



CENTER ON
ENVIRONMENT, LAND, & LAW
LOYOLA UNIVERSITY NEW ORLEANS

Emergency Management: A Fragmented and Complex Landscape

Presented by: Alessandra Jerolleman, PhD, JD, MPA, CFM

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Federalism in Emergency Management

Local

Mutual Aid Agreements

State/territorial and Tribal governments

Federal Government

- The role of the federal government is to “supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering.”

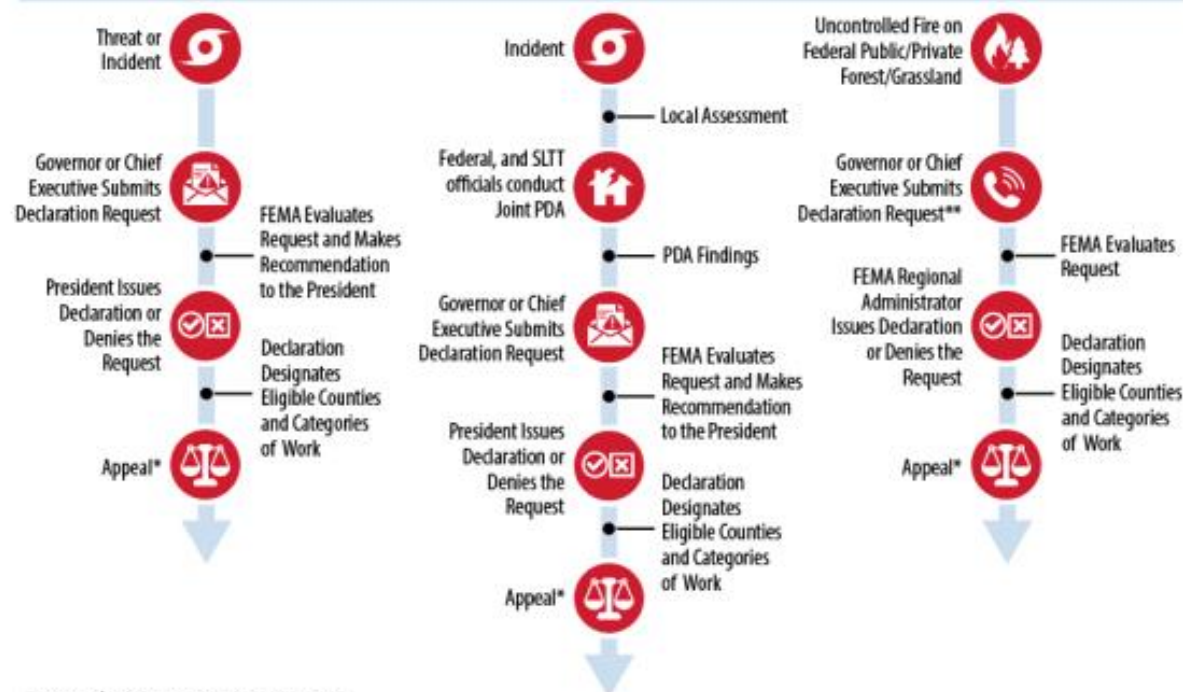
42 U.S.C.
§ 5122(2)

Stafford Act Declaration Process

Figure 1. Stafford Act Declaration Process

Processes for Declaring Emergencies, Major Disasters, and FMAGs Under the Stafford Act

 Emergency Declarations Authorize Temporary Measures to Save Lives and Protect Property	 Major Disaster Declarations Authorize Short and Long-Term Response and Recovery Measures	 Fire Management Assistance Grants Authorize Fire Suppression Activities
Available Assistance		
<ul style="list-style-type: none"> • Public Assistance Emergency Work • Individual Assistance-Individuals and Households Program and Crisis Counseling 	<ul style="list-style-type: none"> • Public Assistance Emergency Work and Permanent Work • Individual Assistance • Hazard Mitigation Grant Program 	<ul style="list-style-type: none"> • Public Assistance Emergency Protective Measures and assistance for Fire-fighting Activities • Hazard Mitigation Grant Program



PDA: Preliminary Damage Assessment

SLTT: State, Local, Tribal, and Territorial

***Appeal Note:** State/Territory/Tribe may Appeal the Decision regarding the Declaration, Eligible Counties, or Categories of Work

