEMA as an independent agency. Four such bills — H.R. 3656, H.R. 3659, S. 1615, and H.R. 3685 — were introduced on September 6 and 7, 2005, just over a week after the disaster.

H.R. 3656. On September 6, 2005, Representative John D. Dingell introduced H.R. 3656, the "National Emergency Management Restoration and Improvement Act." This legislation would reestablish FEMA as "an independent establishment in the executive branch," and it would transfer the federal emergency management personnel, assets, and liabilities of DHS to the FEMA Director, including

- "directing and supervising terrorism preparedness grant programs of the Federal Government (other than those programs administered by the Department of Health and Human Services) for all emergency response providers";[97]

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[95] Ibid., p. 118.

[96] U.S. Department of Homeland Security, "Remarks by Homeland Security Secretary Michael Chertoff at the National Emergency Management Association Mid-Year Conference," Washington, DC, Feb. 13, 2006, available at [http://www.dhs.gov/dhspublic/display?theme=44&content=5414], accessed Mar. 7, 2006.

[97] P.L. 107-296, § 430(c)(3); 116 Stat. 2192 (6 U.S.C. 238(c)(3)).

- "those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism ...";[98]

- all functions of Under Secretary of Homeland Security for Emergency Preparedness and Response under section 502 of the Homeland Security Act, except those pertaining to the Nuclear Incident Response Team; [99] and

- "[the] Integrated Hazard Information System of the National Oceanic and Atmospheric Administration, which [was to be renamed] 'FIRESTAT'."[100]

H.R. 3656 would provide for a FEMA Director and Deputy Director, both of whom would be appointed by the President, with the advice and consent of the Senate. The director would be compensated at Level I of the Executive Schedule, the appointee rank typically reserved for department secretaries and their equivalents. The deputy director would be compensated at Level II of the Executive Schedule. This legislation would require that the President select his nominee for director "from among persons who have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events." It would require that the President select his nominee for deputy director "from among persons who have extensive background in disaster response and disaster preparedness." Under this legislative proposal, the deputy director would, under the "direction and control" of the director, "have primary responsibility within the Agency for natural disasters and non-natural disasters, including large-scale terrorist attacks."

The bill contains additional provisions concerning personnel, delegation of functions by the director, reorganization authority, rulemaking authority, and transition-related matters.

S. 1615. Also on September 6, Senator Hillary Rodham Clinton introduced S. 1615, the "Federal Emergency Management Agency Restoration Act of 2005." Like H.R. 3656, this legislation would reestablish FEMA as an independent establishment in the executive branch headed by a director, at Level I of the Executive Schedule, and deputy director, at Level II, both to be appointed by the President, by and with the advice and consent of the Senate. Appointees to both positions would be required to "have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events."

Under S. 1615, the functions of FEMA would include "(1) All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency

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[98] P.L. 107-296, § 430(c)(8); 116 Stat. 2192; 6 U.S.C. 238(c)(8).

[99] P.L. 107-296, § 502; 116 Stat. 2212-2213; 6 U.S.C. 312.

[100] P.L. 107-296, § 503; 116 Stat. 2213; 6 U.S.C. 313.

Assistance Act ... [and] (2) Carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards with a comprehensive, risk-based emergency management program" including mitigation, planning, response, recovery, and "increased efficiencies, by coordinating efforts relating to" these four elements. The newly independent FEMA would be designated as the lead agency in the Federal Response Plan.[101]

The bill contains additional provisions concerning personnel, delegation of functions by the director, reorganization authority, rulemaking authority, and transition-related matters.

H.R. 3659. Also on September 6, 2005, Representative James L. Oberstar introduced H.R. 3659, a bill to "reestablish the Federal Emergency Management Agency as an independent establishment in the executive branch that is responsible for the Nation's preparedness and response to disasters." It would transfer to the Director of FEMA "the functions, personnel, assets, and liabilities of the Department of Homeland Security relating to [FEMA]," including functions provided under specified sections of the Homeland Security Act of 2002, the Federal Fire Prevention and Control Act of 1974, the National Flood Insurance Act of 1968, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Earthquake Hazards Reductions Act of 1977, and Reorganization Act No. 3 of 1978.

