

From Crisis to Coordination: The Evolution of FEMA

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A chronological trail of legislation, executive orders and other relevant events tied to FEMA's current legal (not lawful) authority over the lives and property of Americans.

Roosevelt Administration 1933-1945

1944

The Public Health Service Act (PHS Act): Authorizes the quarantine and isolation of individuals suspected of carrying contagious diseases. While not related to national security, these provisions can result in involuntary detention.

July 1, 1944, ch. 373, title III, § 361, 58 Stat. 703; 1953 Reorg. Plan No. 1, §§ 5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 86-624, § 29(c), July 12, 1960, 74 Stat. 419; Pub. L. 94-317, title III, § 301(b)(1), June 23, 1976, 90 Stat. 707; Pub. L. 107-188, title I, § 142(a)(1), (2), (b)(1), (c), June 12, 2002, 116 Stat. 626, 627.)

1945

Report on Dachau : By the O.S.S. (Office of Strategic Service). Known as the precursor of the CIA, on the liberation of Dachau.

Truman Administration 1945-1953

1950

Emergency Detention Act Title II of the Internal Security Act of 1950: List of emergency detention centers under the old “Detention Act of 1950’

1. Elmendorf, AK
2. Montgomery, AL
3. Florence, AZ
4. Tuscon, AZ
5. Wickenburg, AZ
6. Tulalake, CA
7. Avon Park, FL
8. Sand Island, HI
9. Oakdale, LA
10. Fort Meade, MD
11. El Reno, OK
12. Greenville, SC
13. Allanwood, PA
14. Alderson, WV
15. Mills Point, WV

This was repealed in 1971, but there were supposed to have been other bits of law that provided for the same thing. (List of these bills below)

The Patriot Act (2001)
Immigration and Nationality Act (INA)
Authorization for Use of Military Force (AUMF, 2001)
Military Commissions Act (2006, 2009)
Public Health Emergency Laws
National Emergencies Act (1976)
Federal Continuity Directives and Plans
State Laws and Emergency Powers

Eisenhower Administration 1953-1961

1953

HEW (Department of Health, Education, and Welfare): HEW, created in 1953, oversaw programs related to health, education, and welfare services in the USA.

Kennedy Administration 1961-1963

1962

Executive Order 10995 Allows takeover of communications media
FR Citation: 34 FR 17567; Revokes: EO 10460, June 16, 1953; See: EO 11051, September 27, 1962; Amended by: EO 11084, February 15, 1963; Revoked by: EO 11556, September 4, 1970

Executive Order 10997 Allows takeover of all electric, power, petroleum, gas, fuels & minerals.
FR Citation: 27 FR 1522; See: EO 10952, July 20, 1961; Revoked by: EO 11490, October 28, 1969

Executive Order 10998 Takeover of food resources and farms.
FR Citation: 27 FR 551; Revoked by: EO 11491, October 29, 1969

Executive Order 10999 Allows takeover of all modes of transportation, highways, seaports.
FR Citation: 27 FR 1527; See: EO 10952, July 20, 1961; FR Doc. 62-9459, 27 FR 9418; FR Doc. 63-3328, 28 FR 3125; Revoked by: EO 11490, October 28, 1969

Executive Order 11000 For mobilization of all civilians into work brigades under government supervision.
FR Citation: 27 FR 1532; See: EO 10952, July 20, 1961; Revoked by: EO 11490, October 28, 1969

Executive Order 11001 Allows government takeover of health, education & welfare.
FR Citation: 27 FR 1534; See: EO 10952, July 20, 1961; Revoked by: EO 11490, October 28, 1969

Executive Order 11002 Designates USPS Postmaster to operate national registration of all persons.
FR Citation: 27 FR 1539; See: EO 10952, July 20, 1961; Revoked by: EO 11490, October 28, 1969

Executive Order 11003 Allows government to takeover airports and aircraft.
FR Citation: 27 FR 1540; See: EO 10952, July 20, 1961; FR Doc. 63-3328, 28 FR 3125;
Revoked by: EO 11490, October 28, 1969

Executive Order 11004 Allows Housing & Finance Authority to relocate communities, designate areas as abandoned & establish new locations for populace.
FR Citation: 27 FR 1542; See: EO 10952, July 20, 1961; Revoked by: EO 11490, October 28, 1969

Executive Order 11005 Allows government takeover of railroads, inland waterways, and public storage facilities.
FR Citation: 27 FR 1544; See: EO 10952, July 20, 1961; Revoked by: EO 11490, October 28, 1969

Executive Order 11051 Authorizes all EO's into effect in times of national emergency declared by President, increased international tension or economic/financial crisis. All that needs to happen for FEMA to implement EO's is for President to declare a national emergency.

