

Session No. 12

Course: The Political and Policy Basis of Emergency Management

Session: Civil Military Relations in Emergency Management

Time: 1 Hour

Objectives:

By the conclusion of this session, students should be able to:

- 12.1 Make plain what the “top-down” and “bottom-up” issue is all about in regard to the militarization of emergency management.
 - 12.2 Identify where there is positive overlap between military and civilian domestic emergency management.
 - 12.3 Recall arguments for greater military role in disaster response.
 - 12.4 Explicate arguments against greater military involvement in disaster response.
 - 12.5 Describe the major role of the U.S. Department of Defense and NORTHCOM in domestic emergency management.
 - 12.6 Summarize in brief Presidential national security and military powers.
 - 12.7 Define and explain the significance of the Posse Comitatus Act of 1878 as it relates to use of the military in domestic law enforcement.
 - 12.8 Summarize the purpose and implementation of the Urban Area Security Initiative (UASI).
 - 12.9 Outline the fundamentals of the Law Enforcement Terrorism Prevention Program.
 - 12.10 Outline the fundamentals of the Emergency Management Performance Grant program.
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Scope

This session addresses military and civilian inter-relationships in regard to emergency management and homeland security. Intergovernmental

relations are again an issue but within the confines of military and national security concerns involving emergency management. There are certain laws, executive orders, and programs addressed here which in some cases are new and in other cases were mentioned in previous sessions. Many matters of civil-military relations interlace emergency management and are of political and policy importance. This session cannot cover every detail of these matters but it does provide a foundation for instruction and class discussion.

References

Assigned student reading:

Sylves, Richard. **Disaster Policy and Politics: Emergency Management and Homeland Security**. Washington, D.C.: CQ Press, 2008. See Chapter 7, pages 173-193.

Miskel, James F. **Disaster Response and Homeland Security**. Westport, CT: Praeger Security International, 2006, Chapter 3, pages, 39-56.

Requirements

The instructor should feel free to use any of the itemized lists of this session in class lecture and presentation. Civil-military relations are not always easy to grasp, so simplified definitions have been incorporated into this session. There is considerable jargon in this session. Take care to make available lists of acronyms with corresponding full spell out of all the words represented by the acronym.

Remarks

Civil defense of the past and homeland security of the present, both signify that disaster policy has always had a national security and foreign policy component. Each president's national security policy at least since 1950 has involved civil defense and/or homeland security in some manner.

Objective 21.1

Make plain what the “top-down” and “bottom-up” issue is all about in regard to the militarization of emergency management.

In times when civil defense against nuclear attack (1950-1991) was the Federal emergency management priority, much of disaster policy was imposed from the “top-down.” Remember, emergency management in the U.S. is supposed to be from the “bottom up” with local governments seeking supplemental help from their State government and from the Federal government. In spheres of State and local emergency management that received little or no Federal civil defense support, emergency management enjoyed “bottom up” freedom of action, though often with few resources.

From 2001-2008, disaster policy become very much a “top-down,” president dominated, and Federal government dominated, system. On 9/11/01 the world of disaster policy changed. State and municipal governments today carry a considerable portfolio of national security-related duties, many implemented through homeland security grant programs. In other words, conditions specified in grant rules and law of various Federal homeland security programs have had and continue to have significant affects on the substances and processes of State and local emergency management.

Since 9/11/01, there has been in increasing militarization of disaster policy, particularly on the Federal level. New national-security and homeland security programs have come to have great impact on State and local governments as well as on emergency management in their respective governmental levels. As sociologists and others have demonstrated in their research, the military culture and the civilian emergency management culture are in many ways highly incompatible.

Objective 12.2

Identify where there is positive overlap between military and civilian domestic emergency management.

As indicated previously, in matters of law enforcement, State and local “law enforcement authorities manage the initial consequences of an event” under powers invested in them by State and local laws. The Justice Assistance Act allows governors the option of requesting emergency assistance from the U.S. Attorney General. Law enforcement, already a paramilitary function, has come to play a greater role in emergency management, and this is so at each level of government.

Also, Governors and/or State Adjutant Generals have long had authority to call up their respective state National Guards for emergencies or disasters of almost any type. Thus the National Guard is one of the premier military organizations included in the National Response Plan/Framework. Governors sometimes mobilize and direct the response of their state National Guard when they have declared a State emergency and when a declaration of major disaster or emergency has been issued by the president to their State. National Guard units provide a wide range of disaster response services, among them law enforcement in periods when the Governor has declared a state of Martial law.