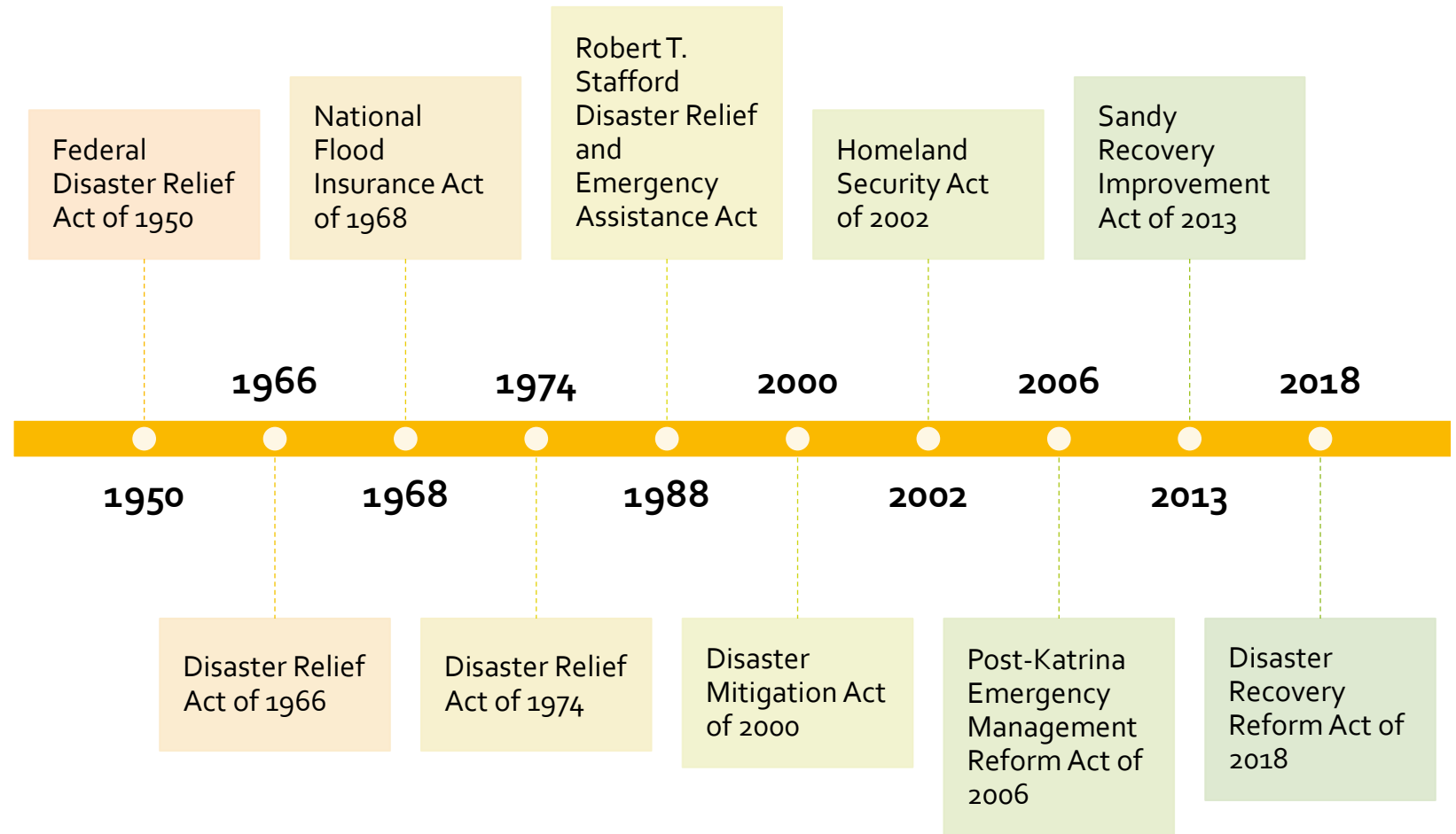
****FMAGs:** may be requested via phone or fax



