AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. Hrg. 107–616

# NOMINATION OF MICHAEL D. BROWN

# HEARING

BEFORE THE

## COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON THE

NOMINATION OF MICHAEL D. BROWN TO BE DEPUTY DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

JUNE 19, 2002

Printed for the use of the Committee on Governmental Affairs

U.S. GOVERNMENT PRINTING OFFICE

81–311 PDF WASHINGTON : 2002

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON GOVERNMENTAL AFFAIRS

JOSEPH I. LIEBERMAN, Connecticut, *Chairman*

CARL LEVIN, Michigan
DANIEL K. AKAKA, Hawaii
RICHARD J. DURBIN, Illinois
ROBERT G. TORRICELLI, New Jersey
MAX CLELAND, Georgia
THOMAS R. CARPER, Delaware
JEAN CARNAHAN, Missouri
MARK DAYTON, Minnesota

FRED THOMPSON, Tennessee
TED STEVENS, Alaska
SUSAN M. COLLINS, Maine
GEORGE V. VOINOVICH, Ohio
THAD COCHRAN, Mississippi
ROBERT F. BENNETT, Utah
JIM BUNNING, Kentucky
PETER G. FITZGERALD, Illinois

JOYCE A. RECHTSCHAFFEN, *Staff Director and Counsel*
SUSAN E. PROPPER, *Counsel*
JENNIFER E. HAMILTON, *Research Assistant*
RICHARD A. HERTLING, *Minority Staff Director*
JOHANNA L. HARDY, *Minority Counsel*
JANA C. SINCLAIR WHITE, *Minority Counsel*
DARLA D. CASSELL, *Chief Clerk*

# CONTENTS


| | Page |
|---|---|
| Opening statements: | |
| Senator Lieberman | 1 |
| Senator Bunning | 5 |
| Senator Akaka | 5 |
| Senator Bennett | 14 |


## WITNESSES

### WEDNESDAY, JUNE 19, 2002


| | |
|---|---|
| Hon. Ben Nighthorse Campbell, a U.S. Senator from the State of Colorado | 1 |
| Hon. Wayne Allard, a U.S. Senator from the State of Colorado | 2 |
| Michael D. Brown, to be Deputy Director of the Federal Emergency Management Agency (FEMA) | 8 |


### ALPHABETICAL LIST OF WITNESSES


| | |
|---|---|
| Allard, Hon. Wayne: | |
| Testimony | 2 |
| Brown, Michael D.: | |
| Testimony | 8 |
| Biographical and professional information | 17 |
| Pre-hearing questions and responses | 62 |
| Questions for the Record and responses | 95 |
| Campbell, Hon. Ben Nighthorse: | |
| Testimony | 1 |

# NOMINATION OF MICHAEL D. BROWN

**WEDNESDAY, JUNE 19, 2002**

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
*Washington, DC.*

The Committee met, pursuant to notice, at 10:37 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Joseph I. Lieberman, Chairman of the Committee, presiding.

Present: Senators Lieberman, Akaka, Bunning, and Bennett.

## OPENING STATEMENT OF CHAIRMAN LIEBERMAN

Chairman LIEBERMAN. The hearing will come to order. I apologize to everyone here that I am a bit late. One of those phone calls came in as I was heading out of the office.

I wonder if my colleagues up here, Senator Bunning and Senator Akaka, would mind if we yielded to the introducers first since the two of you may have to go on to other matters. We are delighted to welcome you here. Who is senior, or do you care?

Senator CAMPBELL. Does it go by age, Mr. Chairman? [Laughter.]

Chairman LIEBERMAN. Yes. Well, you have gray hair. [Laughter.]

Is it OK if we start with him?

Senator ALLARD. Mr. Chairman, I ask to vote alphabetically, but he has got seniority.

Chairman LIEBERMAN. OK. Senator Campbell.

## STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, A U.S. SENATOR FROM THE STATE OF COLORADO

Senator CAMPBELL. Thank you, Mr. Chairman. It is an honor and a pleasure to introduce to the Committee today an outstanding gentleman who has been nominated to serve as the Deputy Director for the Federal Emergency Management Agency, Michael Brown.

As my colleagues know, FEMA has played a very important role in Colorado in recent weeks, as well as throughout many of the Western States faced with the catastrophic wildfires that we face. In Colorado, as an example, we have lost over 200,000 acres this summer alone to forest fires. FEMA and people like Mr. Brown have been serving the State, the country, and indeed, all of us as citizens in their capacity within that agency steadfastly and tenaciously.

FEMA has been there non-stop to help our States in terms of floods, earthquakes, tornadoes, and all kinds of natural disasters. But beginning this year alone, Colorado has received 11 fire management assistance grants from FEMA. For my part, and certainly

on behalf of the people of Colorado, I need to thank Mr. Brown for that dedication. It is going to be a long, hot, dangerous summer, and I am sure that FEMA will always be there as friends and good public servants.

Wildfires aside, we are here today to talk about Mr. Brown's appointment to serve as the Deputy Director. Mr. Brown was first appointed to serve as the FEMA General Counsel in February 2001, and then as Acting Deputy Director in September, where he served as the Chairman of the Consequences Management Working Group. As FEMA's General Counsel, Mr. Brown is both the principal legal advisor to FEMA's Director Joe Allbaugh and the head of the Office of General Counsel. Not only does he provide legal advice to the Director, but he and his staff of approximately 30 attorneys provide legal services to all of FEMA's programs and support offices and they also represent the agency in litigation.

Prior to his current job, from 1991 to 2000, Mr. Brown was the Commissioner of the International Arabian Horse Association, an international subsidiary of the National Governing Organization of the U.S. Olympic Committee. In his position there, he created ethical programs, enforcement policies and procedures, conducted investigations, and prosecuted fraud and corruption cases.

Before that, he served as General Counsel of Dillingham Insurance, Suits Drilling, Suits Rig, and Latigo Energy, in addition to Dillingham Ranch and Dillingham Enterprises. Earlier positions included 8 years in private practice, 2 years as an advisor to the Oklahoma State Senate's Finance Committee, and 3 years as Public Administrator for Edmond, Oklahoma, where he co-founded joint public-private partnerships for economic development.

Mr. Chairman, I cannot state firmly enough that I believe Michael Brown to be more than qualified to serve FEMA and the people of this country as part of the administration. He is dedicated, tenacious, and he is exactly the type of individual who has given up probably a better lifestyle to be in public service and we certainly appreciate all of that.

Thank you, Mr. Chairman.

Chairman LIEBERMAN. We can certify to that final statement——

[Laughter.]

And everything else you said, too. Thanks, Senator Campbell.

Senator Allard.

## STATEMENT OF HON. WAYNE ALLARD, A U.S. SENATOR FROM THE STATE OF COLORADO

Senator ALLARD. Mr. Chairman, it is good to see you this morning. I think this is the first time I have had an opportunity to appear before your Committee.

Chairman LIEBERMAN. It is a pleasure to have you here. Thank you.

Senator ALLARD. I want to join my colleague from Colorado, Senator Ben Nighthorse Campbell, in strongly endorsing President Bush's nominee for Deputy Director of the Federal Emergency Management Agency, otherwise known as FEMA.

Undoubtedly, everyone in this room is well aware by now of the serious wildfire situation that we have in the State of Colorado. I would just point out after the comments made by my colleague that

it is important that we move forward expeditiously on this nomination because this is the fire season throughout the entire Rocky Mountain region, although I think that Colorado is probably more heavily impacted than any other State in the Rocky Mountain region.

I am pleased to know that Michael D. Brown has the opportunity to serve as Deputy Director of FEMA because he is a Coloradan. He holds a Bachelor of Arts in Public Administration and Political Science from Central State University in Oklahoma. He got his Juris Doctorate from Oklahoma City University School of Law. He has also served as an adjunct professor of law for the school.