Modern homeland security policy builds on those areas in which there is a positive overlap and compatibility of domestic emergency management and terrorism consequence management. Owing to the range of weapons and instruments potentially available to modern terrorists and the damage these might cause, anti-terror emergency management and conventional disaster management may actually complement each other better today

than civil defense and conventional disaster management had to complement each other during the Cold War of 1946-1990. This assertion is arguable and would be a worthwhile topic of class discussion.

Miskel points to many examples of U.S. military involvement in response to both domestic disasters and to disasters which transpire outside the United States. He, as well as Ward and Wamsley, point to the exemplary role of the U.S. military in response to the great 2004 tsunami disaster in Southeast Asia.¹

Here are a few examples of positive overlap of military and civilian emergency:

- Preparation for hazardous materials incidents overlaps much of the preparation for chemical weapons and bioterrorism preparedness.
- Preparedness and response planning for a major urban earthquake parallels some elements of preparedness and response planning that anticipates the detonation of a low-yield nuclear weapon in a large metropolitan area.
- Hurricane evacuation planning dovetails in some ways with civil evacuation planning for dirty bomb incidents.

Ask the class if they can think of other examples.

Miskel maintains that “one of the underlying and enduring assumptions of the U.S civil defense program was that much of the investment in civil defense would improve the nation’s capacity for responding to natural disasters.”²

Active duty military personnel and National Guard soldiers represent an immensely large workforce. There are an estimated 1.1 million people on active duty military service. On top of this there are over 1 million National Guard members and reservists who may be called to duty. Moreover, the U.S. Coast Guard, now a FEMA sister agency in the Department of Homeland Security, is active military and is entrusted with a large portfolio of emergency management-related functions and activities, among them oil and hazardous material response on the water or along the coastline, marine safety, water search and rescue.

In addition, the U.S. Army Corps of Engineers has for some two centuries been directly or indirectly in the business of emergency management vis-à-vis the vast system of dams and other flood control works it builds and operates. The Corps manages reservoirs and water impoundments in the interest of not only flood control, but also drought prevention, provision

for emergency potable water supply, and dredging to keep shipping channels navigable. The Corps has a massive assignment of infrastructure, including bridges, ports, lock systems, coastal barriers, aids to marine navigation, and much more.

Objective 12.3

Recall arguments for greater military role in disaster response.

There are a variety of reasons in favor of increasing the role of the military in disaster response. There are also reasons against doing so. Let us consider reasons in favor first and later reasons against will be provided.

- The military offers a classic and strictly delineated command and control structure for managing its people.
- The military possesses and regularly perfects its vast and sophisticated logistical and communications systems.
- The military manifests a strong organizational and managerial framework and a high level of efficiency and personal accountability difficult to match in many civilian agency-led disaster responses.
- Military and naval resources, such as planes, helicopters, ships, amphibious vehicles, and watercraft for rescue, as well as tents, compacted food supplies, and medicines, plus other facilities to provide for human shelter are often unmatched at the State and local civilian levels.
- When the military is deployed to an area of disaster devastation, it often has the capacity to deploy as a self-sustaining entity which will not compete for housing, shelter, food and water, transportation, power generation, medical facilities, etc.
- The military is able to provide security following the most catastrophic and destabilizing events, thus serving as a multiplier of civilian law enforcement resources.

National Guard people and active duty military personnel are trained to follow orders, trained to operate in the field for extended periods, prepared to move into hazard zones with enough equipment to sustain themselves independently for considerable periods, and willing to put themselves in harm's way.

Conversely, the military's advantages reflect civilian emergency management disadvantages. For example, with the exception of police and firefighters, government civil servants, often dedicated to their work in

valiant ways, cannot be expected to enter danger zones that pose a significant risk to their health and welfare. Federal civilian officials, including FEMA workers, are in fact prohibited by Federal law from taking dangerous personal risks in disaster response.

Objective 12.4

Explicate arguments against greater military involvement in disaster response.

Just as there are reasons for greater use of the military in disaster response, so too there are reasons “against” increased use of the military in disaster management. Here are a few reasons “against” trading greater military involvement for diminished civilian involvement in emergency management.

