Innovation, Oversight and Accountability
Priorities for FEMA Reform

Monica Sanders, Georgetown University Law Center

THE UNDIVIDE PROJECT

INTRODUCTION:

The Federal Emergency Management Agency (FEMA) was initially created by President Jimmy Carter as part of a Presidential Reorganization Plan in 1978. Its existence was finalized by Executive Order in 1979.[1] Its primary purpose was to coordinate the federal government response to disasters in the United States that overwhelm the resources of state and local authorities. Prior to the creation of the Department of Homeland Security, Congress changed and augmented FEMA's authorities and responsibilities by appropriations measures and amendments to a variety of bills. Some examples include: disaster assistance under the Stafford Disaster Assistance and Emergency Assistance Act[2], emergency food and shelter under the Stewart B. McKinney Homeless Assistance Act of 1987 and counterterrorism and nuclear security responsibilities under the Nunn-Lugar amendments to the Weapons of Mass Destruction Act[3].

Two defining moments in FEMA's history are 9/11 and the creation of the United States Department of Homeland Security (DHS) and Hurricane Katrina, which lead to the agency's reorganization. After the events of 9/11, the Homeland Security Act of 2002 consolidated a number of federal agencies into one larger organization. FEMA moved from a Cabinet level agency to become part of DHS' Emergency Preparedness and Response Directorate. There were early concerns about FEMA's mission being diluted that were highlighted by the agency's disorganized response to Hurricane Katrina.[1] In testimony given to a bipartisan panel, concerns about mitigation and vulnerability considerations in preparedness being undervalued compared to the counter-terrorism mission. The outcome of the panel and subsequent reform legislation resulted in the agency being reorganized to have a better articulated management structure, including the requirement that the agency Administrator be a professional emergency manager.

[1] Senate Bipartisan Committee (February 15, 2006), "The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, U.S. Government Printing Office: Washington, D.C.

[1] *The provisions of Executive Order 12127 of Mar. 31, 1979, appear at 44 FR 19367, 3 CFR, 1979 Comp., p. 376, unless otherwise noted.*

[1] *Stafford Act. FEMA.gov. (n.d.). Retrieved November 20, 2021, from https://www.fema.gov/disaster/stafford-act.*

[1] *McKinney-Vento Homeless Assistance Act, Pub. L. No. 106-400 (2000), https://www.govinfo.gov/app/details/PLAW-106publ400 and Nunn-Lugar Cooperative Threat Reduction Act of 2005*

[1] *Senate Bipartisan Committee (February 15, 2006), "The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurrican e Katrina, U.S. Government Printing Office: Washington, D.C*

More responsibilities surrounding preparedness and vulnerability, such as having a disabilities coordinator, surge capacity support and multilingual materials were added to FEMA's portfolio.

The Sandy Recovery Improvement Act (SRIA) of 2013[1] amended the Stafford Act to include a provision to allow federally recognized Native American tribes the option to request a presidential emergency or major disaster declaration independent of the state with which they share the land. In terms of financial consideration, this same bill added a clarifying provision for families with small children, specifying that childcare expenses in a disaster and during recovery are eligible for FEMA reimbursement. Though not a part of the legislation, Hurricane Sandy also marked a shift in the use of social media and other tools during disaster response.[2] For example during Sandy, the City of New York gained more than three million people across a variety of city accounts as the storm neared[3], signaling a new way people would be acquiring information about hazards. Together the legislative change and policy updates clarified some of FEMA's previous responsibilities and highlighted operational responsibilities and opportunities to come.

Five years later the Disaster Recovery Reform Act of 2018[1] was written to streamline FEMA's operations. It had significant impacts on the organization and efficiency of the agency. It enlarged and attempted to simplify the stream of funding to state, territorial and local governments for pre-disaster mitigation and allowed the federal government to cover up to 75% of hazard mitigation grant program funded activities.

Innovation, Oversight and Accountability
Priorities for FEMA Reform
Monica Sanders, Georgetown University Law Center

It also increased FEMA's funding powers and focus on resilience, adding statutory language and creating the new Building Resilient Infrastructure and Communities (BRIC) program. Essentially, more responsibility for resilience and pre-disaster planning was shifted to state, local, and territorial governments, but done with the promise of more funding and support. The legislation also requires FEMA to define the term "resilience". In doing so, it may be that FEMA needs to reexamine the nature of its mission and relationship to the communities it serves.