Executive Order 11490 Authorizes the secretaries of the various agencies to prepare for any "national emergency" type situation.
FR Citation: 34 FR 17567; Signed: October 29, 1969; Published: October 30, 1969

Johnson Administration 1963-1969

1965

Immigration and Nationality Act (Hart-Celler Act): Abolished the national origins quota system, replacing it with a preference system emphasizing family reunification and skills.

1966

Houston-Galveston Area Council formed: Established as a regional planning and services organization for the 13 county gulf-coast region of Texas. The council serves as a voluntary association of local governments and was created to address issues that extend beyond individual jurisdictions, such as transportation planning, emergency preparedness, economic development, and environmental quality.

H-GAC is one of the 24 regional councils in Texas, operating under the guidelines of the Texas Association of Regional Councils (TARC). It plays a crucial role in coordinating resources and fostering collaboration among local governments, businesses, and community organizations within the region.

Its creation and operation were influenced by broader federal and state initiatives including the Law Enforcement Assistance Administration (LEAA) and the Department of Health, Education, and Welfare (HEW)

1968

Omnibus Crime Control and Safe Streets Act of 1968: To provide federal grants and funding to improve law enforcement and criminal justice systems at the state and local levels.

National Institute of Law Enforcement & Criminal Justice (NILECJ) was created as a part of this Omnibus.

The U.S. Army Reserves Military Police, in coordination with other military and civilian law enforcement bodies, would enforce the guidelines set forth by the National Institute of Law Enforcement and Criminal Justice plan as they pertain to POW compounds. This would involve ensuring the proper treatment of prisoners, maintaining order, and adhering to the applicable national and international legal standards governing POW facilities.

Operation Garden Plot: The plan was initially created in response to the widespread civil rights protests, urban riots, and demonstrations during that time. Operation Garden Plot is still in effect as part of the broader contingency plans maintained by the U.S. military. The operation continues to be reviewed and updated as necessary, in alignment with changes to national security and law enforcement needs. U.S. Northern Command is responsible for overseeing domestic military operations, including civil support.

1969

Executive Order 11490: Combined several EO's to allow all to take place if the President declares a national emergency.

Signed: October 28, 1969; Published: October 30, 1969; FR Citation: 34 FR 17567

Also provided regional capitols.

- **Region I:** Boston, Massachusetts
- **Region II:** New York City, New York
- **Region III:** Philadelphia, Pennsylvania
- **Region IV:** Atlanta, Georgia
- **Region V:** Chicago, Illinois
- **Region VI:** Dallas-Fort Worth, Texas
- **Region VII:** Kansas City, Missouri

- **Region VIII:** Denver, Colorado
- **Region IX:** San Francisco, California
- **Region X:** Seattle, Washington

1970

Executive Order 11556: Revoked Executive Order 10995: Takeover of communications media.

Nixon Administration 1969-1974

Null

Ford Administration 1974-1977

1974

"Newstates of America," A proposed constitution was published by The Center for the Study of Democratic Institutions. "National Emergency," mentioned 134 times.

1976

76-H-667, Complaint Against the Concentration Camp Program of the Dept of Defense: Litigation was filed by Dr. William R. Pabst.

National Emergencies Act (Enacted), Public Law 94-412: Grants the President broad authority to declare national emergencies, enabling use of specific emergency powers.

Relevant Provisions: While the Act itself does not explicitly authorize detention, it allows the activation of statutes that could potentially be used to justify restrictions on individuals.