Military help is usually highly temporary. When the National Guard and active military is deployed to a zone of disaster this connotes that civil government in that zone has failed. In the United States, restoration of civil government should represent the end of military involvement.

Moreover, the nation’s Founding Fathers were constantly fearful that a strong national military force left to interfere in domestic civilian governance might be, particularly under a powerful military leader, tempted to over-throw duly elected civilian government. This is one reason why the U.S. Constitution squarely assigns top control of the military to the President, a democratically elected leader of civil government. Consequently, it is only in dire emergencies when the military is invested with Martial law powers, but this is traditionally a last resort act of desperation in the United States. Americans detest the extended application of Martial law.

In very major disasters or catastrophes the military would be expected to engage in search and rescue, protect property and life safety, and maintain civil order, but not much more.

Military organizations are often ill-equipped to handle many short- and long-term disaster recovery needs: rebuilding homes, managing shelters, feeding the displaced, resettling people, helping businesses resume operation, providing disaster unemployment aid, servicing the long-term medical needs of disaster victims, replacing major public infrastructure, and bringing back public utilities.

Enhancing the role of the active military in disaster response raises a host of difficult questions, including whether the active military should have deadly force authority domestically to keep order in a disaster, whether the National Guard or the active military is in charge if both are responding, and what authority governors have in such a situation.

There are additional concerns about military and national security involvement in emergency management. National security and military security requirements customarily embody “official state secrecy.” U.S. official state secrecy is managed through a system of Security Classification. Access to certain types of government information is sometimes restricted to those holding a certain level of security clearance and who have an authorized “need to know.” The problem is that state secrecy and security requirements, predicated on denying enemies access to information they could exploit in committing acts of terrorism, now shroud from public view a variety of types of emergency response plans, including those for privately owned facilities whose operation may pose a danger to surrounding communities.

Military and National Security encroachment has also made disaster policy implementation more closed, more secretive, and more law enforcement dominated. Emergency responders of many types must not only obey rules of state secrecy but often must qualify and be vetted to receive security clearances as a condition of job qualification.

Some worry that the Federal emphasis on the threats posed by terrorism will distort Federal, State and local emergency management in a way that either makes all forms of non-terror disaster management lower priority or that complicates civilian non-terror related emergency management . An equally important concern stems from “walling off” the general public from emergency plans and procedures it would benefit them to know. The greater penetration of state secrecy into emergency management the more disaster public education aimed at mitigation and preparedness are undermined.

Objective 12.5

Describe the major role of the U.S. Department of Defense and NORTHCOM in domestic emergency management.

Recalling session #11 regarding intergovernmental relations, the U.S. Department of Defense (DoD) provides help in disasters and terror events through various Emergency Support Functions under the National Response Plan/Framework (NRP/F) and must do so consistent with the National Incident Management System (NIMS).

DoD itself is restricted in the sense that contributions its military and civilian workers provide to civilian authorities “must not interfere with DoD’s ability to perform its primary mission or adversely affect military preparedness.”

Note as well that specific military authorities are paired with civilian counterparts at different levels of government in a disaster or emergency.

Military forces are authorized to support law enforcement at Federal, State, local level in any Weapon of Mass Destruction event.

DoD plays a lead role in any bioterrorism event or any event involving use of nuclear materials by enemies of the nation. In formal terms, the U.S. Attorney General may request DoD aid in matters involving nuclear materials, if law enforcement would be impaired without DoD help and if civilian law enforcement personnel are not capable of enforcing the law.

In other types of catastrophes, disasters, or emergencies, DHS (and FEMA) is lead or primary Federal agency in coordinating emergency response and recovery with State and locals. In such circumstances, DoD is then a supporting agency.

When the Federal government is responding to a terrorist or criminal act, the Federal Bureau of Investigation (FBI) is the lead or primary Federal agency. The FBI is a law enforcement agency first and foremost but it, like FEMA, has been recruited by national law and policy into the fight against terrorism and terrorist threat.

The same DoD assets and abilities that make it an effective responder to disasters outside the U.S., make it well qualified to respond inside the U.S. to the same types of disasters. FEMA routinely reimburses DoD for costs of its support to homeland disasters.

In short, DoD obligations in homeland disasters and emergencies encompass military response; national mobilization; damage assessment; military support to the civil and private sector; limited police authority; response to all hazards related to nuclear weapons, materials, devices; managing and allocating all usable waters in U.S.; and, stockpiling and storage of critical materials.