[1] Sandy Recovery Improvement Act of 2013. FEMA.gov. (2013). Retrieved November 20, 2021, from https://www.fema.gov/disaster/sandy-recovery-improvement-act-2013.
[1]https://www.dhs.gov/sites/default/files/publications/Lessons%20Learned%20Social%20Media%20and%20Hurricane%20Sandy.pdf
[1] GovTech. (2021, April 21). Sandy marked a shift in social media use in disasters. GovTech. Retrieved November 21, 2021, from https://www.govtech.com/em/disaster/sandy-social-media-use-in-disasters.html.
[1] Disaster recovery reform act of 2018. FEMA.gov. (n.d.). Retrieved November 21, 2021, from https://www.fema.gov/disaster/disaster-recovery-reform-act-2018.

MISSION REFORM: RESPONSE ORGANIZATION OR DISASTER MANAGEMENT

FULL DISASTER CYCLE

As noted, throughout its history FEMA has had multiple, if not competing responsibilities. Going forward, if the agency is to successfully address equity, coordination, and climate change-related issues. It needs an internal "reset" to move from being a response-oriented organization in practice to a full disaster management agency that is in practice and purpose "whole community" for "all communities" and "all hazards". Part of its upholding these responsibilities is how it and the Department of Homeland Security conduct internal oversight and how it responds to external oversity from Congress. During some of the most recent challenges during the COVID-19 Pandemic and natural hazards events, procurement and coordination issues hampered the delivery of resources and services.

From its perspective, Congress seemed to focus more heavily on people and infrastructure as it related to public health, while the Department of Homeland Security's Office of Inspector General (DHS OIG), which is responsible for FEMA and other department entities, did no oversight in this area. Congress focused more heavily on recovery and hazard mitigation than the DHS OIG. In contrast, the DHS OIG oversight was more focused on grants, program controls, and cost compliance.[1] Oversight of the intergovernmental aspects of disaster policy – the interactions of federal, state, and local government agencies – seems to be overlooked by both the DHS OIG and Congress. Some of those challenges are addressed later in this writing.

PANDEMIC LESSONS ABOUT COORDINATION AND PROCUREMENT

FEMA is still in the position of managing COVID-19 lessons learned, but as the analysis continues, its most substantial issues are not novel ones. Accurate data management and reporting and a need for clarity of mission and statutory authorities were a problem in this context as it had been during other responses. The rapid and widespread transmission of COVID-19 revealed supply chain, procurement and coordination deficiencies across the government. With FEMA, the reflexive positioning to support overwhelmed state and local governments was a factor that led to the poor display of states and localities competing for limited medical resources. The alternative was a

[1] https://law.wayne.edu/levin-center/pdfs/taylor_and_zarb_06172021_final_for_june_24_presentation.pdf [The data suggests Congress focused heavily on people and infrastructure and were far more likely to discuss public health (52% of the documents associated with congressional oversight, but 0% of the documents associated with DHS OIG oversight), recovery efforts (68% for congressional oversight, 26% for OIG), and hazard mitigation (42% for congressional oversight, 29% for OIG). In contrast, the data suggest the OIG focused on grants and program controls and were far more likely to discuss federal regulations (88% for OIG, 0% for congressional oversight), grant funds (76% for OIG, 20% for congressional oversight), and questioned costs (46% for OIG, 0% for congressional oversight).]

a coordinated federal response that would have alleviated that burden. There were several factors leading to this situation and the overall response challenges.[1]

Innovation, Oversight and Accountability Priorities for FEMA Reform
Monica Sanders, Georgetown University Law Center

IA report from the DHS OIG showed there were still procurement reporting issues within the agency which impacted its pandemic coordination role and could impact future global health emergencies. The DHS OIG found that FEMA did not always accurately report COVID-19 contract data in the Federal Procurement Data System, a requirement under federal rules. According to the DHS OIG, FEMA mislabeled the competitive status of approximately 33 percent of contract actions and did not accurately report more than 4 percent of contract actions as "COVID-19-specific". The reason for this happening was that FEMA's process for ensuring correct contract data in the Federal Procurement Data System did not detect the inaccuracies. As of the November 2021 report, the system still had incorrect COVID-19 contract data that could affect decision-making amid another global health care emergency[1].