He was appointed as FEMA's General Counsel by President Bush in February 2001 and consequently appointed as Acting Deputy Director for the agency. As FEMA's General Counsel, he served as the principal legal advisor to the Director, led a staff of 30 attorneys, and provided legal services to all of FEMA's program and support offices. He also represented the agency in litigation matters.

As Acting Deputy Director, Mr. Brown serves as Chief Operating Officer for the agency and helps the Director oversee the activities of the agency. He offers the agency many years of professional experience. I think that is extremely important and I believe it will serve the agency well, especially when faced with the serious situations that call for the agency's response.

In the past, he served as a hearing officer for the Colorado and Oklahoma Supreme Courts, and as a special prosecutor appointed by the Police Civil Service Commission in internal affairs.

Mr. Brown, I believe, is a person of integrity. He has served as a bar examiner on ethics and professional responsibility. He also served as commissioner for an international sports and trade federation, during which time he created ethical programs, enforcement policies, and conducted investigations and prosecuted fraud and corruption cases. I believe that Mr. Brown has valuable experience and familiarity with insurance law, energy issues, land use, and environmental law, practical skills that have and will serve him well at FEMA.

Mr. Brown brings strong family values to this job. He lives in a community not far from where I live known as Longmont, Colorado. He is a Coloradan. He has lived there for 11 years. He has two children, Amy and Jared and he travels back to Colorado almost every weekend, as I do. I can understand the difficulty of flying all the time as official duties permit.

Again, I thank the Committee for allowing me the opportunity to introduce Michael D. Brown. I wish to congratulate the Committee for acting on this nomination expeditiously. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you, Senator Allard.

Mr. Brown, you are off to a good start with two strong statements of endorsement. I am going to put my opening statement in the record.

[The prepared opening statement of Chairman Lieberman follows:]

PREPARED OPENING STATEMENT OF SENATOR LIEBERMAN

Good morning. Welcome to you, Mr. Brown, and also to your wife, Tamara.

We are here this morning for the nomination hearing of Michael Brown to become Deputy Director of the Federal Emergency Management Agency—a government agency under much discussion these days, as we begin to reorganize government to better protect our citizens from terrorist attacks here at home. If, and I hope when, the Department of Homeland Security comes into existence, FEMA will be folded into the Department; we must ensure that the agency is equipped to function at the highest level today, and equipped to make the transition into the new department without losing a step tomorrow.

Responding to terrorist attacks, of course, is just one piece of FEMA's mission. Recent floods in Minnesota and crippling forest fires in Colorado have reminded us of FEMA's critical, often life-saving role in helping Americans protect themselves from and recover from natural disasters. My state of Connecticut was grateful for the assistance FEMA provided in 1999 to aid recovery from Tropical Storm Floyd. And more recently, the agency has assisted scores of fire departments and companies in my state of Connecticut—including Stonington, Oakdale, West Haven, Allington, Danbury, Bethel and Farmington, to name a few—with funds to purchase protective equipment, fire prevention programs, and fire trucks.

But because, by creating the Department of Homeland Security, we are in the throes of making such an important decision that will affect FEMA's historic and future responsibilities, I'd like to focus today on the agency's role as the lead federal agency responding to terrorist attacks. Based on a series of hearings on homeland security the Governmental Affairs Committee held last fall, it is crystal clear to me that effective coordination among and between layers of government is the crux of all quick and effective terror response. Therefore, FEMA must be an absolutely dependable link in that communications chain. It must ensure that the Federal Government's entire emergency response network is a well-honed machine, and then that the Federal, state and local governments are just as well coordinated with one another. This is an immense challenge that FEMA has yet to meet.

