

Legal briefing:
president and
congress
recommendations
against the removal
of fem...



**ASSIGN
BUSTER**

Abstract

The purpose of this paper is to provide a legal briefing to the President and Congress recommending against the removal of the Federal Emergency Management Agency (FEMA) from the Department of Homeland Security (DHS) structure. This paper examines reasoning against the idea to withdraw FEMA into an independent agency of the U. S. Executive Branch using peer-reviewed articles, web articles and journals as supporting documentation. This would include discussion on challenges facing FEMA responding to disasters currently and further challenges if it were made a separate federal entity. Recommendations on what strategies should be taken to lessen the current challenges FEMA faces to improve its overall function within DHS.

Keywords: FEMA, DHS, improve, risk management, disaster

Subject

Should the U. S. Department of Homeland Security (DHS) recommend to the President and Congress to remove the Federal Emergency Management Agency (FEMA) from the DHS structure and make it an independent agency of the US Executive Branch? Discuss challenges facing FEMA responding to disasters. What strategies should be taken to lessen these challenges?

Background

The debate over the Federal Emergency Management Agency's (FEMA) placement within the executive branch is a polarizing one and has been revisited usually after a significant disaster event occurs. From its creation in 1979 until its incorporation into DHS, the agency reported directly to the <https://assignbuster.com/legal-briefing-president-and-congress-recommendations-against-the-removal-of-fema/>

president, not to a larger cabinet department (Roberts, 2006, pg. 84). In 2002, during the debate over the legislation creating DHS, placing FEMA under the DHS umbrella and removing its autonomy became a point of discussion (Roberts, 2006, pg. 76). The debate resurfaced in 2006 after Hurricane Katrina, as Congress considered and ultimately passed, FEMA reform legislation. It is no doubt that this will be a resurfacing debate where policymakers will call for various proposals to keep FEMA within DHS or move it out.

Analysis

Since the events of Hurricane Katrina in 2005, the changes made to FEMA have demonstrated its effectiveness and because of this progress, policymakers should pause and consider the implications of any reshuffling. In 2008, the agency faced numerous natural disasters across the country, including very active hurricane and tornado seasons, intense wildfires, and widespread flooding (Hearings before Committee on Homeland Security, 2009). While the mismanaged response during and after Katrina was a setback, there are many more reasons to keep FEMA at DHS rather than to remove it. While the autonomy of an organization such as FEMA could be a contributing factor to response failures it will not be the overall solution as it had its failures before the DHS umbrella (Roberts, 2009). Many pundits point to FEMA Director Mike Brown as one of the culprits who failed to respond effectively to Hurricane Katrina (Thompson, 2006). However, Brown's successors refocused FEMA's roles and capabilities from an emphasis on terrorism back to "response and recovery" (Thompson, 2006). Due to better experienced and effective leadership and the changes inside the

<https://assignbuster.com/legal-briefing-president-and-congress-recommendations-against-the-removal-of-fema/>

organization at the department level have proven that reshuffling is not the only problem and solution (Thompson, 2006). Building bridges and cooperation within DHS, federal, state and local officials has also proven its effectiveness in the overall emergency management community.

Argument

Withdrawing FEMA from DHS will not prevent acts of terrorism or natural disasters (Zuckerman & McNeill, 2009). When it comes to bureaucracy and resources DHS has the advantage of legal authority to bypass normal disaster procedures to begin rescue missions and deliver aid (Hearings before Committee on Homeland Security, 2009). The Secretary of Homeland Security is a powerful advocate within the executive branch and can represent FEMA's interests more effectively (Hearings before Committee on Homeland Security, 2009). The DHS Secretary is a Cabinet Secretary and is in the position to raise issues that will gain the attention of his or her cabinet peers and the President (Hearings before Committee on Homeland Security, 2009). The Secretary can also direct DHS resources to the FEMA mission during a disaster (Hearings before Committee on Homeland Security, 2009).

FEMA must be able to collaborate with other agencies within DHS to provide an effective federal response when necessary (Zuckerman & McNeill, 2009). Agencies such as the Transportation Security Administration and the U. S. Coast Guard are integral partners in disaster response efforts (Zuckerman & McNeill, 2009). Among the issues DHS & FEMA had to face, inexperienced emergency management leadership and information sharing were at the top of the list that slowed down response. Several Emergency management

experts believe withdrawing FEMA from DHS would inhibit this coordination by creating more bureaucratic barriers and red tape to information sharing (Thompson, 2006).

Challenges facing FEMA

Currently, 86 different committees and subcommittees have jurisdiction over emergency response issues. This confusing web of jurisdiction keeps DHS overworked in responding to congressional demands and leaves Congress unfocused and unable to give quality oversight. Instead of reorganizing DHS, Congress and DHS should focus on reforming Congressional Oversight of FEMA and allowing it more autonomy (Roberts, 2006). Consolidating oversight would ensure that important areas of homeland security, including disaster response, are met with the appropriate level of congressional attention (Zuckerman & McNeill, 2009).