Carter Administration 1977-1981

1979

Presidential Memorandum 79-32: FEMA created

Executive Order 12148: Established FEMA by consolidating civil defense and emergency preparedness tasked federal agencies into a single entity.

Delegates Director of FEMA powers vested in the President in the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988.

FR Citation: 54 FR 12571; Amends: EO 12148, July 20, 1979; EO 11795, July 11, 1974; Amended by Executive Order 12673 in 1989

Reagan Administration 1981-1989

1982

National Security Directive 47 (NSDD 47, 1982)

Laid the groundwork for the secret government's options to institute a police state, and its title is Emergency Mobilization Preparedness. As well as the suspension of the Constitution.

1984

REX-84A: Code name of a mass detention scenario. Modeled on a 1970 Giuffreda- Meese-Reagan exercise in California known as Operation Cable Splicer. Designed to test the readiness of the U.S. Civilian and military agencies to respond to a serious national security crisis. Allowed military bases to be closed down and be turned into prisons.

1986

Immigration Reform and Control Act of 1986 (IRCA): Focused on addressing unauthorized immigration and workplace enforcement.

1988

Executive Order 12657: Assigned FEMA the responsibility of assisting in emergency preparedness planning at commercial nuclear power plants, ensuring coordinated response efforts in the event of a nuclear incident. *(Signed November 18 by Reagan)*

1989

Robert T. Stafford Disaster Relief and Emergency Assistance Act: Formalized federal disaster response and emphasized the need for coordinated assistance between federal, state, tribal, and local governments. It provided the legal foundation for agreements like MOUs to ensure collaboration during federally declared disasters.

Key Provisions:

- **Section 404**: Established the Hazard Mitigation Grant Program (HMGP), which funds projects to reduce risk and enhance resilience.
- **Section 406**: Addresses repair, restoration, and mitigation for public infrastructure.

These sections have since been amended through subsequent legislation, such as the **Disaster Recovery Reform Act (DRRA) of 2018**, which enhanced funding and focus on pre-disaster mitigation and resilience.

GHW Bush Administration 1989-1993

1989

Executive Order 12673: Delegates Director of FEMA powers vested in the President in the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988.

FR Citation: 54 FR 12571; Amends: EO 12148, July 20, 1979; EO 11795, July 11, 1974

1990

November

S.B. 2834, Public Law 101-647: Alternative to H.R. 4079. Provisions in H.R. 4079 allowed for a FEMA to take over local, state and federal government in a state of national emergency for five-years.

Clinton Administration 1993-2001

1994

Executive Order 12898: This order directs federal agencies, including FEMA, to identify and address disproportionately high and adverse human health or environmental effects on low-income and minority populations, integrating environmental justice into their missions.

1996

Emergency Management Assistance Compact (EMAC) Public Law 104-321

Legal Authority: Recognized by all 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and other U.S. territories. It provides legal protection and reimbursement mechanisms for personnel and resources deployed under the compact.

Scope: EMAC covers a wide range of emergencies, including natural disasters (e.g., hurricanes, earthquakes, wildfires), man-made incidents, public health emergencies, and other crises.

Coordination: Deployed personnel work under the operational control of the requesting state. Governor declares emergency, requests assistance - emergency medical, search-and-rescue, law enforcement and technical experts.

Cause: Developed in 1992 after Hurricane Andrew highlighted the need for improved state-to-state mutual aid.

GW Bush Administration 2001-2009

2001

Authorization for Use of Military Force (AUMF, 2001): The AUMF authorized the use of military force against individuals or groups responsible for the 9/11 attacks or associated forces.

Relevant Provisions:

The AUMF has been interpreted to allow the detention of individuals classified as "enemy combatants," including U.S. citizens (e.g., the case of José Padilla, detained as an enemy combatant in 2002). Detentions under the AUMF have been challenged for lacking due process.

The Patriot Act: Expands the government's surveillance, detention, and investigatory powers to combat terrorism. It permits the detention of non-citizens suspected of terrorism-related activities without immediate charges or trial.

Relevant Provisions: Section 412: Allows the Attorney General to detain non- citizens if they are certified as threats to national security. Detainees may be held for seven days without charges, with potential for indefinite detention under immigration laws.