I am glad the President has nominated someone already familiar with FEMA's mission to become Deputy Director. Mr. Brown is currently General Counsel and Chief Operating Officer of the agency, a position he has held since February of 2001. Before joining the Bush Administration, I note from his resume, he served as executive director of the Independent Electrical Contractors in Denver. In the early 1980s, Mr. Brown served as staff director of the Oklahoma Senate's Finance Committee, while serving on the Edmund, Oklahoma, City Council. He ran for Congress in the sixth district, and, in what I think is particularly useful experience, early in his career, was assistant city manager in Edmond, with responsibility for police, fire and emergency services.

As I have said, since September 11th, FEMA has taken on new responsibilities of the highest priority, in addition to its traditional and critical role of responding to natural disasters. Although the agency received generally good reviews on its performance in the wake of the September 11th attacks, some have criticized FEMA's limited assistance payments to families in New York, its failure to fully reimburse New York City for higher-than-expected police security costs, and its inadequate consultation with state and local groups outside of emergency management personnel.

In addition, the Administration's budget calls for a $3.5 billion increase for state and local preparedness. That new funding is welcome. At the same time, we should understand that for the money to be effectively spent, the agency will have to undergo a thorough assessment of its operations and organizational structure.

Mr. Brown, you have extensive management experience. For this job, you will need it. You will need to redouble FEMA's strengths, strengthen its weaknesses, and work with the reorganization effort to allow a seamless transition that only enhances our government's emergency response network.

In 1940, President Franklin Roosevelt said, "We will harness and speed up the use of the material resources of this nation in order that we ourselves in the Americas may have equipment and training equal to the task of any emergency and every defense."

That is once again our challenge and our opportunity today. I hope together we are up to the task.

Chairman LIEBERMAN. I will say for the record that Mr. Brown has submitted responses to a biographical and financial questionnaire, has answered pre-hearing questions submitted by the Committee and additional questions from individual Senators, and has

had his financial statement reviewed by the Office of Government Ethics. Without objection, this information will be made part of the hearing record, with the exception of the financial data, which is on file and available for inspection in the Committee's offices.

In addition, the FBI file has been reviewed by Senator Thompson and me pursuant to Committee rules.

Senator Bunning, would you like to make an opening statement?

**OPENING STATEMENT OF SENATOR BUNNING**

Senator BUNNING. Thank you, Mr. Chairman. As we all know, FEMA provides America with vital services during some of the most difficult moments. In fact, so far this year, Kentucky has three times experienced severe flooding, and yesterday, we had an earthquake. The epicenter was in Evansville, Indiana, and affected Western Kentucky. Can you imagine Kentucky with an earthquake? So we have used the services of FEMA at least three times in these last few months. In all instances, FEMA was ready to provide the needed support to help my State, and I appreciate their hard work.

As we all know, earlier this month, President Bush announced his proposal to create a new Department of Homeland Security, which will be responsible for keeping all Americans safe inside our borders. It may be the biggest undertaking by the Federal Government and will require cooperation, dedication, and hard work from Federal employees, Congress, and the administration.

One of the agencies the President has proposed moving into the new Department is FEMA, and today, our Committee has the pleasure of considering the nomination of Michael Brown to be Deputy Director of FEMA. Since Mr. Brown is already serving as Chief Operating Officer and General Counsel to FEMA, I suspect he is already familiar with the agency's strengths and weaknesses and I am looking forward to gaining his perspective on future changes to FEMA. I also hope that he has some suggestions for us, since this Committee will be primarily responsible for creating the new Department in the Senate.

Thank you very much, Mr. Chairman.

Chairman LIEBERMAN. Thank you, Senator Bunning. Senator Akaka.

**OPENING STATEMENT OF SENATOR AKAKA**

Senator AKAKA. Thank you very much, Mr. Chairman.

Mr. Brown, aloha and welcome to this Committee. Since you and I met a month ago, it seems that the nature of the position to which you have been nominated has changed dramatically. I also want to say welcome to anyone you have with you. Do you have any members of your family here you wish to introduce?

Mr. BROWN. Yes.

Senator AKAKA. Can you introduce them?

Mr. BROWN. My wife, Tamara.