STAFFORD ACT ASSISTANCE PROCESS



Selected Legislation



Fragmented Federal Approach

Federal Emergency Management
Agency

U.S. Small Business Administration

- Disaster Loan Program

U.S. Department of Housing and
Urban Development

- Community Development Block Grant Disaster Recovery

U.S. Department of Transportation

- Federal-Aid Highway Emergency Relief Program

U.S. Department of Agriculture

- Agriculture and Rural Assistance

U.S. Army Corps of Engineers

- Emergency Assistance

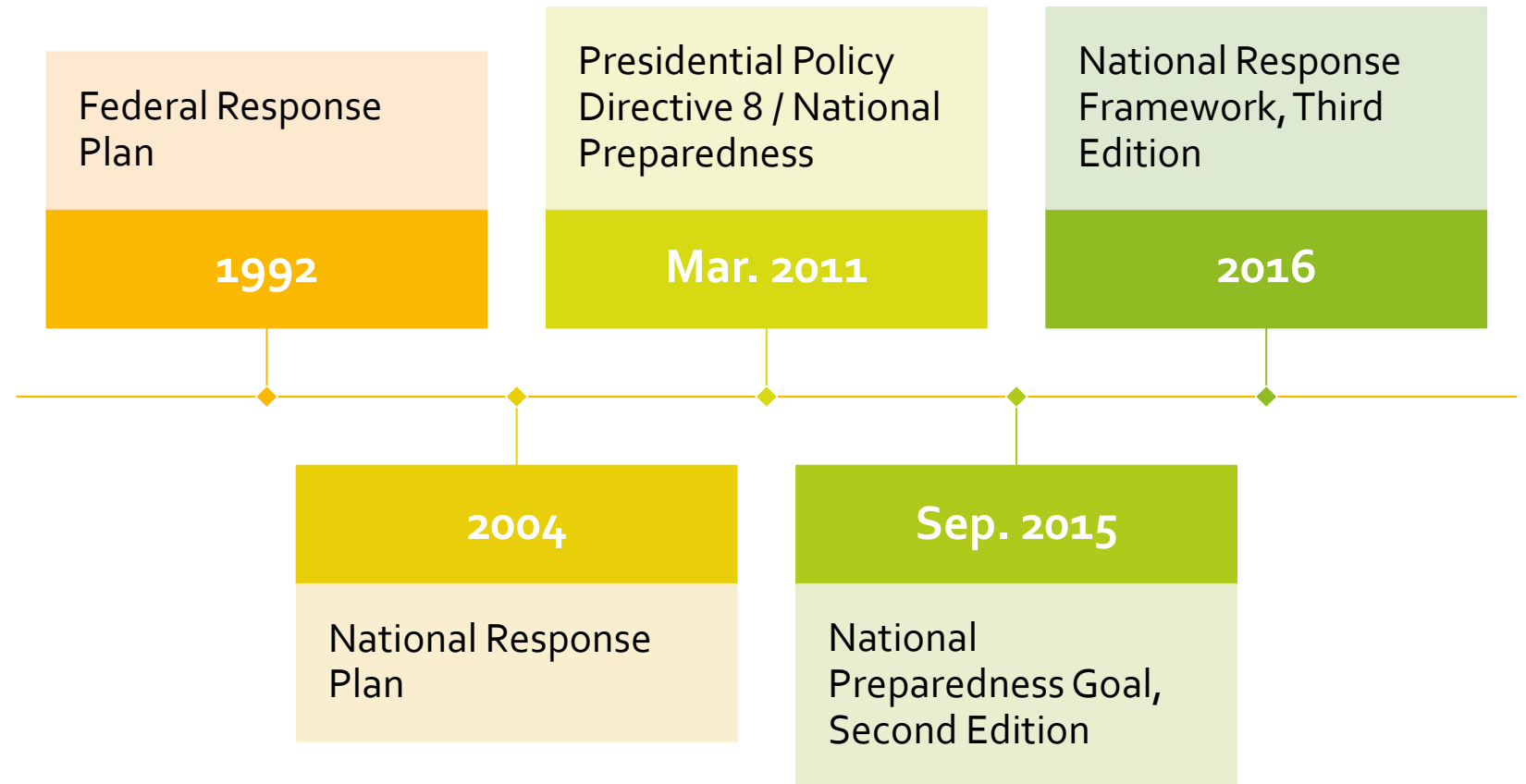
Department of Health and Human
Services

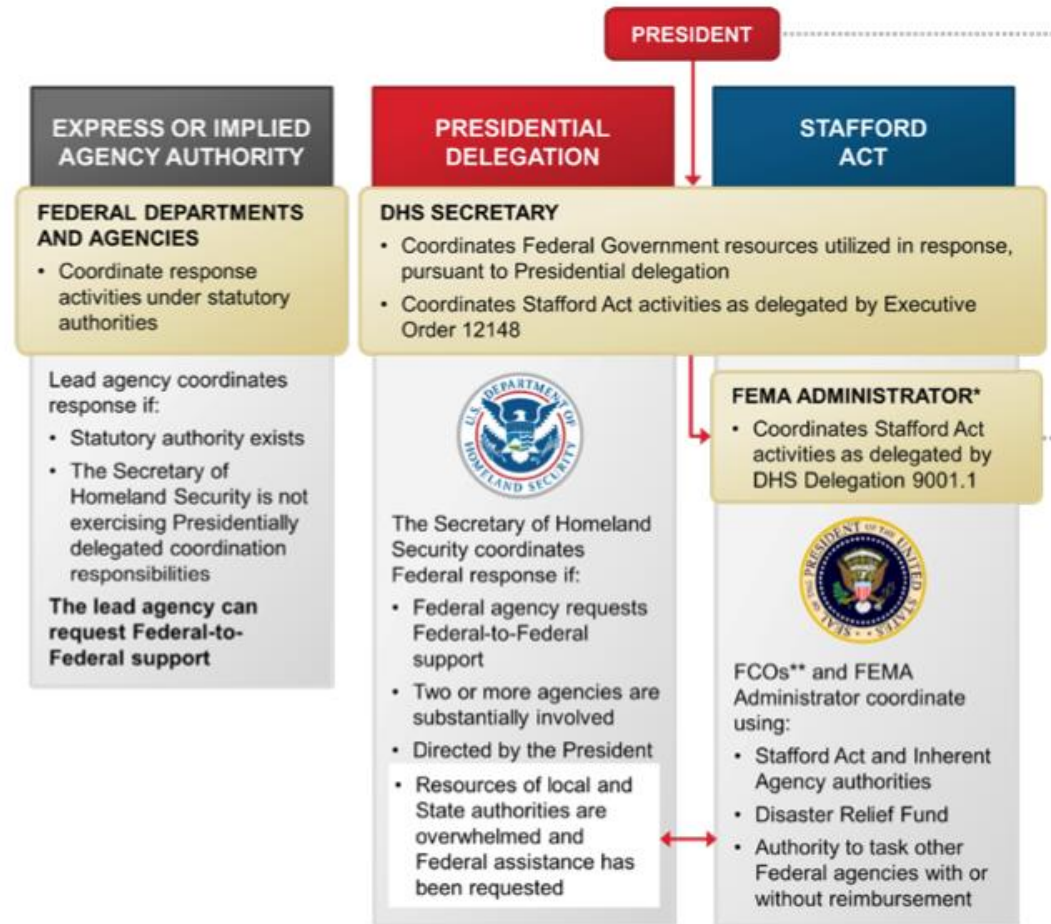
Environmental Protection Agency

U.S. Coast Guard

Federal Bureau of Investigations

Frameworks





* The FEMA Administrator has additional standing authority for response under the Homeland Security Act and Title VI of the Stafford Act. Per the Homeland Security Act, the FEMA Administrator serves as the principal advisor to the President, Homeland Security Council, and Secretary of Homeland Security.

** The Federal Coordinating Officer (FCO) is appointed under Section 302 of the Stafford Act.

Figure 5: Incident Management and Response Authorities for the Federal Government