NORTHCOM: Air Defense and More

North American Command (NORTHCOM) was established in 2003 to better protect the homeland from attack. NORTHCOM's mission is to help prevent another terror attack on the homeland by militarily defeating attacks by foreigners if possible, by protecting U.S. borders or air space from encroachment or penetration by attackers, or by aiding in the response to a weapon of mass destruction incident inside the United States.

The North American Command now fulfills many duties under the National Response Plan and Framework. Since 2001, NORTHCOM and the military in general have been chiefly poised and preparing for various forms of terrorist attack and terror-caused disasters.

Objective 12.6 Summarize in brief Presidential national security and military powers.

The National Emergencies Act empowers the president to declare a national emergency of one year maximum duration, which may be either terminated or extended by Congressional approval. Most presidential emergency powers involve mobilization, use of funds and personnel, and calling up reserves. The president can use DoD resources as he see fit to address any event he or she considers of unique Federal importance.

A little clarification is needed in explaining National Emergencies.

- ❖ They are not to be confused with presidential declarations of emergency granted to States. National Emergencies stem from authority invested in the president by the U.S. Constitution whereas presidential power to issue State governments declarations of emergency flows from the Disaster Relief Act of 1974, a measure that sets certain conditions and which provides States a defined range of Federal program assistance.
- ❖ The president possesses constitutionally protected authority to declare a National Emergency, thus freeing the U.S. (active duty) military (federalized National Guard soldiers would have law enforcement authority as well) to take part in criminal law enforcement and to make arrests.
- ❖ Most presidents have been reluctant to declare National Emergencies. However, presidents have declared National Emergencies many times since the founding of the Republic. Presidents have used Federal forces over 175 times in 200 years.³

Executive Order 12656 (issued by President Reagan in 1988) sets out primary and support functions during any “national security” emergency, develops plans for performing these functions, and develops the capability to execute those plans.

In the matter of civil disturbances, Article IV of the Constitution allows the military to respond when necessary to prevent loss of life or wanton destruction of property, or to restore governmental functioning and public order.

Under Homeland Security Presidential Directive 5 (HSPD-5) issued by President George W. Bush in 2003, there is no longer a distinction between crisis management and consequence management. HSPD 5 stipulates that, “States have primary responsibility in responding to

terrorist incidents.” The point is that national security concerns have now interlocked emergency management concerns. Emergency managers and emergency management are now part of a system of counter-terrorism or terrorism attack preparedness. State and local emergency management, and of course Federal emergency management, in certain respects are now part of the nation’s defense and security.

The Insurrection Act of 1807 provides that when a State legislature or governor asks the president for assistance in suppressing an insurrection, the president may call upon the military to suppress the insurrection. Moreover, an exception is made giving the president authority to do this if the governor and legislature are incapacitated and cannot ask president for help. Exception is also allowed if an insurrection denies any “part or class of people” a constitutional right, privilege, immunity or protection.

In the matter of Chemical-Biological WMD, the president may take action on his own and no State request is needed, however, the U.S. Attorney General must ask the Secretary of Defense for law enforcement assistance first. During bio-chemical WMD events, if military aid is needed to protect human life, and civilian law enforcement is incapable of taking action, the military may assist in arrests, searches and seizures, and any direct participation in the collection of intelligence for law enforcement purposes.

Emergency management, owing to homeland security concerns and bio-terrorism concerns – the Anthrax letter attacks of 2001- , is now more than ever part of the execution of quarantine and health laws. A 1915 public health law authorizes military forces to faithfully aid in the execution of quarantines and other restraints established by the health laws of any State any vessels arriving in, or bound to, any port or district. Add to this, President George W. Bush, using homeland security presidential directives and through his launching of Project BioShield, dramatically expanded the role of State and local emergency management in public health, most particularly in matters regarding bioterrorism preparedness and response.⁴

Quarantines are traditionally State public health matters; however, the Federal government may restrict the movement of persons suspected of carrying specified communicable diseases in order to prevent interstate spread of disease. The president could use the armed forces to assist in quarantines at airports, sea ports, and State borders.

