

Another Major Disaster Reveals Stubborn Battle Lines Between Disaster Relief and Fiscal Restraints

By Beverly Bell

When Hurricane Sandy hit the mid-Atlantic and East Coast in late October 2012, it not only killed more than 200 people and caused tens of billions of dollars in damage. It altered the way this country manages disasters. Congress passed the Sandy Recovery Improvement Act of 2013 in late January. In addition to providing almost \$51 billion for recovery and other projects, it amended the Stafford Act and key aspects of federal disaster assistance programs. Beyond the legislation, the hurricane also provoked debate on the underfunded National Flood Insurance Program, climate change and its impact on rising sea levels, the growing economic losses from disasters, community resiliency and rebuilding stronger versus not re-building at all. The country hasn't witnessed this kind of national discourse related to a natural disaster since Hurricane Katrina in 2005. Yet even as these discussions took place, the harsh undercurrent of fiscal battles, partisan politics and citizens who require help persisted. Together, they have created an intense struggle that won't be resolved any time soon.

The Real Disaster Story

On the surface, 2012 looked like a relatively quiet year when it came to disasters. The number of major disaster declarations—a designation that frees up federal assistance—was only 47, the fewest in the past decade. There also were just 13 emergency declarations, the least since 2008.

But the statistics belie the real story. 2012 was one of the most destructive fire seasons on record, with the third most acres burned—9.2 million—in the past decade. This exceeded the 2001–10 10-year average of 6.5 million acres by 41 percent. Washington led the nation with eight fire management assistance declarations. Oklahoma was next with seven. Colorado, Utah and Montana followed with five each.¹ The East Coast took a double hit with Hurricane Isaac in August and Hurricane Sandy in October, which impacted states from Florida to Maine, as well as those in the Midwest and Appalachia.

The year concluded with tornadoes ripping through the South on Christmas Day and the December 14th shooting at Sandy Hook Elementary School in Newtown, Conn., in which 28 people died. Twenty of those killed were 6- and 7-year-old children. Much of the ensuing discussion has centered on improved school safety, mental health issues and gun control. However, like the months after the deadliest school shooting at Virginia Tech in 2007, schools, businesses and government offices are once again re-evaluating their emergency plans, communication systems and lock-down procedures.

State emergency management agencies have long been involved in school safety planning. The latest tragedy served to refocus the nation on the importance of training, conducting drills on safety plans and procedures, and how best to protect the country's youngest and most vulnerable citizens.

The Long Reach of Hurricane Sandy

Each disaster precipitates change, and the degree of that change is often predicated by the impact of the disaster itself. After the devastating 1993 Midwest floods, the Federal Emergency Management Agency embarked on a massive \$2 billion buyout of properties along the Mississippi and Missouri rivers. After Hurricane Katrina, the priority shifted to the pre-positioning of federal resources, better planning for those with functional needs, catastrophic disaster recovery efforts and more accurate evacuee tracking. A monumental transition occurred after the 2001 terrorist attacks, when the Department of Homeland Security was created and the largest consolidation of federal agencies took place. The trickle-down effect on state emergency management was just as significant, adding new responsibilities, structures, funding and requirements.

Hurricane Sandy has brought about its share of change as well. The overall goal of the Sandy Recovery Improvement Act of 2013 is to improve and streamline federal disaster assistance. To accomplish this, it includes specific directives to reduce

EMERGENCY MANAGEMENT

federal costs, increase flexibility, expedite assistance to applicants, and provide financial incentives for timely and cost-effective completion of work. It amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the central legislation that guides the declaration process.

The Sandy Recovery Act affects every major disaster assistance program administered by FEMA, including those for states, local governments and private nonprofit organizations such as hospitals and universities. It modifies the Hazard Mitigation Grant Program by expediting environmental assessments and reviews for the preservation of historical and archaeological sites. It also allows FEMA to implement new policies regarding the repair and improvement of rental and leased housing for individuals and households after a disaster.