The number of federal disaster declarations has grown exponentially and has continued to do so every year (Zuckerman & McNeill, 2009). Due to this, state and local governments have become reliant on federal intervention and are less prepared when disaster strikes because they know that the federal government will rush to their aid (Zuckerman & McNeill, 2009). Not only is this a reactive mentality for the victims of disasters, but it also comes at a major expense to taxpayers, who are forced to subsidize the response (Zuckerman & McNeill, 2009). Emergency management is the responsibility of more than the federal government; it involves NGOs, community groups, and private citizens. Federal Emergency Declarations need clear and concise limits to be established that align with the state and local capabilities

(Roberts, 2006, pg. 87). Once a disaster surpasses the established state and local capabilities, then and only then, should FEMA be called upon to address the response (Zuckerman & McNeill, 2009). This ensures that resources reserved for Federal response are dedicated to those disasters that truly require a national response. (Thompson, 2006). This also forces the state, local and tribal communities to proactively build resilience and adopt the emergency management framework in order to mitigate the need for federal disaster response.

Conclusion

Despite the frequently cited failures of FEMA in response to Hurricane Katrina as an excuse for reorganization, the true progress has come from implementing the lessons learned from Katrina at the department level (Roberts, 2006). These changes have led to tremendous improvements in federal disaster response capabilities. Disasters don't halt for bureaucratic reshuffling. Man-made and natural disaster efforts should be treated as national security matters and keeping the FEMA within the DHS is the way to achieve this type of necessary attention. If policymakers decide that FEMA is to remain a part of the DHS structure, DHS leadership must be able to demonstrate the FEMA will remain a priority for the department and not succumb to bureaucratic atrophy (Hearings before Committee on Homeland Security, 2009). Taking FEMA out of DHS could undo much of the progress accomplished since 9/11. Supporting a united DHS and keeping one of its largest emergency and response components will help future response efforts become and stay more effective.

References

- Cigler, B. (2008). Emergency management and the new administration. *Public Manager*, 37 (4), 61–65. Retrieved from <http://search.proquest.com/docview/236315273/>
- Pkemra Implementation: an examination of FEMA's preparedness and response mission: Hearings before Committee on Homeland Security, Serial No. 111-8, March 17, 2009, 111-1 Hearing, (2010). https://www.globalsecurity.org/security/library/congress/2009_h/chrg-111hrg54475.htm
- Roberts, P. (2006). FEMA and the prospects for reputation-based autonomy. *Studies in American Political Development*, 20 (1), 57–87. <https://doi.org/10.1017/S0898588X06000010>
- Zuckerman, J., & McNeill, J. B. (2009, December). Five Reasons Why FEMA Should Stay at DHS. Retrieved from <https://www.heritage.org/homeland-security/report/five-reasons-why-fema-should-stay-dhs>.
- Etkin, D., Feldmann-Jensen, S., Smith, S., & Jensen, S. (2016). Toward a substantive dialogue: The case for an ethical framework in emergency management, part 2. *Australasian Journal of Disaster and Trauma Studies*, 20(1), 49-53. Retrieved from <https://search-proquest-com.ezproxy1.apus.edu/docview/1833936104?accountid=8289>
- Flowers, A. S. (2016). Emergency management and vulnerable populations. *The Urban Lawyer*, 48(3), 563-571, 573-598. Retrieved from <https://search-proquest-com.ezproxy1.apus.edu/docview/1869921531?accountid=8289>
- Frank J. Cilluffo, Daniel J. Kaniewski, Jan P. Lane, Gregg C. Lord and Laura P. Keith (2009) Serving America's Disaster Victims. FEMA Where <https://assignbuster.com/legal-briefing-president-and-congress-recommendations-against-the-removal-of-fema/>

does it fit? Issue Brief [https://cchs.gwu.](https://cchs.gwu.edu/sites/g/files/zaxdzs2371/f/downloads/IssueBrief_3_HSPI.pdf)

[edu/sites/g/files/zaxdzs2371/f/downloads/IssueBrief_3_HSPI.pdf](https://cchs.gwu.edu/sites/g/files/zaxdzs2371/f/downloads/IssueBrief_3_HSPI.pdf)

- [Http://journal.ru/wp-content/uploads/2016/08/d-2016-154.pdf](http://journal.ru/wp-content/uploads/2016/08/d-2016-154.pdf). (2016).
doi: 10.18411/d-2016-154
- Zuckerman, J. (n. d.). Five Reasons Why FEMA Should Stay at DHS.
Retrieved from <https://www.heritage.org/homeland-security/report/five-reasons-why-fema-should-stay-dhs>