This legislation would provide for an agency director, who would be appointed by the President, by and with the advice and consent of the Senate; would report directly to the President; and would be compensated at Level I of the Executive Schedule. The term of the position would be five years. The President would be required to select his nominee "from among persons who have extensive background in emergency or disaster-related management."

H.R. 3685. On September 7, 2005, Representative Mark Foley introduced H.R. 3685, the "Federal Disaster Response Improvement Act of 2005." This legislation would reestablish FEMA as "an independent establishment in the executive branch." It would transfer to the Director of FEMA "the functions, personnel, assets, and liabilities of the Department of Homeland Security relating to [FEMA]." Other organizational and leadership features are not mentioned.

H.R. 3816. On September 15, 2005, Representative Mark Udall introduced H.R. 3816, a bill to "reestablish the Federal Emergency Management Agency as an independent agency and to require that its Director be adequately qualified." Under the provisions of this legislation, FEMA would be "responsible for the Nation's preparedness for and response to natural disasters." It would transfer to the Director of FEMA "the functions, personnel, assets, and liabilities of the Department of Homeland Security relating to [FEMA]," including functions provided under specified sections of the Homeland Security Act of 2002, the Federal Fire Prevention and Control Act of 1974, the National Flood Insurance Act of 1968, the Robert T.

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[101] The Federal Response Plan has been superseded by the National Response Plan. For background, see CRS Report RL32803, *The National Preparedness System: Issues in the 109th Congress*, by Keith Bea.

Stafford Disaster Relief and Emergency Assistance Act, the Earthquake Hazards Reductions Act of 1977, and Reorganization Plan No. 3 of 1978.

H.R. 3816 stipulates that the Director of FEMA would be compensated at Level I of the Executive Schedule, would be appointed by the President with the advice and consent of the Senate, and would report directly to the President. The director would "be appointed from among persons who at the time of appointment have (A) appropriate formal training in emergency or disaster-related management; and (B) extensive background in emergency or disaster-related management, including at least two years of experience as head of a disaster-management agency of ... a State [or] a political subdivision of a State that has a population of not less than 1,000,000 residents ...." The term of the director would be six years.

H.R. 4009. On October 6, 2005, Representative Bennie B. Thompson introduced H.R. 4009, the "Department of Homeland Security Reform Act of 2005." This bill includes a number of provisions applying to the Department of Homeland Security, only some of which would directly affect FEMA's organizational location and context. Unlike most other bills discussed here, H.R. 4009 would retain FEMA within DHS, and it would reorganize the functions that had previously been assigned to FEMA and other related offices at the department. It would redesignate the Directorate of Emergency Preparedness and Response as the Directorate of Preparedness and Response (DPR), to be led by an under secretary. It would establish two assistant secretaries within the directorate.

One of the assistant secretaries within DPR would be the Director of FEMA. The director would be appointed by the President with the advice and consent of the Senate, would be compensated at Level II of the Executive Schedule, and would be appointed "from among individuals who have extensive background in emergency or disaster-related management." The director's term of office would be five years. The Deputy Director of FEMA would be appointed by the director, would be compensated at Level III of the Executive Schedule, and would be a career federal employee.

The other assistant secretary position within DPR that would be established by H.R. 4009 is an Assistant Secretary for Preparedness. Appointments to this position would be made by the President alone. The assistant would be directed to "perform such functions as were authorized to be performed by the Office for State and Local Government Coordination and Preparedness" (previously responsible for administering grants-in-aid programs). This Assistant Secretary would consult with the Assistant Secretary for Infrastructure Protection regarding the coordination and oversight of six security grant programs. In addition, the Assistant Secretary for Preparedness would have "the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism," including the following:

- coordinating preparedness efforts at the federal level and working with other levels of government on measures to combat terrorism;

- coordinating or consolidating homeland security communications across all levels of government;

- directing and supervising most federal terrorism preparedness grant programs for all providers of emergency response;
- incorporating the National Homeland Security Strategy priorities into planning for preparedness efforts;
- providing agency-specific training across governmental entities;
- "as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with [FEMA], which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States";
- assisting with risk analysis and management activities of state, local, and tribal governments;
- assuming terrorism-related elements from the Office of National Preparedness of FEMA; and
- "helping to ensure the acquisition of interoperable communication technology by State and local governments and emergency response providers."