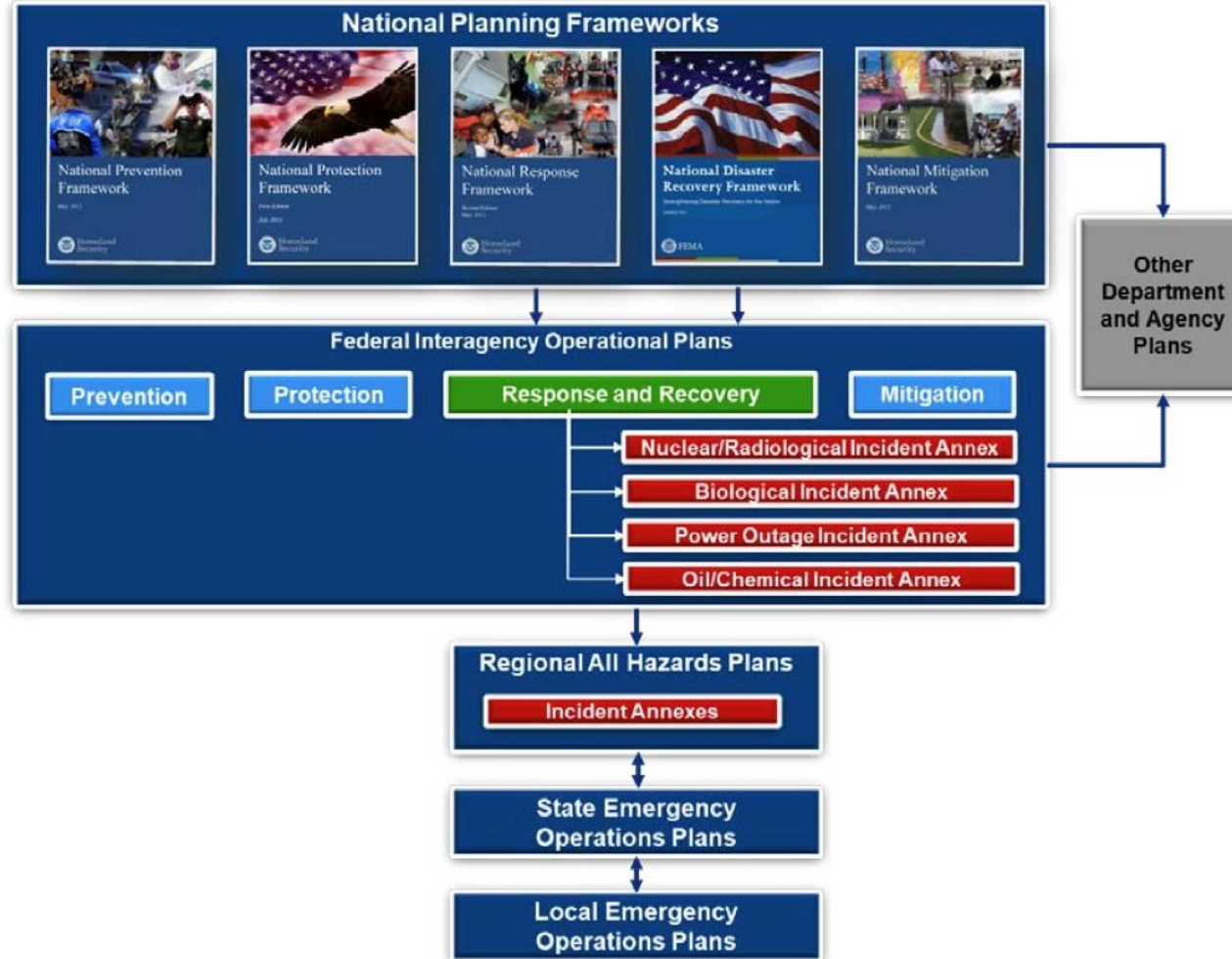


Figure 6: Alignment of Planning Efforts with PPD 8 – National Preparedness

Managed by FEMA



Funds activities authorized under the Stafford Act:

"Activity pursuant
to a major disaster
declaration"