Objective 12.7

Define and explain the significance of the Posse Comitatus Act of 1878 as it relates to use of the military in domestic law enforcement

Posse Comitatus means “power of the county.” The American military was once used as frontier police force (recall the Army’s horse cavalry of the 1800s) and as a constabulary in post-Civil War occupation of the south. Americans have a longstanding aversion to a standing army that would be an instrument of governmental tyranny and control. This was underscored when post-Civil War abuses of police authority by some members of the military triggered so much public opposition that lawmakers, in response, enacted a law that restricted military law enforcement authority inside the nation.

The Posse Comitatus Act of 1878 became law following the Civil War during the Reconstruction Period and was passed in order to prohibit the military from enforcing civilian laws. Under the Posse Comitatus Act, the armed services are generally prohibited from engaging in law enforcement activities inside U.S., such as investigating, arresting, or incarcerating individuals, except as authorized by Federal law.

There are exceptions to Posse Comitatus restrictions. For example, Posse Comitatus law does not apply to governor directed National Guard forces unless they are mobilized as Federal troops. Thus state National Guard units have come to assume a primary role in augmenting State and local law enforcement under State control, but only when a governor has declared Martial law for a particular area.

In addition, in spite of Posse Comitatus restrictions, there are relatively few constraints on the military when it plays a supportive role in certain disaster circumstances. For example, DoD military forces can engage in law enforcement inside the U.S. in drug interdiction and border security, and in matters of weapons of mass destruction, including chemical or biological terrorism.

Since the terror attacks of 9/11 and after Hurricane Katrina in 2005, the president and Congress have wrestled over Posse Comitatus restrictions. In 2005 President Bush publicly advocated amending the Posse Comitatus Act by allowing the military to become involved immediately and automatically following natural disasters. Much of the controversy stems from a disagreement between President George W. Bush and many of the nation’s governors. President Bush, supported by a subset of senators and house members, wanted Posse Comitatus restrictions weakened in the interest of allowing the president to more freely deploy active military forces to zones of catastrophic devastation, such that these forces could immediately engage in law enforcement to restore public order or confront terrorists. Most Governors opposed the President’s plan, voting their objections through their National Governor’s Association. Many governors feared that the President’s proposal would weaken or

undermine governor power to declare (and end) Martial law and to use State National Guard units as governors saw fit.

Nevertheless, the Posse Comitatus Act has rarely been a serious obstacle to using Federal forces to support domestic operations. Federal forces helped to quell riots by miners in Idaho in 1899; protected James Meredith, the University of Mississippi's first Black student, in 1961; and assisted in controlling the 1992 Los Angeles riots. Presidents are free to federalize any National Guard unit at any time, though cavalier use of this authority by presidents may have negative political repercussions.⁵

Objective 12.8

Summarize the purpose and implementation of the Urban Area Security Initiative (UASI)

Launched in 2005, the Urban Area Security Initiative (UASI) was to apply to the nation's 50 largest cities. Its purpose was to facilitate rapid response to attacks from weapons of mass destruction. The urban areas that were selected for the initiative had high international profiles and large populations. By 2006 UASI law and policy included 35 areas encompassing 95 cities. Each area had a population that exceeded 100,000.

UASI addressed the planning, operations, equipment acquisition, training, and exercise needs of high-threat and high density urban areas of the nation. UASI was predicated on the need to help State and local governments build and maintain the capability to prevent, protect against, respond to, and recover from threats or acts of terrorism.⁶

UASI's mission grew to include preparedness for catastrophic disaster, pandemic influenza, and weapon of mass destruction attack. Funding for the UASI Program is determined by a formula that employs a combination of current threat estimates, critical assets within the urban area, and population density. There is no State or local matching fund requirement for this program. At least 80 percent of all Federal funding provided through the UASI Program must be obligated by the State government to the designated urban area.

Both the State Homeland Security Grant Program and the UASI program operate on biennial (2 year) funding cycles. UASI funds could be used for equipment, training, exercises and planning. Funds could "not" be used to hire new employees or subsidize salaries of current workers.

As implemented, the UASI was heavily biased toward the purchase of DHS-approved equipment. Cities were allowed to fund non-terror disaster activities, but only on condition that these activities "also" enhance their

jurisdiction's ability to address terrorism. This is reminiscent of the "dual use" requirements of the Cold War civil defense program.