H.R. 4009 would also eliminate the Office of National Capital Region Coordination, the Office for State and Local Government Coordination and Preparedness, and the Office for Domestic Preparedness. It would vest functions related to national capital region coordination in the Under Secretary for Preparedness and Response. Also, within the directorate, the bill would establish a military liaison, appointed by the President alone.

H.R. 4493. On December 8, 2005, Representative James L. Oberstar introduced H.R. 4493, the "Federal Emergency Management Agency Restoration Act." The bill, which appears to expand on H.R. 3659, would establish FEMA as a "cabinet-level independent establishment in the executive branch that is responsible for emergency preparedness, response, recovery, and mitigation for all hazards, including major disasters, acts of terrorism, and other emergencies." It would transfer to the Director of FEMA "the functions, personnel, assets, and liabilities of the Department of Homeland Security relating to [FEMA]," including functions provided under specified sections of the Homeland Security Act of 2002, the Federal Fire Prevention and Control Act of 1974, the National Flood Insurance Act of 1968, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Earthquake Hazards Reductions Act of 1977, the National Dam Safety Program Act, and Reorganization Plan No. 3 of 1978. Functions of the Preparedness Directorate at DHS that would not be transferred to FEMA include those "relating to law enforcement efforts to prevent and deter acts of terrorism, protect critical infrastructure, and conduct intelligence activities."

H.R. 4493 would provide for an agency director, who would be appointed by the President, by and with the advice and consent of the Senate, and would report directly to the President. This director would be compensated at Level I of the Executive Schedule, and the term of the position would be five years. The legislation would also provide for a deputy director, to be appointed "in the competitive service" by the director. The bill would require that both the director and deputy director be appointed "from among persons who have extensive experience in emergency preparedness, response, recovery, and mitigation for all hazards, including major disasters, acts of terrorism, and other emergencies." The deputy director would, in addition to carrying out duties and powers prescribed by the director and acting as director in the director's absence or incapacity, "serve as a liaison to [DHS] in the event of an act of terrorism."

The bill contains additional provisions concerning personnel, delegation of functions by the director, reorganization authority, rulemaking authority, and transition-related matters.

S. 2302. On February 16, 2006, Senator Trent Lott introduced S. 2302, the "Federal Emergency Management Improvement Act of 2006." This legislation is similar to S. 1615, discussed above. The principal differences appear to be in provisions related to proposed technical and conforming amendments in the two bills.

H.R. 4840. On March 1, 2006, Representative Bennie B. Thompson introduced H.R. 4840, the "Plan to Restore Excellence and Professional Accountability in Responding to Emergencies," or PREPARE, Act. A report intended to accompany this bill was prepared by the Democratic staff of the House Committee on Homeland Security.[102] H.R. 4840 would recombine the functions of preparedness and response under one directorate in DHS, headed by an under secretary. This directorate would comprise FEMA, the Chief Medical Officer for DHS, the Assistant Secretary of Homeland Security for Grants and Training, the U.S. Fire Administration, and functions performed by the Assistant Secretary of Homeland Security for Cyber Security and Telecommunications, the Assistant Secretary of Homeland Security for Infrastructure Protection, and the DHS Director of the Office of National Capital Region Coordination.

Under this bill, FEMA would be headed by a director, who would be appointed by the President, by and with the advice and consent of the Senate. A deputy director would be appointed by the director from the competitive service. Both appointments would be made from "among individuals who possess demonstrated ability in, knowledge of, and extensive background in emergency or disaster-related management."

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[102] U.S. Congress, House Committee on Homeland Security, Democratic Staff, *Redirecting FEMA Toward Success: A Report and Legislative Solution*, 109th Cong., 2nd sess., available at [http://hsc-democrats.house.gov/NR/rdonlyres/9985DC38-64C4-41D1-B9E8-3726708B6A1F/0/CHSDEMSRedirectingFEMATowardSuccess.pdf], accessed Apr. 6, 2006.