Senator AKAKA. Thank you for supporting him at this hearing. I also want to thank my colleagues, Senator Allard and Senator Campbell, for their introduction.

Mr. Chairman, the President's proposal for a new Department of Homeland Security includes FEMA. I hope, Mr. Chairman, since

you have led the Senate with your bill establishing the Department of Homeland Security, that we can explore how this new role will affect the agency's traditional mission.

Many of the agencies impacted by this proposal, including FEMA, have a number of core responsibilities unrelated to homeland security missions. Most of what FEMA does every day, and what Americans expect FEMA to do, does not fall under the description of homeland security. An example is when FEMA partnered with local and State agencies to help residents on the Island of Hawaii in the wake of tropical storms and flooding last year. It is the dedicated men and women who formed—as I would like to call them the FEMA family—who continue to build on these relationships and provide Federal assistance to those most in need.

Every State in the Union, including Hawaii, works with FEMA on mitigation to lessen the impact of future disasters. These efforts are all-hazard and will help communities respond to floods and terrorist attacks. However, there are those in the administration who have criticized mitigation efforts and have questioned their cost and benefit. I believe that Mr. Brown and Director Allbaugh appreciate the importance of disaster mitigation. Unfortunately, traditional cost-benefit analysis is not appropriate for mitigation programs and OMB has failed to give FEMA guidelines on what factors will be used in the future.

I am concerned that these same problems will haunt the new Homeland Security Department. What factors will OMB use to determine the effectiveness of different homeland security programs? Mr. Chairman, I hope that Governor Ridge will shed some light on this when he appears before us tomorrow.

The Deputy Director will be responsible to ensure that FEMA's core functions are not neglected.

Over the past decade, FEMA has regained the confidence of local and State emergency managers. Individuals and families rely on FEMA when their lives are torn apart by natural disasters. I believe confidence and trust are among America's most important assets in our struggle to make our community safer and more secure. FEMA has expanded its responsibilities towards this.

Mr. Brown, again, I want to say thank you for your dedication and your willingness to serve our Nation. You have a tough road ahead. If we are to use the parallel between this reorganization and the creation of the Department of Defense in 1947, we must remember that it took years, even decades, to shape a truly integrated armed forces. Unfortunately, we do not have years to reshape how our country prepares for terrorism.

Thank you very much, Mr. Chairman, and I ask unanimous consent that my longer statement be placed in the record.

Chairman LIEBERMAN. Thanks, Senator Akaka. Without objection, it will be placed in the record.

[The prepared statement of Senator Akaka follows:]

PREPARED STATEMENT OF SENATOR AKAKA

I wish to welcome our nominee to the Committee. Since you and I met a month ago, it seems that the nature of the position to which you have been nominated has changed dramatically.

The President's proposal for a new Department of Homeland Security will include Federal Emergency Management Agency (FEMA). A key question is how will this new role for FEMA in Homeland Security affect its traditional mission?

There is already a Federal Response Plan that does what the President says the new Department will do, that is, "the Homeland Security Department will integrate the Federal interagency emergency response plans into a single comprehensive, government-wide plan." Since 1992, a Federal Response Plan has managed the activities of 26 Federal agencies and the Red Cross during all phases of a disaster, including readiness, response, recovery, and mitigation. In 1999, FEMA published the second edition of the Federal Response Plan Terrorism Incident Annex.

When necessary, FEMA has made agreements with specific government agencies to address terrorism. In January 2001, FEMA and the Department of Justice released an Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN). FEMA is currently working with the Catastrophic Disaster Response Group (CDRG), made up of representatives of all Federal agencies, to update the Federal Response Plan in light of the lessons learned from September 11. These changes are to be integrated with the national strategy for homeland security, on which Governor Ridge has spent the past eight months working.

I hope the proposed department will build on all the different plans and agreements already in place. We do not need a brand new coordination plan. What we need is better communication and implementation of the plans we have.

The President and his staff compare this reorganization to the creation of the Department of Defense after World War II. However, there are many differences. The Departments of the Navy and the Army shared the primary mission of defending the United States. They were both military departments with similar cultures and management priorities.