Something similar occurred concerning requests for personal protective equipment (PPE) and ventilators — associated systems contained unreliable data to inform allocation decisions and ensure requests were accurately adjudicated. This happened because FEMA did not develop controls to validate requests and prevent incomplete, inaccurate, or duplicate data entries; nor did FEMA ensure users received training on the proper use of the system. Further, in the response, FEMA did develop a process to allocate the supply of ventilators, but not one for PPE. In the agency's defense, an overarching issue was that it did not have strategic guidance clearly outlining the roles and responsibilities used to lead the Federal pandemic response[1]. Its decision to prioritize ongoing pandemic response efforts without updating its written guidance and strategic plans hindered FEMA's coordination efforts.[2]

[1] Sawsan Abutabenjeh, P. D., Lachezar Anguelov, P. D., Benjamin M. Brunjes, P. D., Ana-Maria Dimand, P. D., & Evelyn Rodriguez-Plesa, P. D. (n.d.). Supplying the pandemic response: The Importance of Public Procurement. Journal of Emergency Management. Retrieved November 21, 2021, from https://www.wmpllc.org/ojs/index.php/jem/article/view/2930.

[1] Office of the Inspector General, FEMA Did Not Always Accurately Report COVID-19 Contract Actions in the Federal Procurement Data System (2021). Retrieved November 20, 2021, from https://www.oig.dhs.gov/sites/default/files/assets/2021-11/OIG-22-07-Nov21.pdf.

[1] It is well reported and understood from a legislative and policy perspective that the National Health Security Strategy was not followed early on in the pandemic response, which had a negative cascading impact, concerning authorities and missions, across government agencies.

[1] Office of the Inspector General, Lessons Learned from FEMA's Initial Response to COVID-19 (2021). Retrieved November 20, 2021, from https://www.oig.dhs.gov/sites/default/files/assets/2021-09/OIG-21-64-Sep21.pdf.

OVERDUE 'POST-MARIA' OVERSIGHT AND PROCUREMENT LESSONS

Some of these systemic issues have been around since the Hurricane Maria response. In its Hurricane Maria after-action report, it appeared that, much like Katrina 12 years before, the agency was overwhelmed by the scale of response required. The country had just been hit by three of the strongest storms in history alongside the first season of unprecedented wildfires in California. Then Maria happened, causing more disaster survivors to register for assistance in 2017 than the previous 10 years combined. In a three-month period, FEMA "issued more contract actions than in an entire previous fiscal year to meet disaster requirements". FEMA's acquisitions workforce was simply not large nor robust enough.[1] The agency reported that its weak logistics and supply chain management systems led to widespread shortages and that its interagency agreements were insufficient for the supplies needed. Beyond the failures FEMA itself admitted, the DHS OIG (2017) reiterated that "lack of compliance with Federal [acquisition] regulations increases the risk of favoritism, collusion, fraud, waste, and abuse".

In its assessment, the Government Accountability Office (GAO) found that disaster aid 64 remained one of the most serious challenges, in part because of climate change increasing the costs of all damages.[1] Taken as a whole, the primary reviews of FEMA procurement and long-term program management do not appear promising.

That said, the issues are not limited to poor oversight and performance of awardees and FEMA itself, but as mentioned in the part of this report concerning mission alignment, the DHS OIG, and Congress' oversight of FEMA. FEMA should work with HHS to define its pandemic coordination role and examine internal policies related to non-natural disaster Stafford Act events. Congressional oversight is needed to ensure the changes needed are coupled with the appropriate statutory authorities in order for the agency to function properly and deliver on any changes.