Concluding Observations

The complexities of the emergency management process, the lack of a consistent and generally accepted statutory definition of "homeland security" in federal policies, and the difficulty of formulating administrative structures are some of the factors that challenge Members of the 109th Congress as they consider organizational options in the wake of Hurricane Katrina. Some contend that FEMA should be removed from DHS and reestablished as an independent federal entity. Others argue that it should remain in the department because the problems encountered after Hurricane Katrina reflect leadership and operational, not organizational, challenges. The preceding historical overview indicates that reorganizing federal emergency management, civil defense, or homeland security entities may address certain shortcomings and problems, but the challenges go beyond such changes. As an indication, the White House Task Force report on Hurricane Katrina includes several organizational changes for the EOP, armed services, and other entities, in addition to those that involve FEMA or DHS. Remaining cognizant of a maxim of H.L. Mencken,[103] congressional agreement on the "best" organizational structure will be part of the solution to the question of how to ensure the effective implementation of emergency management responsibilities. The extent to which a reorganization contributes to the improvement of problems evident after Hurricane Katrina is a matter of conjecture.

At the outset of this report (see "Evolution of Organizational Arrangements") issues concerning the scope of responsibility, types of threats, federalism concerns, and assignment of responsibility were identified. These and other issues will shape congressional debate over the future of FEMA. An examination of the evolution of federal emergency management (now homeland security) policy since World War II reveals that some concepts have not changed. Just as the debate over the federal role in civil defense affected executive and legislative branch decisions on organizational options 50 years ago, the current debate over whether a terrorism focus detracts from natural disaster preparedness and response is likely to affect present day policymaking. Is it important to distinguish between natural and human-caused events? What are the limitations of the "all-hazards" concept? Debate in years past mirrors that which is occurring today.

The Bush Administration and the 109th Congress have acted to address problems that became apparent in the response to Hurricane Katrina. Other issues that cannot be relatively easily solved remain on the agenda for future solution. There is little or no doubt that the White House, including the President, will be directly involved in the response to catastrophic disasters. The need to improve the coordination of federal response activities and processes, and the need to resolve interagency disputes and communications system problems, were raised in both the House of Representatives and the White House reports on the response to Hurricane Katrina. Administrative procedures used to prepare for and respond to disasters are in their

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[103] "There is always an easy solution to every human problem — neat, plausible, and wrong," attributed to H. L. Mencken, "The Divine Afflatus," *A Mencken Chrestomathy*, ch. 25, p. 443 (New York: A. A. Knopf, 1949), quoted in Suzy Platt, ed., *Respectfully Quoted: A Dictionary of Quotations Requested from the Congressional Research Service* (Washington: Library of Congress, 1989), p. 326.

second or third generation. Federal officials have years of experience developing plans and standards. The sum of this knowledge will help policymakers and administrators reach a common understanding of what must be accomplished, by whom, and under what conditions.

Most of the legislation pending before Congress would reestablish FEMA as an independent entity; some would statutorily establish it as a Cabinet-level agency. Some of these bills, as well as those that would keep FEMA in DHS, reassign functions to FEMA that have been moved to other entities and establish capability standards for top FEMA executive officials. The debate in the 109th Congress builds upon decades of history and experiences, sometimes at great loss and consternation, sometimes in preparation for emergencies that never occurred. The challenge before Congress is to consider the options with knowledge of preceding events and decisions.

Appendix

Table 1. Federal Emergency Management and Homeland Security Organization: Major Developments, 1947-2005