In addition, the legislation requires FEMA to submit recommendations for a national strategy to reduce future costs, loss of life and injuries associated with disasters. In these suggestions, the agency is charged with analyzing gaps and duplication of emergency preparedness, response, recovery and mitigation measures provided by federal, state and local entities. It must also include ideas on how to improve the resiliency of local communities and states.

Direct Declaration Requests for Tribal Governments

Another significant change the Sandy legislation created is a Stafford Act amendment that permits tribal governments—if they choose—to make a disaster declaration request directly to the president instead of going through the state. Prior to this, only a governor had the authority after a disaster to request either an emergency or major declaration from the president, which, if granted, allowed federal assistance. The new law requires FEMA to determine cost-share arrangements, population guidelines and overall criteria for tribal governments.

The Critical Role of Emergency Management

Despite a shifting disaster landscape, state emergency management continues to do what it does best—act as the central coordination point for all resources and assistance provided during disasters and emergencies, including terrorism events. When a disaster strikes, emergency management remains one of the most crucial functions of state govern-

ment. It also has the overarching responsibility of saving lives, protecting property and helping citizens recover once a disaster has occurred. Typically, emergency management comes to the forefront once an event has taken place. In reality, much of the work comes before—in the form of disaster drills and exercises, plans and programs, public warning tests and preparedness education.

Emergency management includes four main parts, referred to as the “Four Pillars”:

- Mitigation—Activities that reduce or eliminate the degree of risk to human life and property;
- Preparedness—Activities that take place before a disaster to develop and maintain a capability to respond rapidly and effectively to emergencies and disasters;
- Response—Activities to assess and contain the immediate effects of disasters, provide life support to victims and deliver emergency services; and
- Recovery—Activities to restore damaged facilities and equipment, and support the economic and social revitalization of affected areas to their pre-emergency status.

On the state level, these four elements encompass many different aspects, from planning and implementation to training and exercising. A state emergency manager will interact with all sectors of the population, including other state agencies, elected officials, local jurisdictions, all public safety personnel, the private sector, volunteer organizations and the general public.

State Emergency Management Organizational Structures/Budgets

In addition to the presidential race, 11 states and two territories held gubernatorial elections in 2012. This resulted in eight new emergency management directors, who were appointed by the governor. Some state emergency management agencies also experienced reorganization, which resulted in further changes. As a result, the emergency management agency is located within the department of public safety in 14 states; in 18 states it is located within the military department under the auspices of the adjutant general; in nine states, it is within the governor’s office; and in 11 states, it is in a combined emergency management/homeland security agency.

Regardless of how an agency’s daily operations are organized, most governors make the final decision on who serves as the state emergency management director. In a 2013 fiscal year survey²