LESSONS LEARNED ABOUT POLITICIZATION OF THE DEPARTMENT

FEMA has been and continues to be hampered by jurisdictional challenges in Congress and at times, political whims. CBS News reported on politics and bias possibly influencing the Hurricane Maria response in Puerto Rico compared to Hurricane Harvey in Texas and Florida and the California wildfires around the same time. Puerto Ricans received less food, water, and tarps than their mainland counterparts, according to the report, which also took note of then President Donald Trump's disparaging remarks about the island. This coupled with reports of disaster funds being diverted for the

[1] (2018). Retrieved November 20, 2021, from https://www.fema.gov/sites/default/files/2020-08/fema_hurricane-season-after-action-report_2017.pdf.
[1] 2017 DISASTER CONTRACTING Actions Needed to Improve the Use of Post-Disaster Contracts to Support Response and Recovery (2019). Retrieved November 20, 2021, from https://www.gao.gov/assets/gao-19-281.pdf.

border wall and unemployment benefits in areas heavily supportive of the former President demonstrated politicization of the agency. As far back as 2014, Jerome Kahan wrote about the history of the agency's politicization and the concerns about that impact ahead of what we now know was a contentious Presidential election and what some would call "disaster politics"[1]."[1]. He drew upon appointments, unclear roles, political favoritism, and how these issues had hampered FEMA in the years leading up to and following Hurricane Katrina.

Legislation like PKEMRA and the Disaster Recovery Reform Act are important because they went through a full legislative process, but authorities addressed in supplemental spending bills, executive orders, or which came via agency policy directives should also be codified to reduce the risk of politicization. FEMA will carry a certain amount of this inherent risk until it, and more appropriately DHS has a full authorization bill. While FEMA could do some internal review on this topic, the agency needs a Congressional study to provide a fact-based path towards streamlining authorities and addressing challenges to those authorities as identified by the agency and Congress. Any oversight or management-related recommendations should also create a path to fewer jurisdictional challenges within Congress.

CLIMATE CHANGE:
DEFINING ITS ROLE IN CLIMATE CHANGE ADAPTATION AND MITIGATION

FEMA has made some significant public announcements and mission principles related to climate change, the primary being that it will participate in the next National Climate Assessment for the first time in the agency's history. Which parts of the agency and how it will be informed or inform the process is to be seen? However, some of its recent programmatic activities could provide insight. In November 2021[1], the agency announced that a Climate Adaption Enterprise Steering Group had been formed to develop unified intra-agency efforts related to climate change. It announced increased funding for nature-based solutions via its Building Resilient Infrastructure and Communities (BRIC)[2] program, hazard mitigation, and flood mitigation programs. It also referenced the National Risk Index and emphasized its building codes toolkit. Some of these same tools have also been mentioned alongside its proposed work on disaster

[1] 5 ways FEMA is tackling the Climate Crisis. FEMA.gov. (n.d.). Retrieved November 21, 2021, from https://www.fema.gov/blog/5-ways-fema-tackling-climate-crisis.
[2] Building Resilient Infrastructure and communities. FEMA.gov. (2021, September 16). Retrieved November 21, 2021, from https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities. (This was one of many changes which came via the Disaster Recovery Reform Act of 2018).

Innovation, Oversight and Accountability
Priorities for FEMA Reform
Monica Sanders, Georgetown University Law Center

inequity. How these programs can be leveraged to address multiple challenges is the core issue that the agency will need to understand and address.

While these announcements are encouraging, they are also familiar. In its 2011 climate change adaptation policy statement FEMA, under the leadership of Craig Fugate, offered some of the same solutions regarding adaptation, updating the flood insurance program, and starting the BRIC program, as it has done recently.[1] While funding and messaging to communities about climate change and disasters is important, FEMA needs to actively and accurately define its role in the climate crisis, and by doing so help define the role of the emergency and disaster management profession. The first step can be done by analyzing the impacts of some of its existing programs and drawing a correlation between those impacts and climate change mitigation.

BREAKING SILOS AND LEVERAGING SCIENCE-INFORMED RELATIONSHIPS

While the program changes, grant mechanism changes, and new community tools are important, FEMA has to challenge old structural norms. These include siloing and poor communication across branches, between regional offices, and even working groups. For example, teams in the resilience groups should have an understanding of the work being done by risk and vulnerability technology teams. This along with some of the needed work around tech, data and AI is an opportunity for FEMA to embrace its scientific partners. This was outlined in the 2011 climate adaptation policy statement. Specifically, the DHS Science and Technology (DHS S&T) could help with some of the process and accountability tools.