Year	Authority	Organizational Development
1947	National Security Act of 1947 (61 Stat. 499).	National Security Resources Board (NSRB) is established.
1949	Reorganization Plan No. 4 of 1949.	NSRB is transferred to the Executive Office of the President (EOP).
1950	Defense Production Act of 1950 (64 Stat. 798), followed by E.O. 10193 (*Federal Register*, vol. 15, Dec. 19, 1950, p. 9031).	The Office of Defense Mobilization (ODM) is established in the EOP.
1950-1951	Disaster Relief Act of 1950 (64 Stat. 1109), followed by E.O. 10221 (*Federal Register*, vol. 16, Mar. 6, 1951, p. 2051).	The act is the first comprehensive federal disaster relief law, and it delegates certain emergency management authorities to the President. These authorities are delegated to the Housing and Home Finance Administrator.
1950	E.O. 10186 (*Federal Register*, vol. 15, Dec. 5, 1950, p. 8557).	The Federal Civil Defense Administration (FCDA) is established in the Office of Emergency Management (OEM), a decade-old organization in the in the EOP. FCDA takes on some civil defense activities previously performed by the National Security Resources Board.
1951	Civil Defense Act of 1950 (64 Stat. 1245).	FCDA is moved out of the EOP and established as an independent agency. The Civil Defense Advisory Council is established.
1952	E.O. 10346 (*Federal Register*, vol. 17, Apr. 19, 1952, p. 3477).	FCDA is given a key role in assisting federal agencies with planning for service provision and continued functioning during emergencies.

Year	Authority	Organizational Development
1953	E.O. 10427 (*Federal Register*, vol. 18, Jan. 20, 1953, p. 407).	Emergency management authorities previously delegated to the Housing and Home Finance Administrator are redelegated to FCDA. FCDA is given additional responsibilities related to assisting federal, state, and local agencies with developing plans for disasters.
1953	Reorganization Plan No. 3 of 1953.	New ODM is established with the functions of the old ODM as well as those of NSRB, which is abolished.
1955	E.O. 10638 (*Federal Register*, vol. 20, Oct. 13, 1955, p. 7637).	ODM is given additional responsibilities related to releasing materials from stockpiles in the event of an enemy attack.
1956	E.O. 10660 (*Federal Register*, vol. 21, Feb. 18, 1956, p. 1117).	ODM is given responsibility for the newly established National Defense Executive Reserve.
1958	Reorganization Plan No. 1 of 1958.	All emergency management authorities of ODM and FCDA are transferred to the President, and these two organizations and CDAC are consolidated into the Office of Defense and Civilian Mobilization (ODCM) in the EOP.
1958	E.O. 10773 (*Federal Register*, vol. 23, July 3, 1958, p. 5061).	The authorities transferred to the President by Reorganization Plan No. 1 of 1958 are redelegated to ODCM. The Defense and Civilian Mobilization Board, comprising the ODCM Director and heads of federal departments and agencies, is established.
1958	72 Stat. 861; E.O. 10782 (*Federal Register*, vol. 23, Sept. 10, 1958, p. 6971).	Congress renames ODCM the Office of Civil and Defense Mobilization (OCDM), and the President issues an executive order amending previous orders to reflect this change.
1961	E.O. 10952 (*Federal Register*, vol. 26, July 22, 1961, p. 6577).	Certain civil defense functions are redelegated to the Secretary of Defense. The Secretary of Defense establishes the Office of Civil Defense (OCD) to administer these functions.

Year	Authority	Organizational Development
1961	E.O. 10958 (*Federal Register*, vol. 26, Aug. 16, 1961, p. 7571).	Certain medical stockpile and food stockpile functions are redelegated from OCDM to the Secretary of Health, Education, and Welfare and the Secretary of Agriculture, respectively.
1961	75 Stat. 630.	Congress renames OCDM the Office of Emergency Planning (OEP).
1962	E.O. 11051 (*Federal Register*, vol. 27, Oct. 2, 1962, p. 9683).	The advisory and management functions of OEP are reaffirmed and expanded.
1964	Administrative authority.	OCD is moved from the Office of the Secretary of Defense to the Department of the Army.
1968	82 Stat. 1194.	Congress renames OEP the Office of Emergency Preparedness.
1969	Disaster Relief Act of 1969 (83 Stat. 125).	The federal government's disaster relief responsibilities are expanded.
1969	E.O. 11495 (*Federal Register*, vol. 34, Nov. 20, 1969, p. 18447).	The administration of many provisions of the Disaster Relief Act of 1969 is delegated to OEP.
1972	Administrative authority.	OCD, then located in the Department of the Army, is abolished. In its place, the Defense Civil Preparedness Agency (DCPA) is established within the Office of the Secretary of Defense.
1973	Reorganization Plan No. 1 of 1973.	Among other provisions, the plan abolishes OEP, and nearly all functions previously vested in that office or its director are transferred to the President. The plan also abolishes the Civil Defense Advisory Council, which had been established in 1950.
1973	E.O. 11725 (*Federal Register*, vol. 38, June 29, 1973, p. 17175).	The functions transferred to the President by Reorganization Plan No. 1 of 1973 are delegated to the Department of Housing and Urban Development (HUD), the General Services Administration (GSA), and the Department of the Treasury.