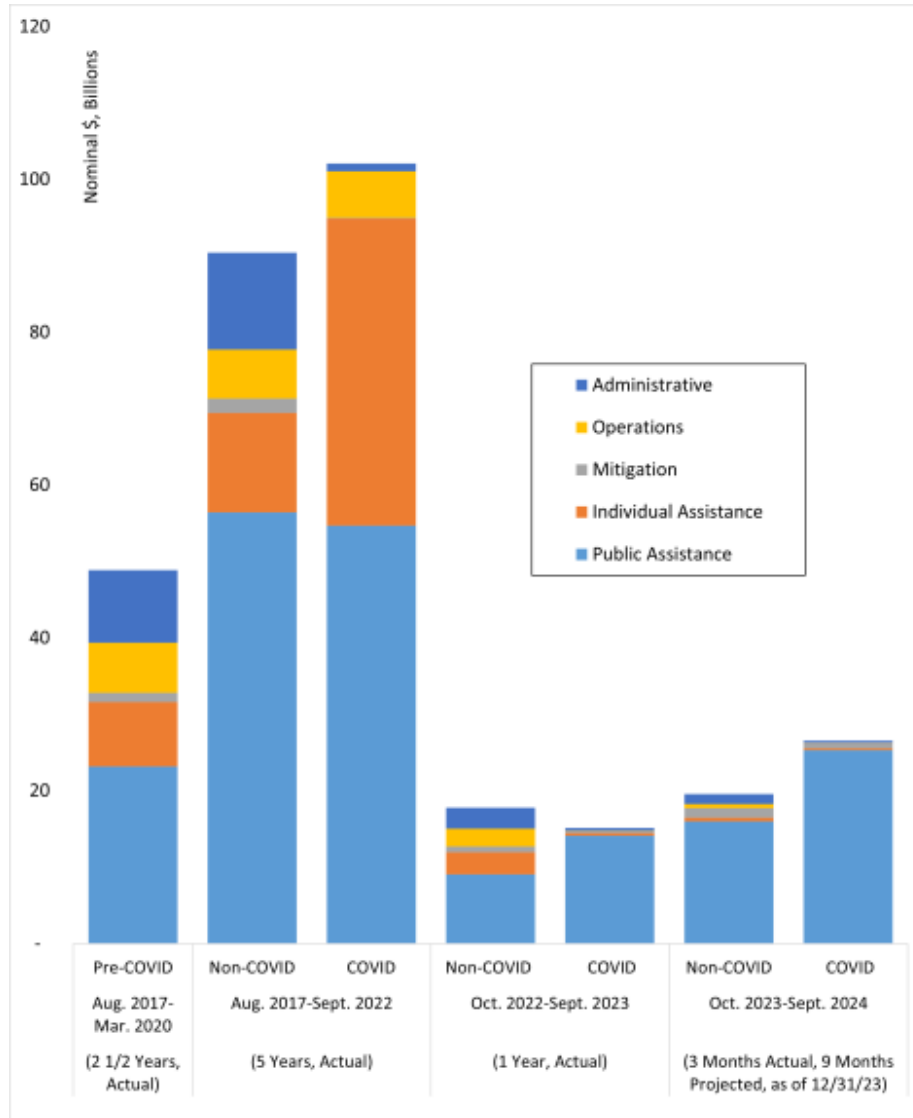
"Predeclaration
surge activities"

"Activity pursuant
to an emergency
declaration"

"Fire
Management
Assistance Grants
for large wildfires"

"Disaster
Readiness and
Support activities"

The Disaster
Relief Fund









Disaster Relief Fund Obligations for Major Disasters by Program as of January 10, 2024

Sources: CRS analysis of FEMA's *Disaster Relief Fund: Monthly Report* data from March 2020, October 2023, January 2024

