

MR. JEROME HATFIELD

Deputy Superintendent of Homeland Security, New Jersey State Police

TESTIMONY

**Before the House Transportation & Infrastructure
Subcommittee on Economic Development, Public Buildings, and Emergency
Management**

FEMA Reauthorization and Cutting the Red Tape in Recovery

July 14, 2011



**National Emergency Management Association
Hall of the States
444 North Capitol Street, NW
Washington, DC 20001
(Ph) 202-624-5459**

Introduction

Thank you Chairman Denham, Ranking Member Norton, and distinguished members of the Subcommittee for inviting me to appear before you to discuss FEMA Reauthorization and how the Federal government can best support State and local government recovery efforts.

The National Emergency Management Association (NEMA) represents the emergency management directors of all 50 states, territories, and the District of Columbia. Members of NEMA are responsible to the Governors for myriad responsibilities including emergency preparedness, homeland security, mitigation, response, and recovery activities for natural or terrorism-related disasters.

The issues specifically surrounding recovery from large-scale disasters are not easy to tackle, but we remain encouraged in how the Committee has continued to demonstrate support of FEMA's programs and seem committed to looking forward.

Emergency Management Assistance Compact

One critical part of response and recovery to disasters is the Emergency Management Assistance Compact (EMAC). When states and the U.S. Territories joined together and Congress ratified EMAC (Public Law PL-104-321) in 1996, it created a legal and procedural mechanism whereby emergency response resources such as Urban Search and Rescue Teams can quickly move throughout the country to meet disaster needs. All 50 states, the District of Columbia, and three territories are members of EMAC and have committed their emergency resources in helping neighboring states and territories.

Since ratification by Congress, EMAC has grown significantly in size, volume, and the types of resources states are able to deploy. For example, 26 emergency management personnel responded to the September 11, 2001, terrorist attacks. Conversely, over 66,000 personnel from a variety of disciplines deployed to the Gulf Coast in response to Hurricanes Katrina and Rita and 12,279 personnel to Texas and Louisiana during Hurricanes Gustav and Ike. The 2009 Spring Flooding in North Dakota and Minnesota resulted in states deploying equipment, sandbags, and 1,029 personnel to North Dakota. In all, 727 National Guard personnel and 302 civilians were sent to assist via the compact. Recently, over 600 personnel have been deployed in response to the floods and tornados in Missouri, North Dakota, Nebraska, South Dakota, Mississippi, Alabama, and Tennessee.

EMAC has also demonstrated the need for a unified mutual aid system (intrastate to interstate) coordinating with the federal response. EMAC has a five-year strategic plan to put lessons learned into practice. The After-Action process from Hurricane Katrina allowed EMAC to examine how to improve the system after unprecedented disasters and an unparalleled growth in the use of the system. Examples of improvements to be made with current and future funding as a result of lessons learned are outlined below:

- NEMA has been working with first responder disciplines to provide EMAC educational and training materials. This includes training on EMAC, integration with State Emergency Operations Centers, Incident Command Systems, resource typing, and credentialing;
- NEMA has established an EMAC Advisory Group that is working to better integrate mutual aid partners into the EMAC system before future disasters occur. The group includes representatives

from state and local government associations, the National Guard Bureau, emergency responder associations, public utility associations, the private sector, DHS/FEMA, and the Centers for Disease Controls. The discussions and interactions of this group serve to assist in adding local government assets to the scope of resources and other disciplines that can be readily plugged into the system;

- EMAC is evolving the tracking of resources through NEMA administrative management. EMAC is working towards an integrated system to allow for swifter approvals from the requesting and responding states, which will ultimately allow for improved tracking and faster response to requests for assistance;
- States are engaged in developing their own resource typed mission ready packages and EMAC is involved in assisting with responsibilities set in both the Post-Katrina Emergency Management Reform Act and the Implementing the 9/11 Commission Recommendations Act for resource typing and credentialing; and
- Building capabilities for A-Team operations to assist during disasters outside of State Emergency Operations Centers with resource management, integration of EMAC into exercises with the development of table-top exercises and inclusion in national level exercises such as TOPOFF, as well as address reimbursement ahead of mission deployments for both state and local resource providers.

While Emergency Management Performance Grants (EMPG) and homeland security grants continue to help build capabilities, the National Homeland Security Strategy counts on mutual aid being put to use in a disaster. The support of EMAC is critical to helping offset the costs of disasters and building costly infrastructure at the federal level that could sit unused until a disaster. In order to meet the ever-growing need for and reliance on interstate mutual aid, EMAC needs reauthorization for 2010 and beyond for building EMAC capabilities and our nation's mutual aid system.

As the opportunity is afforded, EMAC intends to develop, maintain, and exercise state and regional mutual aid capabilities, train state and local emergency response personnel who may be deployed through EMAC, support the development of specialized emergency response capabilities among the regions, and ensure EMAC remains a viable resource for the states now and in the future. The investment in EMAC stands as a minimal investment for maintaining a proven national emergency response capacity that day-to-day is equipped, trained, and ready to provide critical disaster response resources and support between states. All members of EMAC rely on the Compact as an asset in the response and recovery arsenal. The tools available to emergency management directors, however, extend far beyond mutual aid.

Urban Search & Rescue

In 2010, the world watched as Haiti experienced destruction and devastation following a catastrophic earthquake near the city of Port-au-Prince, Haiti. Urban Search and Rescue (USAR) teams from California, Virginia, New York, and Florida worked closely with one another to make a difference in the region. Just a few weeks after the earthquake struck, international and domestic USAR teams rescued 122 individuals throughout Port-au-Prince. USAR teams are credited with rescuing 43 of the 122. These teams are utilized following non-seismic disasters as well such as following the 1995 bombing of the Alfred P. Murrah building in Oklahoma City, the Kansas grain elevator explosion in 1998, and the 9/11 attack on the World Trade Center. Numerous teams were also deployed to assist after Hurricane Katrina.