Year	Authority	Organizational Development
1978	Reorganization Plan No. 3 of 1978.	The President proposes, and Congress agrees to, the merger of five agencies from the Departments of Defense, Commerce, and Housing and Urban Development, as well as GSA, into one new independent agency, the Federal Emergency Management Agency (FEMA).
1979	E.O. 12127 (*Federal Register*, vol. 44, Apr. 3, 1979, p. 19367).	To implement Reorganization Plan No. 3 of 1978, certain functions are transferred to FEMA from the Department of Commerce (fire prevention and control; certain Emergency Broadcast System functions); the Department of Housing and Urban Development (flood insurance); and the President (other Emergency Broadcast System functions).
1979	E.O. 12148 (*Federal Register*, vol. 44, July 24, 1979, p. 43239).	To implement Reorganization Plan No. 3 of 1978, additional functions from the Departments of Defense (civil defense) and Housing and Urban Development (federal disaster assistance), GSA (federal preparedness), and the Office of Science and Technology Policy (earthquake hazards reduction) are transferred to FEMA. FEMA is also authorized to coordinate "all civil defense and civil emergency planning, management, mitigation, and assistance functions," in addition to dam safety, "natural and nuclear disaster warning systems," and "the coordination of preparedness and planning to reduce the consequences of major terrorist incidents." The Federal Emergency Management Council, composed of FEMA and Office of Management and Budget Directors, and others as assigned by the President, is established.
1993	Authority of the FEMA Director	The National Preparedness Directorate, the entity concerned with national security emergencies, is eliminated.
1996	Authority of the President to establish Cabinet membership.	The President extends Cabinet membership to the FEMA Director.
2001	Authority of the President to establish Cabinet membership.	The incoming President does not extend Cabinet membership to the FEMA Director as he establishes his Administration.

Year	Authority	Organizational Development
2001	Authority of FEMA Director	The President asks the FEMA Director to form an Office of National Preparedness, which was to "coordinate all Federal programs dealing with weapons of mass destruction consequence management."[a]
2002	The Homeland Security Act of 2002 (P.L. 107-296, 116 Stat. 2135).	The Department of Homeland Security (DHS) is established. The functions, personnel, resources, and authorities of six existing entities, the largest of which is FEMA, are transferred into the Emergency Preparedness and Response Directorate. Section 507 of the act specifically charges FEMA with "carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program."
2003	Department of Homeland Security Reorganization Plan.	The Homeland Security Act of 2002 is implemented, and FEMA functions are transferred to DHS on Mar. 1, 2003.
2004	Authority of the Secretary of Homeland Security under Section 872 of the Homeland Security Act of 2002.	Within DHS, organizational units are consolidated, and functions are reallocated. Among other changes, "select grant award functions ... exercised by the Under Secretary for Emergency Preparedness and Response," under Sections 502 and 503 of the Homeland Security Act, are consolidated within the Office of State and Local Government Coordination and Preparedness, an office that is to report directly to the Secretary.
2005	Authority of the Secretary of Homeland Security under Section 872 of the Homeland Security Act of 2002.	Most preparedness functions housed in the EPR Directorate are transferred to a newly created Preparedness Directorate. FEMA becomes a freestanding unit, headed by a director, within DHS. The FEMA Director reports directly to the Secretary of Homeland Security and directly oversees three divisions (Response, Mitigation, and Recovery) and numerous offices.

a. Joe M. Allbaugh, Memorandum to All FEMA Employees, "Functional Realignment," June 5, 2001, Attachment C, p. 1.