Table A: State Emergency Management: Agency Structure, Budget and Staffing

State or other jurisdiction	Position appointed	Appointed/selected by	Organizational structure	Agency operating budget FY 2013	Full-time employee positions
Alabama.....	★	G	Governor's Office	\$3,925,145	96
Alaska.....	★	G	Adjutant General/Military Affairs	\$2,660,300	61 (b)
Arizona.....	★	ADJ	Adjutant General/Military Affairs	\$1,286,177	61
Arkansas.....	★	G	Combined Homeland Security/Emerg. Mgt.	\$2,056,689	100 (b)
California (c).....	★	G	Combined Homeland Security/Emerg. Mgt.	\$40,995,000	518 (b)
Colorado.....	★	DHSEM	Public Safety	\$622,565	68 (b)
Connecticut.....	...	PSS	Combined Homeland Security/Emerg. Mgt.	\$4,500,000	33 (b)
Delaware.....		(a).....		
Florida.....	★	G	Governor's Office	\$50,797,629	153
Georgia.....	★	G	Governor's Office	\$2,826,254	113 (b)
Hawaii.....	★	ADJ	Adjutant General/Military Affairs	\$2,300,000	85
Idaho.....	★	ADJ	Adjutant General/Military Affairs	\$1,499,800	66 (b)
Illinois.....	★	G	Governor's Office	\$39,172,400	216 (b)
Indiana.....	★	G	Combined Homeland Security/Emerg. Mgt.	\$13,400,000	240 (b)
Iowa.....	★	G	Adjutant General/Military Affairs	\$2,900,877	141 (b)
Kansas.....	★	G	Adjutant General/Military Affairs	\$1,012,976	46
Kentucky.....	★	G	Adjutant General/Military Affairs	\$2,234,916	102
Louisiana.....	★	G	Combined Homeland Security/Emerg. Mgt.	\$5,438,710	57 (b)
Maine.....	★	G	Adjutant General/Military Affairs	\$1,043,623	30 (b)
Maryland.....	★	G	Adjutant General/Military Affairs	\$1,973,422	63
Massachusetts.....	★	G	Public Safety	\$5,073,000	90
Michigan.....	★	G	State Police	\$5,855,709	119 (b)
Minnesota.....	★	PSS	Public Safety	\$6,826,800	74 (b)
Mississippi.....	★	G	Governor's Office	\$5,257,278	177
Missouri.....	★	PSS	Public Safety	\$3,045,538	71
Montana.....	...	ADJ	Adjutant General/Military Affairs	\$1,044,000	23 (b)
Nebraska.....	★	ADJ	Adjutant General/Military Affairs	\$1,714,577	35 (b)
Nevada.....	★	PSS	Public Safety	\$497,654	32 (b)
New Hampshire.....	★	G	Public Safety	\$3,800,921	41 (b)
New Jersey.....	★	G	State Police	\$18,285,985	340
New Mexico.....	★	G	Combined Homeland Security/Emerg. Mgt.	\$2,900,000	62 (b)
New York.....	★	G	Combined Homeland Security/Emerg. Mgt.	\$6,362,000	442 (b)
North Carolina.....	★	G	Public Safety	\$9,313,393	198 (b)
North Dakota.....	★	ADJ	Adjutant General/Military Affairs	\$8,370,000	63 (b)
Ohio.....	★	PSS	Public Safety	\$6,177,803	93
Oklahoma.....	★	G	Governor's Office	\$700,000	30
Oregon.....	★	ADJ	Adjutant General/Military Affairs	\$2,000,000	42
Pennsylvania.....	★	G	Governor's Office	\$10,825,000	188
Rhode Island.....	★	ADJ	Adjutant General/Military Affairs	\$2,298,218	28 (b)
South Carolina.....	★	ADJ	Adjutant General/Military Affairs	\$2,601,535	57
South Dakota.....	★	PSS	Public Safety	\$648,506	19
Tennessee.....	★	G	Adjutant General/Military Affairs	\$3,132,300	112
Texas.....	★	G	Public Safety	\$3,660,668	264 (b)
Utah.....	★	PSS	Public Safety	\$956,500	60 (b)
Vermont.....	★	PSS	Public Safety	\$2,925,000	26 (b)
Virginia.....	★	G	Public Safety	\$9,741,628	152 (b)
Washington.....	★	ADJ	Adjutant General/Military Affairs	\$3,800,000	85 (b)
West Virginia.....	★	G	Public Safety	\$3,922,841	53 (b)
Wisconsin.....	★	G	Adjutant General/Military Affairs	\$8,276,315	52
Wyoming.....	★	G	Governor's Office	\$2,696,668	23 (b)
American Samoa.....	★	G	Combined Homeland Security/Emerg. Mgt.	\$80,500	55 (b)
Dist. of Columbia.....	★	M	Combined Homeland Security/Emerg. Mgt.	\$2,007,000	65 (b)
Guam.....	★	G	Combined Homeland Security/Emerg. Mgt.	\$0	22 (b)
No. Mariana Islands.....	★	G	Governor's Office	\$420,000	21
U.S. Virgin Islands.....	★	G	Combined Homeland Security/Emerg. Mgt.	\$4,446,713	74 (b)

Source: The National Emergency Management Association, January 2013.