If FEMA uses its academic Centers of Excellence or existing relationships with the National Oceanic and Atmospheric Administration (NOAA) and National Aeronautics and Space Administration (NASA), all of the combined research and data can be leveraged to look specifically at climate change as a resilience issue and humanity security issue.

Additionally, the agency should continue engaging with DHS S&T and the GAO to research how to address climate change in light of outstanding work on mission and programs.

EQUITY:

WORKFORCE REFORMS AND CULTURAL COMPETENCE DEVELOPMENT

In order to address its equity issues, FEMA has to first look internally. According to hearing records from the House Committee on Transportation and Infrastructure, the diversity picture at FEMA looks good -- on the surface. Office of Personnel Management records shows that 44% of the agency's 20,000 employees are minorities, and 30% of its 1,900 supervisors are minorities. That is a higher ratio than the 37% reflected in the general federal workforce. Also, 40% of the U.S. population is a racial or ethnic minority. However, many people of color and other marginalized people are clustered in lower-paying jobs or low to minimal influence. The pay disparity is significant. OPM figures show that the average salary for a minority FEMA employee is $69,500, nearly 20% lower than the $82,500 average salary for non-Hispanic whites at FEMA[1].

FEMA has released a culture improvement plan and new training on cultural competence at the Emergency Management Institute (EMI). As of the 2021 hurricane season, and continuing into 2022, a wider variety of staff members with multiple language capacities were seen on social and local media reaching out to a variety of communities.

Some good work has been done, but there is more to be thought through, especially if FEMA's workforce and work are to be of service to all communities. Community outreach about equity and inclusion should be worked in regional offices and responsible staff. Recommendations from the National Advisory Council [1]report should be taken into consideration, especially the directives around diversity recruitment and training.

[1] Fugate, C., & Kaufman, D., FEMA CLIMATE CHANGE ADAPTATION POLICY STATEMENT (2011). Washington, DC. Retrieved November 21, 2021, from https://www.hsdl.org/?view&did=787057

Innovation, Oversight and Accountability Priorities for FEMA Reform
Monica Sanders, Georgetown University Law Center

Training in cultural competence and equity should be infused into the EMI and affiliated Emergency and Disaster Management programs that receive any kind of FEMA support. Finally, FEMA should undertake an agency-wide examination of promotion and professional development policies and trends to resolve the gaps between groups within its ranks.

EXTERNAL REFORMS TO ADDRESS DISPARATE IMPACTS ON COMMUNITIES

In the last two years, FEMA has made an effort to center equity in its work with communities. Taking advice and direction from a variety of stakeholders and community leaders, it released two guidance documents. One was "Building Alliances for Equitable Resilience[1]" and the other was, "Guide to Expanding Mitigation: Making the Connection to Equity[2]". Leaders from its Office of Civil Rights have been doing roundtable discussions and town halls around the country. The agency is planning to

[*1] Frank, T. (2020, July 29). Disaster management is too white, official tells Congress. Scientific American. Retrieved November 21, 2021, from https://www.scientificamerican.com/article/disaster-management-is-too-white-official-tells-congress/.*

[1] National Advisory Council Report to the FEMA Administrator (2020). Retrieved November 20, 2021, from https://www.fema.gov/sites/default/files/documents/fema_nac-report_11-2020.pdf.

[1] Building Alliances For Equitable Resilience Advancing Equitable Resilience Through Partnerships And Diverse Perspectives(2021). Retrieved November 20, 2021, from https://www.fema.gov/sites/default/files/documents/fema_rnpn_building-alliances-for-equitable-resilience.pdf.

[1] Guide to Expanding Mitigation: Making The Connection to Equity (2020). Retrieved November 20, 2021, from https://www.fema.gov/sites/default/files/2020-09/fema_region-2_guide-connecting-mitigation-equity_09-10-2020.pdf.

use the findings from these talks and guides internally and externally as a way of spreading the principles of equity throughout its workforce and community interactions.