2002

Homeland Security Act: Expanded provisions related to national security and immigration enforcement. Tied to the authority of the Equitable Long-Term Recovery and Resilience Act, giving FEMA the authority to coordinate disaster recovery and resilience programs. The act encourages FEMA to prioritize national preparedness, including the capacity to support vulnerable populations.

2003

Homeland Security Presidential Directive-5 (HSPD-5): mandated the creation of the National Incident Management System (NIMS) to provide a standardized approach to incident management.

National Incident Management System (NIMS): NIMS encourages the use of agreements like MOUs to clarify roles and responsibilities among responding entities.

2005

Hurricane Katrina: Event highlighted gaps in coordination and communication among agencies. As a result, FEMA and partner organizations increasingly turned to Disaster- Specific MOUs to preemptively address these issues and streamline disaster responses.

2006

Military Commissions Act: This Act provides a framework for trying detainees at Guantanamo Bay and authorizes the detention of "unlawful enemy combatants." Amended in 2009

2008

The National Response Framework (NRF): The NRF was developed as part of the broader post-9/11 reforms and lessons learned from major disasters, including Hurricane Katrina (2005), which highlighted the need for a more effective and integrated response framework.

2009

Military Commissions Act: Amended

Obama Administration 2009-2017

2011

Presidential Policy Directive 8 (PPD-8): Outlines the United States' approach to national preparedness, aiming to strengthen the country's security and resilience by systematically preparing for high-risk threats like terrorism, cyber attacks, pandemics, and major natural disasters

2013

Executive Order 13653: Signed in 2013 by President Barack Obama, this order focuses on resilience, particularly for vulnerable populations, as part of climate adaptation and disaster recovery.

ATP 3-57.1, Army Techniques Publication 3-57.1: Civil Affairs Support to Unified Land Operations, was published.

This document superseded the older FM 41-10 (Civil Affairs Operations) and provided updated guidance on how U.S. Army Civil Affairs units should operate in support of military and civilian agencies during various types of operations, including humanitarian assistance, governance support, and disaster response efforts.

The publication was designed to enhance the integration of Civil Affairs units in unified land operations, aligning with the broader U.S. military doctrine and providing clarity on how these units should interact with both military and civilian organizations like FEMA during emergency response and disaster recovery operations.

National Response Framework (NRF) Update: Revised in May to enhance the focus on community resilience and added support for Presidential Policy Directive 8 (PPD-8), which emphasized national preparedness.

2016

National Response Framework (NRF) Update: Updated in June to align with the National Preparedness Goal, emphasizing outcomes-driven planning and response.

2017

Federal Continuity Directives and Plans: Focuses on continuity of government plans and directives, often classified, may include provisions for the detention or restriction of individuals deemed threats to government operations during emergencies.

Trump Administration 2017-2021

2018

Disaster Recovery Reform Act (DRRA): This act amended the Stafford Act to emphasize pre-disaster mitigation and resilient recovery efforts. It strengthened FEMA's focus on building resilience during recovery and encouraged equitable allocation of funds to underserved communities.

2019

National Response Framework (NRF) Update: Updated in October to include a greater focus on integrating cybersecurity into disaster response, reflecting the evolving nature of threats and emergencies.

FEMA Community Lifelines Framework: To ensure that critical services such as health, safety, and economic stability are prioritized in long-term recovery for all populations. Introduced in January and amended in October. (4th edition)

2021

Executive Order 13985: ssued by President Joe Biden in 2021, this order emphasizes equity in federal programs, including disaster recovery. It requires agencies to assess and address barriers to equitable outcomes for historically underserved populations.

Memorandum on Maximizing Assistance from FEMA: This memorandum directs FEMA to utilize its full capacity to support state, local, tribal, and territorial governments in responding to the COVID-19 pandemic, emphasizing the provision of emergency and disaster assistance.

Executive Order 14058: Signed by President Joe Biden, this order focuses on transforming federal customer experience and service delivery to rebuild trust in government, impacting how agencies like FEMA interact with the public.

National Emergencies Act Amended: through P.L. 117–81