Key:

★ — Yes ... — No

G — Governor ADJ — Adjutant General M — Mayor

DHSEM — Director of the Division of Homeland Security and Emergency Management

PSS — Public Safety Secretary/Commissioner/Director

(a) Not a member of NEMA and is not represented in the survey data.

(b) Includes homeland security and emergency management positions.

EMERGENCY MANAGEMENT

of 49 states, the District of Columbia and three U.S. territories, the governor appoints the state emergency management director in 34—or more than two-thirds of the states.

Continuing a trend for the past few years, the majority of states—34—combine their emergency management and homeland security full-time equivalent positions. The average number of full-time equivalents for these states is 107. For the remaining states that do not combine their emergency management/homeland security positions, the average is 95. Agency operating budgets for FY 2013 range up to about \$50 million. The average state budget is \$6.1 million, while the median is \$2.9 million.

State Homeland Security Capabilities and a Shrinking Budget

One of the biggest setbacks to state homeland security offices has been the erosion of the federal State Homeland Security Grant Program. The program is a central federal funding source that supports and sustains state and local government homeland security capabilities. As recently as the 2010 fiscal year, \$842 million was allotted to states. The next year due to overall budget cuts, this amount fell to \$527 million. It was reduced again to \$294 million for fiscal year 2012, which represents a 65 percent decrease in only two years.

Fifteen states in 2012 relied solely on federal grants to fund their homeland security offices. Now, that number has fallen to 11. Currently, 39 states receive 60 percent or more from federal money to fund their state homeland security office. Last year, the number was 40. The two states that provide the most state funding are Utah at 82 percent and New Jersey at 80 percent. On average, states rely on almost 76 percent federal funding to pay for their homeland security function, 18 percent state appropriations and 6 percent from other sources.

Even in light of the decline in federal money, states have maintained their homeland security offices. Responsibilities and organizational structures vary from state to state. In some cases, state homeland security directors manage grants and budgets; in others, they have very limited roles.

In 19 states, a combined emergency management/homeland security office oversees daily operations of the homeland security function. Thirteen states keep the homeland security function in their public safety department and nine states have it in the adjutant general/military affairs department. Six states run it out of the governor's office

and only two states have the day-to-day operations in a homeland security agency or office. The other states choose different organizational structures.

Another constant is that all states have a designated homeland security point of contact to the federal government and this position has become a critical component of a governor's staff. Currently, 14 states assign the homeland security responsibility to their homeland security director. In 20 states, the combined emergency management/homeland security director is the primary point of contact. Seven states have the adjutant general serving in this capacity. Four states assign it to the state police. Only three public safety secretaries/commissioners are in this role. The remaining states have other arrangements.

EMAC and International Mutual Aid

Mutual aid is forging new ground in the U.S. and beyond. In this country, the Emergency Management Assistance Compact—also known as EMAC—is the cornerstone agreement, allowing support across state lines when a disaster occurs. A recent example of this aid occurred after Hurricane Sandy when more than 2,600 personnel in 142 missions were deployed to six states. Resources included search and rescue teams, fuel trucks, building and electrical inspectors, law enforcement, geographic information system specialists, firefighters and others. Like other major EMAC deployments, the compact will issue in 2013 an after-action report on its Sandy response. The document will identify what worked well and those areas that need improvement. These recommendations will become part of EMAC's long-term work plan.

In addition to the growth of disaster mutual aid in the United States, several Northern states are building the network with their Canadian neighbors. This year, Congress passed a resolution supporting the State and Province Emergency Management Assistance Memorandum of Understanding, which includes the Canadian provinces of Alberta, Manitoba, Ontario and Saskatchewan, as well as the Northern border states of Illinois, Indiana, Michigan, Minnesota, Montana, New York, North Dakota, Ohio, Pennsylvania and Wisconsin. The compact provides for cross-border mutual assistance among the participating jurisdictions in the event of a disaster.