In contrast, many of the agencies impacted by this proposal, including FEMA, have a number of core responsibilities unrelated to their homeland security missions. Most of what FEMA does every day, and what Americans expect from FEMA, does not fall under the description of homeland security.

Homeland security is strengthened through developing assets that are built day-by-day and community-by-community. These assets include well-trained firefighters and law enforcement officers, well-equipped medical personnel, and well-exercised emergency response drills.

An example is when FEMA partnered with local and state agencies to help residents on the Island of Hawaii in the wake of tropical storms and flooding last year. It is the dedicated men and women who form the FEMA family who continue to build on these relationships and provide Federal assistance to those most in need. Just this year, FEMA assisted flood victims in West Virginia, Kentucky, and Illinois and is working with communities devastated by wildfires in Colorado and New Mexico.

Every state in the Union, including Hawaii, works with FEMA to include disaster mitigation when rebuilding after an event. Cities and counties across the country are working with FEMA to lessen the impact of future natural disasters through mitigation programs.

These efforts are all-hazard and will help communities respond to floods and terrorist attacks. However, there are those in the Administration who have criticized mitigation efforts and have questioned their cost and benefit.

FEMA's pre-disaster mitigation program was eliminated in the President's 2002 budget because it was deemed ineffective by the Office of Management and Budget. Congress disagreed and saved the $25 million program only to see the Administration's FY03 budget proposal seek to eliminate FEMA's post-disaster mitigation program, which was also judged ineffective by OMB.

I believe that Mr. Brown and Director Allbaugh appreciate the importance of disaster mitigation. Unfortunately, traditional cost-benefit analysis is not appropriate for mitigation and prevention programs, and OMB has not given FEMA guidelines on what factors will be used in the future.

I am concerned that these same problems will haunt the new Homeland Security Department. What factors will OMB use to determine the effectiveness of different homeland security programs? I hope Governor Ridge will shed some light on this when he appears before us tomorrow.

The Deputy Director will be responsible to make sure that core functions are not neglected. Over the past decade, FEMA has regained the confidence of local and state emergency managers. Individuals and families rely on FEMA when their lives are torn apart by natural disasters. I believe confidence and trust are among America's most important assets in our struggle to make our communities safer and more secure.

FEMA has these assets because of it employees. The Deputy Director also will be responsible for ensuring that these dedicated Federal workers have the resources, training, and support necessary to do their jobs. Likewise, FEMA's core missions are too important to take the best and most experienced staff away from traditional disaster response and mitigation to fill new homeland security activities.

Mr. Brown, thank you again for your dedication and willingness to serve your nation. You have a tough road ahead. If we are to use the parallel between this reorganization and the creation of the Department of Defense in 1947, we must remember that it took years, even decades, to shape a truly integrated armed forces. Unfortunately, we do not have years to reshape how our country prepares for terrorism.

We can, and should, pass legislation to create a homeland security department. However, we must remember that the issue is not a new Federal department, but what is most effective in protecting Americans.

Chairman LIEBERMAN. Mr. Brown, our Committee rules require that all witnesses at nomination hearings give their testimony under oath, so at this point, I would ask you to please stand and raise your right hand.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. BROWN. I do.

Chairman LIEBERMAN. Thank you. Please be seated. Mr. Brown, do you have a statement that you would like to make at this time?

Mr. BROWN. A very short statement, Mr. Chairman.

Chairman LIEBERMAN. Please proceed.

## TESTIMONY OF MICHAEL D. BROWN[1] TO BE DEPUTY DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Mr. BROWN. Thank you, Mr. Chairman, Senator Akaka, and Senator Bunning. It is truly an honor to be here today. I am especially proud to be joined today by so many people from FEMA. I really consider them to be my friends after a year and a half or so of working there. The people at FEMA are truly dedicated to doing a good job, truly dedicated to fulfilling the mission of that agency, and truly dedicated to being the best public servants that they can. The fact that some of them showed up today is very meaningful to me and I appreciate their being here.