UASI experienced a range of problems emergency managers need to know about. Some cities used UASI funds to purchase lavish and often unnecessary equipment. In order to comply with UASI's vast and complicated set of requirements, cities had to take on prodigious paperwork and reporting demands. A 2006 UASI grant guidance document changed the program from one based on an evaluation of performance to a program in which future grant funding had to be used to correct the deficiencies identified in exercises and practice simulations.

UASI was part of the National Preparedness Goal. This being so, municipalities within the UASI had to demonstrate their "Target capability." "Target capability" is homeland security jargon that refers to the ability of a government jurisdiction to prevent, or respond to, a range of different types of terrorist attacks. Cities, meaning emergency managers at the local level, had to identify potential terrorist targets in their jurisdiction, envision how they would be attacked, harden those targets against attack, and document all the resources they would use to respond to a terror attack on each target. Cities also had to prove that their Urban Area Homeland Security Strategy was compatible and complementary to their respective state's Homeland Security Strategy.

Why is the UASI important? The Urban Area Security Initiative involves a host of civil-military issues. UASI municipalities put their emergency managers and law enforcement officials to work envisioning that they might not only be the target of some type of conventional terrorist bombing attack but worse still that they might be the target of a weapon of mass destruction. On top of this, weapons of mass destruction now come in a dizzying variety of forms. UASI cities had to demonstrate through announced and unannounced exercises that they were prepared to respond to terror attacks, and secondarily certain types of natural disasters, under a set of 12 terror attack and 3 natural disaster scenarios. Part of preparedness involved a daunting planning effort in which emergency managers had to identify and make provision for the resources they would need to address the circumstances expected in each scenario. For UASI cities, emergency management was yoked into national defense work on a local level.

The culmination of UASI was National Planning Scenarios, Universal Task List, and a Target Capabilities List.

The DHS developed a set of fifteen "planning scenarios" that encompass the range of "plausible" events that could pose the greatest risk to the Nation. The fifteen scenarios are:

- 1) improvised nuclear device,
- 2) aerosol anthrax,
- 3) pandemic influenza,
- 4) plague,
- 5) blister agent,
- 6) toxic industrial chemical,
- 7) nerve agent,
- 8) chlorine tank explosion,
- 9) major earthquake,
- 10) major hurricane,
- 11) radiological dispersal device,
- 12) improvised explosive device,
- 13) food contamination,
- 14) foreign animal disease,
- 15) cyber attack.

Objective 12.9

Outline the fundamentals of the Law Enforcement Terrorism Prevention Program

Why discuss the Law Enforcement Terrorism Prevention Program (LETTP) in a session about civil-military relations? The answer is that just as State and local emergency managers were tasked with homeland security responsibilities under UASI and the State Homeland Security Grant Program, local law enforcement was tasked with homeland security responsibilities under LETTP.

Emergency managers often work closely with law enforcement authorities. In some states and localities, the host department of emergency management and/or homeland security, is a law enforcement department. LETTP supports law enforcement communities in their efforts to detect, deter, disrupt, and prevent acts of terrorism. Key purposes of LETTP are,

1. to promote information sharing needed to help preempt terrorist attacks;
2. target hardening to reduce vulnerability of selected high value targets;
3. recognition and mapping of potential or developing threats;
4. interoperable communications;
5. and, interdiction of terrorists before they can execute a threat or intervention activities that prevent terrorists from executing a threat.

LETPP encourages its participating organizations to collaborate with private security organizations, government agencies outside law enforcement, and with the private sector. The program works through a system of “fusion centers” drawing together Federal, State, and local officials, including emergency managers.⁷

Just as UASI has been controversial, so too has LETPP. Policymakers used LETPP homeland security funding to induce State and local authorities to join a system of reinforcing cross-jurisdictional information sharing regarding “persons of interest.” In its earliest incarnation, the program encouraged formation of groups among the general public to report suspicious persons. This was both awkward and raised civil liberties concerns. Though the formal program of organizing voluntary citizen reportage was discontinued, LETPP continues to invite the public to report suspicious persons and activity.

For emergency managers LETPP has not always involved pleasant duties. LETPP emphasis on surveillance, in effect people-watching, was a side of law enforcement and emergency management not always received well at the State and local levels. Some alleged that LETPP threatens “big brother” growth of government intrusion and erosion of civil liberties.