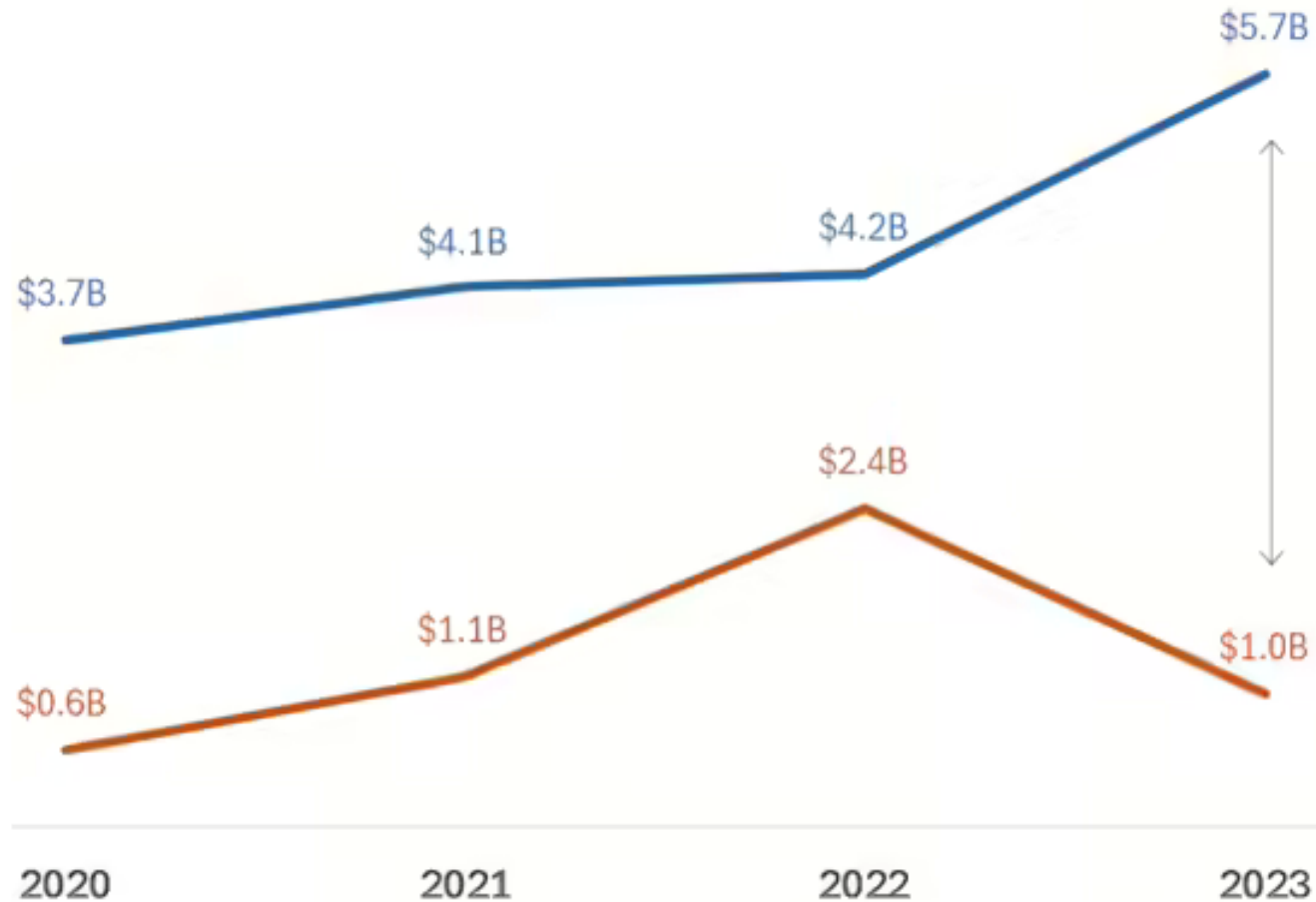
Other Efforts

- E.O. 11988 Floodplain Management, 1977
- E.O. 13690 Federal Flood Risk Management Standard, signed 2015, revoked 2017, reinstated 2021, revoked 2025
- Safeguarding Tomorrow through Ongoing Risk Mitigation Act of 2021
 - Safeguarding Tomorrow Revolving Loan Fund grant program
- Building Resilient Infrastructure and Communities Program FY2020

 National Institute of BUILDING SCIENCES™		ADOPT CODE	ABOVE CODE	BUILDING RETROFIT	LIFELINE RETROFIT	FEDERAL GRANTS
Overall Benefit-Cost Ratio		11:1	4:1	4:1	4:1	6:1
Cost (\$ billion)		\$1/year	\$4/year	\$520	\$0.6	\$27
Benefit (\$ billion)		\$13/year	\$16/year	\$2200	\$2.5	\$160
	Riverine Flood	6:1	5:1	6:1	8:1	7:1
	Hurricane Surge	not applicable	7:1	not applicable	not applicable	not applicable
	Wind	10:1	5:1	6:1	7:1	5:1
	Earthquake	12:1	4:1	13:1	3:1	3:1
	Wildland-Urban Interface Fire	not applicable	4:1	2:1	not applicable	3:1
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Natural Hazard Mitigation Saves, 2019