The USAR program is much like the state mutual aid system where the state is responsible for overall coordination and development of the system, but local cities and counties are the ultimate first responders, the owners of the USAR resource, and the focus of the program. Through the state's mutual aid system, the local USAR teams become an asset to counties and cities. Also, through EMAC a state's USAR teams stand as an asset to the entire country.

FEMA currently provides approximately \$1 million to directly support each of the 28 task forces for equipment, training, and various administrative functions. This \$1 million is supplemented with significant state and local investment. For several years, the vast majority of USAR team deployments have been out of state or out of county. As with EMAC, the federal government has a ready nationwide asset with USAR, but at a fraction of the actual costs necessary to sustain their capability. If this Committee is to consider a FEMA reauthorization bill, NEMA would recommend considering similar language to H.R. 3377 which this Committee passed to the House floor last year.

Public Assistance Bottom-up Review

NEMA remains optimistic in FEMA's bottom-up review of the PA program. After an original review, FEMA restarted the process. According to the Administration, the goal is to reduce the administrative burden and overall cost of the PA program. To date, NEMA has provided informal comments to FEMA which were discussed in the through the National Advisory Council process. We believe FEMA is currently conducting a Phase II review of the process.

The PA Program remains a vital tool to the emergency management process, and we remain encouraged by FEMA's commitment to this process. As Phase II ends and we begin moving into Phase III, NEMA hopes to continue seeing some options, additional issues, and clarifications. Such feedback from FEMA will help NEMA work with our federal partners to continue developing this program into the most effective means by which to provide assistance to severely damaged regions.

Functional Needs Support Services

The Functional Needs Support Services (FNSS) represents another recovery issue which could stand to see some clarification. Issued in November 2010, the FNSS guidance laid out how general population shelters much accommodate those with functional needs. NEMA and the states were concerned the requirements could involve costly changes to general population shelters which would ultimately reduce the number of available shelters. In today's economic climate, most state and local government simply cannot afford major and costly alterations to existing shelters.

FEMA and the Department of Justice briefed NEMA members on the status of FNSS implementation, but the agencies provided conflicting information. NEMA has requested clarification and has been told FEMA General Counsel and the DOJ Disability Section continues working toward a solution.

As is the case with many roadblocks, the states can often stand as a test-bed for possible solutions to challenges. For example, recent agreements with Virginia and Kansas seem to indicate the guidance can be met through planning efforts. Regardless of this development, NEMA has been informed that FNSS guidance clarification is a priority and will be done before the heart of hurricane season.

This stands as an issue we would encourage the Committee to take an active interest. An amicable solution must be found in order to facilitate the effective sheltering of millions of Americans without threat of a lawsuit afterward.

Full Spectrum Recovery and Restoration

All of the programs mentioned above are key components to a viable and effective recovery structure within FEMA but integrating the diverse programs into the long-term recovery plan can difficult. While FEMA has begun to address this issue by putting together the Long-Term Disaster Recovery Working Group which facilitated the development of the National Disaster Recovery Framework, there remains

much unfinished work. The Framework has yet to be released and NEMA looks forward to seeing the final product but the next steps will be crucial in order to pull the various frameworks to allow us to plan in ways which are both comprehensive and operational.

While every disaster is unique, it would be extremely helpful for state and local officials to know in advance the types of assistance available to them for long-term recovery. In addition, a federal counterpart available to help access and leverage the various federal programs for recovery would be helpful. FEMA is ideally suited to act as this counterpart, but cannot act alone. All federal agencies with resources able to be applied to disaster response and recovery must actively participate in the process and do a better job of providing information about their programs and making them more accessible.

NEMA would recommend the development of a “full-spectrum disaster recovery and restoration capability.” Initial steps for the development of such a system may include:

- Initiate the public policy debate on the appropriate responsibilities of each level of government, elected officials, the private sector, and the public in risk management and community restoration. Engage discussion on the appropriate use of taxpayer dollars for restoration including land-use decisions.
- Encourage collaboration between state and federal partners to conduct an analysis of capabilities, gaps, and shortfalls in long-term recovery.
- Define long-term recovery versus community restoration and where the responsibilities of emergency management begin and end.
- Identify laws and authorities requiring amendment to support full spectrum disaster response and restoration or establish new laws and authorities as well as funding streams.
- Continue to work with FEMA to refine and implement the National Recovery Framework.

Another issue to consider is the determination of when a community has sufficiently recovered to the point federal resources are no longer warranted. Full recovery for a community is not only economic, but also societal and any long-term recovery plan must fully incorporate individuals and communities into the process from the very beginning.

Conclusion

We need not be confined to outdated systems and approaches to disaster response and recovery, particularly for large scale events. Outcomes must be defined, built, and appropriately resourced so an event can be properly managed. Many programs with FEMA provide critical support before, during, and after a disaster. Some of the programs outlined throughout this testimony need reauthorization while some may just require inquiries by Congress. Hearings such as this represent vital steps toward building a more effective recovery system.

As demonstrated during the recent storms throughout the Southern United States, recovery begins immediately and support from the federal government must easily fit into the plans and processes on the state and local level to ensure effectiveness. FEMA programs support, but do not supplant, state and local efforts and this seamless cooperation is critical if we are to maintain a viable emergency management system in this country.

Thank you for the opportunity to testify today and thank you for your continued support of emergency management. Your attention and leadership in this matter are greatly appreciated and NEMA remains a ready resource for the Committee as you tackle the tough issue of recovery from disasters.