From an operational perspective, in the last six months, FEMA has changed some of the requirements in its individual assistance programs to make it easier for renters and homeowners with heir's property to qualify for assistance.

It is also addressing disaster mental health in a more robust way as well as disaster-caused disabilities. Understanding how to plan for and coordinate with persons with disabilities and disability rights advocates is still a challenge the agency needs to address.

"Disability and particularly the needs of those with disabilities who are at the intersections of other kinds of marginalization are rarely if ever, included in planning." ***Justine "Justice" Shorter[1]***

FEMA has a statutorily defined disability integration coordinator office. It also has a small cadre of specialists in its regional offices that are designated to help state, territorial, and local governments with planning. What is not clear is the ability of this office to have a larger influence on agency-wide training, plans, and mission changes. This position and similar ones, such as the National Advisor for Children in Disasters, should be reviewed for the purposes of properly resourcing and integrating them into decisional roles.

Managed retreat is becoming more of a consideration as both disaster mitigation and climate adaptation, with some groups calling for a national policy on retreat which goes beyond buyback programs. The GAO is one of those proponents. It has even examined the hazard mitigation grant program as a possible vehicle for a managed retreat pilot. Officials from FEMA, NOAA, and the Denali Commission have also said that a pilot program could be a means for learning how to improve federal assistance concerning climate migration. Specifically, FEMA officials agreed with the idea of a pilot program, and said that it could be "implemented by choosing an at-risk community or region, identifying a lead federal agency, working with impacted communities and stakeholders to scope and plan the project, and identifying relevant federal programs that could help meet the technical and financial assistance needs for a successful migration."[1]

[1] Interview with Justine "Justice" Shorter, Disability Rights Advocate and Disability Advisor to FEMA October 15, 2021.

[1] Office, U. S. G. A. (n.d.). Climate change: A climate migration pilot program could enhance the nation's resilience and reduce federal fiscal exposure. Climate Change:

Innovation, Oversight and Accountability
Priorities for FEMA Reform
Monica Sanders, Georgetown University Law Center

A Climate Migration Pilot Program Could Enhance the Nation's Resilience and Reduce Federal Fiscal Exposure | U.S. GAO. Retrieved November 21, 2021, from https://www.gao.gov/products/gao-20-488.

But these programs have a history of inequity. [1] Because a managed retreat or other climate adaptation programs will be linked to housing and land use, the agency will have to confront the legacies of racialized policies in federal programs dealing with both these topics. Looking specifically at purchasing flood-prone homes and land for a “return to nature”, researchers examined the Houston area. What they found was that managed retreat programs followed the same patterns of divestment as what took place during the practice of redlining.

This is also a concern when looking at updates to the National Flood Insurance Program (NFIP). New program laws are transforming the NFIP over time to be based on actuarial risks of flooding—eliminating the costs to the program from older, lower rates and effectively discouraging living in flood-prone places. Researchers at the Urban Institute looked at another Southern city, New Orleans, Louisiana, and explored the value of awards from claims and rates of nonpayment, we found significant disparities. On average, households in census tracts where more than 50 percent of the homeowners were white received more funding on their NFIP claims and encountered a lower rate of unpaid claims than households in tracts where more than 50 percent of homeowners were people of color. [1]

Essentially, where there was redlining in the past, there continues to be and will be inequity in the future. FEMA is working on ways to include equity in its programs and operations. Additionally, a mandate to do so is included in the Biden Administration's “Justice 40” initiative call for flood mitigation assistance targeted to disadvantaged communities[1]. Developing a clear, principled, and operationalized understanding of these contexts is necessary for pilot programs related to climate adaptation as well as its overall mission.