This augments two other international agreements. The International Emergency Management Assistance Compact is comprised of Quebec, New Brunswick, Newfoundland-Labrador, Nova Scotia,

Table B: Homeland Security Structures

State or other jurisdiction	State homeland security advisor	Homeland security organizations	
	Designated homeland security advisor	Day-to-day operations under	Full-time employee positions
Alabama.....	Homeland Security Director	Governor's Office	19
Alaska.....	Dual Title—Emerg. Mgt./Homeland Security Director	Adjutant General/Military Affairs	61 (b)
Arizona.....	Homeland Security Director	Homeland Security (stand-alone office)	16
Arkansas.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	100 (b)
California (c).....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	518 (b)
Colorado.....	Public Safety Secretary/Commissioner	Public Safety	68 (b)
Connecticut.....	Emergency Management Director	Public Safety	33 (b)
Delaware.....		(a).....	
Florida.....	Florida Dept. of Law Enforcement	Florida Dept. of Law Enforcement	35
Georgia.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	113 (b)
Hawaii.....	Adjutant General	Adjutant General/Military Affairs	5
Idaho.....	Dual Title—Emerg. Mgt./Homeland Security Director	Adjutant General/Military Affairs	66 (b)
Illinois.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	216 (b)
Indiana.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	240 (b)
Iowa.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	141 (b)
Kansas.....	Adjutant General	Adjutant General/Military Affairs	0
Kentucky.....	Homeland Security Director	Governor's Office	14
Louisiana.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	57 (b)
Maine.....	Adjutant General	Dept. of Emergency Mgt./Adjutant General	30 (b)
Maryland.....	Special Assistant to the Governor	Governor's Office	2
Massachusetts.....	Dual Title—Emerg. Mgt./Homeland Security Director	Public Safety	9
Michigan.....	State Police Superintendent/Director/Commissioner	State Police	119 (b)
Minnesota.....	Dual Title—Emerg. Mgt./Homeland Security Director	Public Safety	74 (b)
Mississippi.....	Homeland Security Director	Public Safety	15
Missouri.....	Public Safety Secretary/Commissioner	Public Safety	15
Montana.....	Emergency Management Director	Adjutant General/Military Affairs	23 (b)
Nebraska.....	Lieutenant Governor	Combined Emerg. Mgt./Homeland Security Office	35 (b)
Nevada.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	32 (b)
New Hampshire.....	Dual Title—Emerg. Mgt./Homeland Security Director	Public Safety	41 (b)
New Jersey.....	Homeland Security Director	Homeland Security (stand-alone office)	118
New Mexico.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	62 (b)
New York.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	442 (b)
North Carolina.....	Public Safety Secretary/Commissioner	Combined Emerg. Mgt./Homeland Security Office	198 (b)
North Dakota.....	Homeland Security Director	Adjutant General/Military Affairs	63 (b)
Ohio.....	Homeland Security Director	Public Safety	14
Oklahoma.....	Homeland Security Director	Public Safety	20
Oregon.....	Adjutant General	Department of Justice	5
Pennsylvania.....	State Police Superintendent/Director/Commissioner	Governor's Office	8
Rhode Island.....	Adjutant General	Adjutant General/Military Affairs	28 (b)
South Carolina.....	State Police Superintendent/Director/Commissioner	State Police	17
South Dakota.....	Homeland Security Director	Public Safety	3
Tennessee.....	Homeland Security Director	Public Safety	26
Texas.....	Homeland Security Director	Public Safety	264 (b)
Utah.....	Dual Title—Emerg. Mgt./Homeland Security Director	Public Safety	60 (b)
Vermont.....	State Police Superintendent/Director/Commissioner	Combined Emerg. Mgt./Homeland Security Office	26 (b)
Virginia.....	Homeland Security Secretary	Combined Emerg. Mgt./Homeland Security Office	152 (b)
Washington.....	Adjutant General	Adjutant General/Military Affairs	85 (b)
West Virginia.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	53 (b)
Wisconsin.....	Adjutant General	Adjutant General/Military Affairs	0
Wyoming.....	Homeland Security Director	Governor's Office	23 (b)
American Samoa.....	Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	55 (b)
Dist. of Columbia.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	65 (b)
Guam.....	Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	22 (b)
No. Mariana Islands.....	Homeland Security Director	Governor's Office	10
U.S. Virgin Islands.....	Dual Title—Emerg. Mgt./Homeland Security Director	Combined Emerg. Mgt./Homeland Security Office	74 (b)

Source: The National Emergency Management Association, January 2013.