Requested vs. Available FEMA BRIC Funds

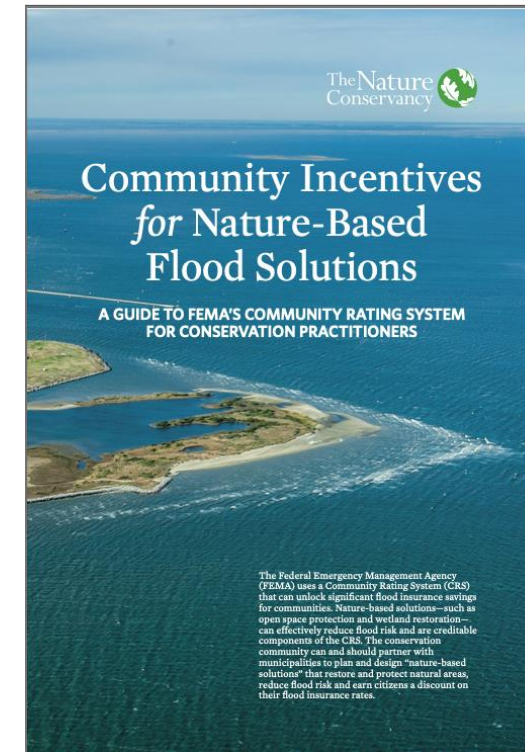
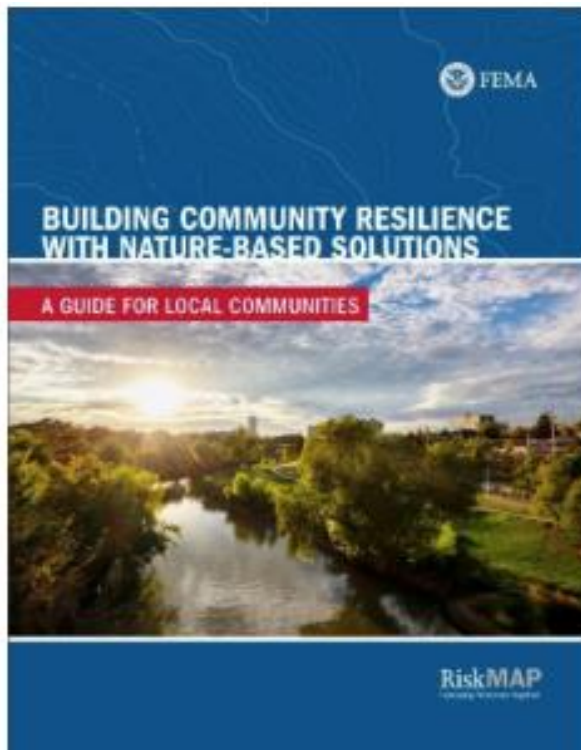


Requested funds increased each year, including by \$1.5B from 2022 to 2023.

Demand exceeded available funds by more than five times in 2023.

Despite being the nation's flagship pre-disaster program, **available funds** declined by \$1.4B in 2023.

Data source: FEMA fiscal data. Values adjusted for inflation and reflect 2023 dollars.



Nature-Based Solutions

Archeological and
Historic Preservation
Act of 1974

Endangered Species Act
of 1973

Americans with
Disabilities Act of 1990

Title VI of the Civil
Rights Act of 1964

National Environmental
Policy Act of 1970

Comprehensive
Environmental
Response,
Compensation, and
Liability Act of 1980

Oil Pollution Act of 1990

Section 504 of the
Rehabilitation Act of
1973

As well as...

A few more thoughts...

Federal data – climate, weather, etc.

How do we account for climate change?

What is the role for state and local government?

What about human rights?

Resources

- National Response Framework:
https://www.fema.gov/sites/default/files/documents/NRF_FINALApproved_2011028.pdf
- Natural Hazard Mitigation Saves: 2019 Report
<https://nibs.org/projects/natural-hazard-mitigation-saves-2019-report/>
- Brookings Series on Reforming National Disaster Policy
<https://www.brookings.edu/collection/reforming-national-disaster-policy/>
- Equitable Disaster Relief, Hannah Perls and Dane Underwood
<https://eelp.law.harvard.edu/wp-content/uploads/2024/09/Equitable-Disaster-Relief-Perls-Underwood-PDF.pdf>
- News article on disability rights and New Orleans' disaster plans
<https://lailluminator.com/2024/09/26/disability-disaster/>

Contact Info

Alessandra Jerolleman

- agjeroll@loyno.edu
- 504-914-6648