TECHNOLOGY:
FEMA SHOULD LEVERAGE RESEARCH IN ITS EFFORTS TO APPROPRIATELY AND EFFECTIVELY USE EMERGENCY MANAGEMENT TOOLS

Former FEMA Administrator Craig Fugate wrote about the need for technological advancement in the emergency management practice. He said that the use of crowdsourcing, artificial intelligence, and data analytics could help with speed and

[1] Kevin Loughran & James R. Elliott (2021) Unequal Retreats: How Racial Segregation Shapes Climate Adaptation, Housing Policy Debate, DOI: 10.1080/10511482.2021.1931928
[1] Gwam, P., Hariharan, A., & Martín, C. (2020, September 30). Federal disaster policy reforms-including flood insurance treatment-should center on racial and economic equity. Urban Institute. Retrieved November 21, 2021, from https://www.urban.org/urban-wire/federal-disaster-policy-reforms-including-flood-insurance-treatment-should-center-racial-and-economic-equity.
[1] The United States Government. (2021, July 20). The path to achieving justice40. The White House. Retrieved November 21, 2021, from https://www.whitehouse.gov/omb/briefing-room/2021/07/20/the-path-to-achieving-justice40/.

accuracy, “These tools are based on machine learning technology that enables computers to analyze vast amounts of data to make predictions about future events. These predictions can show emergency managers where there may be unanticipated weaknesses and gaps in their plans so they can make adjustments. Put another way, machine-learning tools can show emergency managers at what point their response program fails to be effective.[1] While these are all true, it is important that they be tailored to the unique needs of various communities. In addition to leveraging new technologies to be effective, as the use of crowdsourcing to track the Western wildfires was this past season, FEMA has to also think broadly about its community-based capabilities[2]. An examination of big data use, plus input from citizens, nonprofits, and state and local officials should be part of planning concerning technological innovation. This is another area where using DHS S&T’s research relationships and capacity would be helpful in guiding the agency to balance these perspectives.

Inovation, Oversight and Accountability
Priorities for FEMA Reform
Monica Sanders, Georgetown University Law Center

THE UNDIVIDE PROJECT

ITS TECHNOLOGY USE MUST BE SAFE AND MAKE SENSE FOR COMMUNITIES

This is particularly true if FEMA will avoid some of the dangers and pitfalls of big data collection and analytics associated with marginalized populations. Agencies and organizations using “big” or “bespoke” data and technologies to support must engage in a careful analysis of some of the bias and collection problems associated with them. If not, they could expose communities to racially inequitable algorithmic bias, which would cut against its equity initiatives and ratio-based grant programs such as the flood mitigation program. Undercounting bias in rural areas could become a particular hindrance for the agency in that programs may not have consistent outcomes[1].

FEMA should engage in research and interagency conversations about responsible technology and data use with some of the other federal agencies engaged in embracing big data as part of their modernization efforts and have missions that impact disaster and emergency management: FEMA, HUD, and the Small Business Administration (SBA). FEMA and other agencies have already launched several initiatives as part of their data-driven decision-making work. Some of this was in response to the Foundations for Evidence-Based Policymaking Act, signed into law in January 2019[1], which requires all agencies to submit a plan to develop statistical evidence to support policymaking to Congress. Some examples of initiatives involving big data and other technologies include: the Enterprise Data Analytics Modernization Initiative, which focuses on sharing information like generators, gasoline, and other critical supplies and then predicting areas of most need. It will also be implemented in financial programs like preparedness grants and public assistance programs, even as it attempts to address equity in its operational work. FEMA also deployed big data analytics to improve the return on investment for building code standards, making a stronger case for their implementation in the process.

In addition to working with partner agencies and researching how to balance technology use against community knowledge, FEMA should also work with academic and private sector partners to engage in work to understand how the ethical and responsible use of tech should manifest in the emergency management context. Finally, in lieu of contracting outside the agency for technology professionals, FEMA should recruit a cadre of tech-savvy, culturally competent disaster tech professionals.

STATE, LOCAL, TRIBAL ENGAGEMENT: COMMUNICATION AND NEW PROGRAMS MUST TRANSLATE INTO COMMUNITIES

“FEMA could do a better job of communicating with state and local governments and tribal communities in a consistent way. They need to do more capacity building, especially around grants and coordination with other agencies (during blue skies).” - ***Stephen Jordan, Institute for Sustainable Development [1]***

That communication can lead to a better understanding of roles and how to leverage capacity. In Sustainability, FEMA’s Public Administration and Advanced Assistance programs were reviewed for insights into implementation strategies at the state, territory, and local levels. Much of this concerns the slow development of the aforementioned programs as well as the Hazard Mitigation Grant program. After a survey of stakeholders, the key sticking points tended to be communication and capacity building of state, territory, and local governments.