Objective 12.10

Outline the fundamentals of the Emergency Management Performance Grant Program

Again, for a session about civil-military relations, a discussion of the Emergency Management Performance Grant (EMPG) Program may seem out of place. The EMPG program pre-dates the era of homeland security and has been a key pillar of emergency management intergovernmental relations for many years. Nevertheless, the EMPG is now tethered and refashioned to homeland security functions and purposes.

The Federal Government allocates EMPG funds to State governments, which then use the money to bolster their intra-state emergency management programs and capabilities. EMPG supports comprehensive emergency management at the State and local levels and encourages the improvement of mitigation, preparedness, response, and recovery capabilities for all-hazards. The program fosters partnerships of government, business, volunteer, and community organizations. EMPG monies can be used to pay for joint operations, mutual aid, local and regional support, and State-to-State cooperation.

States are free to decide on their own how much EMPG money they will pass on to their local jurisdictions. For years, Emergency Management Performance Grants concentrated on the most likely hazards in the local jurisdiction, such as earthquake, hurricane, flood, etc. FEMA allowed States flexibility to allocate funds according to their respective risk and to address the most urgent State and local needs in disaster mitigation, preparedness, response, and recovery. FEMA expects recipient governments to achieve measurable results in key functional areas of emergency management. Local governments must apply through their State governments to FEMA. The EMPG program had been seriously under-funded for years. The program was supposed to be a 50% federally matched program, but many States have decided to cover much less than the 50% share.

Some local emergency managers have complained that they have been forced to devote significant fractions of the EMPG money they receive to homeland security work at the expense of their emergency management work.

Supplemental Considerations

Owing to recommendations of the 9/11 Commission, America's active duty military forces have flowed into what were before civilian domains of emergency management. Also, the nature of emergency management has become permeated with national security and military-like duties, organizational frameworks, protocols, and obligations.

New homeland security grants, though welcomed by many State and local emergency managers, did not directly permit funding of conventional disaster mitigation and preparedness. The State Homeland Security Grant Program (SHSGP), the Urban Area Security Initiative (UASI), Emergency Management Performance Grants (EMPG), Community Emergency Response Teams (CERT), and the Metropolitan Medical Response System (MMRS) all involve now terrorism primacy. The requirements of each of

these programs have added dramatically to the workload of State and local emergency managers.

The military role in homeland security continues to expand either through NORTHCOM's activities, National Guard augmentation, or through Department of Defense work. Not to be overlooked are the longstanding emergency management roles of the U.S. Army Corps of Engineers and the U.S. Coast Guard.

Civil-military issues appeared to be a secondary concern of conventional emergency management in the decade of the 1990s. The terror attacks of 9/11/01, followed by the Anthrax letter attacks shortly after, steered emergency management back into the realm of civil-military relations. National security considerations have complicated emergency management work just as counter-terrorism duties have. Civil military relations in emergency management cannot be ignored, in part owing to the vast numbers and resources of the national defense establishment.

Civil-military issues often involve matters of law and policy. Different presidents and Congresses may choose to redirect and refashioned the nation's civil-military relations in the domain of disaster policy, but for the time being civil-military emergency management-related issues have arguably assumed a higher profile than at any time since the Second World War.

Endnotes

Miskel, James F. **Disaster Response and Homeland Security**. Westport, CT: Praeger Security International, 2006.

Sylves, Richard. **Disaster Policy and Politics: Emergency Management and Homeland Security**. Washington, D.C.: CQ Press, 2008.

Ward, Robert and Wamsley, Gary. "From a Painful Past to an Uncertain Future," Ch. 8, in **Emergency Management: The American Experience**, Claire B. Rubin, ed. Fairfax, VA: The Public Entity Risk Institute, 2007.

¹ James F. Miskel, **Disaster Response and Homeland Security**. Westport, CT: Praeger Security International, 2006, p. 39. See also Robert Ward and Gary Wamsley, "From a Painful Past to an Uncertain Future," Ch. 8, in **Emergency Management: The American Experience**, Claire B. Rubin, ed. Fairfax, VA: The Public Entity Risk Institute, 2007, p.235-236.

² Miskel, 2006, p. 41.

³ Richard T. Sylves. **Disaster Policy and Politics: Emergency Management and Homeland Security**. Washington, D.C.: CQ Press, 2008, p. 174.

⁴ Sylves, 2008, 118-120.

⁵ Sylves, 2008, 174.

⁶ Sylves, 2008, 183-185.

⁷ Sylves, 2008, 186.