(a) Not a member of NEMA and is not represented in the survey data.
 (b) Includes homeland security and emergency management positions.

EMERGENCY MANAGEMENT

Prince Edward Island, Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island. The Pacific Northwest Emergency Management Agreement includes British Columbia, Yukon Territory, Alaska, Idaho, Oregon and Washington State.

Ongoing Challenges

Climate Change

Feeding the rampant 2012 fire season were higher temperatures and less moisture. 2012 was the warmest year ever for the contiguous United States, in records that date back almost 120 years.³ The intense heat also produced drought conditions not seen since the 1930s, with at least 22 states experiencing drought for more than half the year.⁴ In addition to contributing to the loss of life, destroyed property and lost tax and economic revenues, the changing climate is exerting more pressure on disaster management. These officials must deal with more intense and more frequent storms, even while state budgets have shrunk—perhaps permanently—leaving fewer resources to manage the threat and provide for people in need.

Cyber Threats

Cyber threats are considered one of the most dangerous, destructive and imminent risks facing the U.S. In the past, cyber vulnerabilities concentrated on financial information, such as credit cards and bank accounts. Now, however, a successful cyber-attack on the country's power grid or water supply could endanger millions of citizens and cripple the nation. The same attack on a nuclear power plant could result in thousands—or more—fatalities. As threats increase, emergency management remains a key partner, along with information technology and homeland security, in preventing, responding to and recovering from any cyber incident.

Paying for Disasters

Disasters aren't discretionary expenditures. When they occur, their consequences must be addressed. This means that citizens must be sheltered or evacuated. Debris must be removed. Electrical lines must be restored and roads repaired.

As the federal debt increases, various voices in Washington have expressed concern about the rising costs of disasters. The Disaster Relief Fund is the main account used by the federal government to pay for disaster response and recovery. Managed by FEMA, the fund provides a wide variety of grants and other support to state and local

governments, as well as various nonprofit entities. Congress has traditionally appropriated funds to maintain the Disaster Relief Fund at a certain level, and then provided additional financing for assistance through supplemental appropriations following a specific large disaster.

In recent years, the method of funding has drawn scrutiny. This has resulted in proposals such as raising the thresholds for federal assistance; locking in the cost-share so state and local governments pay a higher percentage; and improving the damage assessment process so estimates are more accurate. Many of these suggestions presume that the only solution is to declare fewer federal disasters—regardless of the existence of more destructive weather patterns or other irrefutable realities.

As an alternative, the states are discussing other mechanisms that still enable greater financial controls, but do so by determining annual Disaster Relief Fund appropriations based on actual fiscal year expenditures, not on projected disaster obligations. This approach would also let the relief money be managed differently, creating efficiencies by reducing administrative paperwork and other associated expenses, which in turn would mean that states could close out disasters sooner. Finally, these latter suggestions give Congress more predictability in the regular appropriations process. Since reducing the costs of future disasters is one of the priorities of the Sandy legislation, it's likely these discussions will continue for the foreseeable future.

Notes

¹Federal Emergency Management Agency, "Disaster Declarations," February 2013; <http://www.fema.gov/disasters>.

²National Emergency Management Association, "NEMA FY 2013 Annual Survey of State Emergency Management Director," January 2013.

³NOAA National Climatic Data Center, "State of the Climate Wildfires Annual 2012," February 2013; <http://www.ncdc.noaa.gov/sotc/fire/>.

⁴NOAA National Climatic Data Center, "Billion-Dollar Weather/Climate Disasters," February 2013; <http://www.ncdc.noaa.gov/billions/events>.

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