[1] Craig Fugate, opinion contributor. (2019, December 23). Why do we need a technological revolution in emergency management? TheHill. Retrieved November 21, 2021, from https://thehill.com/opinion/energy-environment/475680-why-we-need-a-technology-revolution-in-emergency-management.

[1] Macri, K. (n.d.). Cisa, FEMA on how emerging tech enhances mission delivery. governmentciomedia.com. Retrieved November 21, 2021, from https://governmentciomedia.com/cisa-fema-how-emerging-tech-enhances-mission-delivery.

[1] Sanders, Monica. “Data, Policy, and the Disaster of Misrepresentation and Mistrust.”Homeland Security Aairs: Pracademic Aairs 1, Article 6. (May 2021).www.hsaj.org/arcles17234.

[1] H.R.4174 - 115th Congress (2017-2018): Foundations for ... (n.d.). Retrieved November 21, 2021, from https://www.congress.gov/bill/115th-congress/house-bill/4174.

Innovation, Oversight and Accountability
Priorities for FEMA Reform
Monica Sanders, Georgetown University Law Center

THE UNDIVIDE PROJECT

Based on the survey findings, it appears that a more concerted effort should be enacted to tackle this problem as part of any strategy to encourage more states, territories, and local governments to assume additional responsibilities under these or any new grant programs.[1]

[1] Interview with Stephen Jordan,CEO of Institute for Sustainable Development November 2, 2021
[1] Smith, G., & Vila, O. (2020). A National Evaluation of State and Territory Roles in Hazard Mitigation: Building Local Capacity to Implement FEMA Hazard Mitigation Assistance Grants. Sustainability, 12(23), 10013. doi:10.3390/su122310013

IMPROVE RELATIONSHIPS WITH TRIBAL AND TERRITORIAL GOVERNMENTS

A Public Integrity report found that tribal nations receive less than half the disaster-related funding of state governments. That is despite being the sites of consistent disasters and disproportionately impacted by them[1]. Most recently, this was demonstrated in the Navajo Nation have less access to PPE during the height of the COVID-19 pandemic despite having some of the highest infection rates in the country. Some of this is about poor communication on the part of agency-designated tribal liaisons, and some of the problems is a lack of consistent technical assistance. In order to receive hazard mitigation funding, a government or locality must have a hazard mitigation plan. Less than 30% of federally recognized tribes have such a plan. They cite a lack of guidelines and assistance in creating them.

The need for technical assistance and better communication is not just demonstrated in instances when tribes do not receive funding. When they do receive funding, sometimes that need translates into a lack of the fiscal management capacity to qualify for funding. In other instances, non-traditional title concepts hamstring Indigenous and other groups in their efforts to receive post-disaster assistance[1].

CONCLUSION:
Since its early beginnings, FEMA has been given and adapted to shifting missions, priorities, and expectations from the Executive Branch and Congress. It is long overdue for an existential review of mission and priorities as part of any intentional approach to reform. This reflection must begin with addressing the vestiges of its identity as a response and coordination agency versus a higher goal of being the nation's leading disaster management agency; one that fulfills the whole community and all hazard approaches. A significant part of that is addressing legacy concerns about systems, workforce, and management. Next, as it looks at more modern challenges of equity, technology use, and climate change, FEMA has to review its interactions with the scientific community, private partners, state, local, and tribal governments as well as underserved communities. With proper Congressional oversight, the agency should take all of these goals into a complete reform and authorization bill.

[1] News, A. H. H. C., Herrera, A., & News, H. C. (n.d.). Trying to get disaster aid? It's harder for indigenous people. Center for Public Integrity. Retrieved November 21, 2021, from https://publicintegrity.org/environment/one-disaster-away/when-disaster-strikes-indigenous-communities-receive-unequal-recovery-aid/.

[1] Albert George, opinion contributor. (2021, April 18). FEMA: Don't drive the Gullah-Geechee from their land. TheHill. Retrieved November 21, 2021, from https://thehill.com/opinion/civil-rights/548809-fema-dont-drive-the-gullah-geechee-from-their-land.