I am also very grateful for my wife being here today. As all of you know, public service sometimes can cause a heavy toll in terms of just relationships, in terms of the workload, in terms of what the undertaking is that we do in being public servants, and my wife has followed me throughout my career and has been very supportive, at times questioning me, at times prodding me, at times looking at me with that strange look on her face like, "What are you doing now?" [Laughter.]

Mr. BROWN. But throughout all of it, she has been very supportive, so I would like to introduce my wife, Tamara, and just tell you how much I appreciate her being here today.

Chairman LIEBERMAN. Thank you for being here, Mrs. Brown. All of us are familiar with that strange spousal look that Mr. Brown referred to. "What are you doing now?" I have seen that a few times at home. [Laughter.]

---

[1] Biographical and professional information appears in the Appendix on page 17.
Pre-hearing questions and responses appear in the Appendix on page 62.
Questions for the Record and responses appear in the Appendix on page 95.

Mr. BROWN. I am very grateful to President Bush for nominating me to this position. Like you, I believe public service is an honorable path and an honorable career and I am fortunate to have this opportunity to contribute and I am honored that I have been asked to serve. I am especially honored that I have been asked to serve at this incredibly interesting time in our country's history.

I am also very pleased that I was introduced by two, I think, very unique members of the U.S. Senate, the only veterinarian in the Senate and the only Senator I know that when I am traveling through Colorado and I see a Harley Davidson drive by, I pull down my glasses to see if it is Senator Campbell or not. So two of the most unique Senators in this institution have introduced me today and I am very honored by that.

I am also honored by the fact that my friend, Joe Allbaugh, whom I have known for some 25 years, has asked me to serve with him. Our friendship goes back many years, but that personal history pales when you put it in the context of the past 9 months. It is during times such as this that we learn a lot about ourselves, our families, our friends, and everyone else, and how much we cherish them.

I have been saying a lot of thank yous, and that is because FEMA is a terrific agency with an inspiring mission. FEMA cuts across political and philosophical lines. It is an agency people can agree on. They respect our mission. They understand the challenges that the mission represents.

Mr. Chairman, both as Chairman of this Committee and as a member of our EPW Subcommittee, you know what a broad reach that we have in this agency, for example, from disaster response to fire grants, from the President's first responder grants to supplementing homeless service providers, from safety near chemical storage sites to safety near earthen dams, from disaster mitigation to safety around nuclear power plants, from the Cerro Grande Fire Claims Office to flood insurance maps. That covers a lot of ground and requires as much energy as it does expertise.

In short, we at FEMA have a lot of responsibility, but we are also blessed with partners who are the best in America. Some of those partners that we work with include State and local governments at all levels, communities, homeowners, nonprofits, charitable groups, emergency managers, fire fighters, and all of the other first responders.

As you can see, we are part of a terrific team. Contrary to Groucho Marx's theory on club memership, it is the kind of club of which you would want to be a member. We have a lot on our plate and a lot more coming to our plate, but through this work, we are also blessed to see firsthand on a regular basis the very best that this country has to offer.

I have now been at FEMA for just over a year as General Counsel and Chief Operating Officer. It has been a tumultuous time, but also a time of great hope and a time of great possibility. I want to assure you that if I am confirmed as Deputy Director, I will work hard to maintain FEMA's standard. We have worked hard to gain a reputation as dependable partners, and I want to not only maintain that record, but to improve on that record, also.

I pledge with all sincerity to work with this Committee and the Congress to strengthen the agency, its dedicated staff, and the service that we provide to people most in need of our help. Working together, I believe all things are possible.

I thank the Committee for your time and your attention and I will be happy to answer any questions that you have.

Chairman LIEBERMAN. Thanks very much, Mr. Brown.

I am going to ask you some questions first, that we ask of all nominees. Is there anything you are aware of in your background which might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. BROWN. There are none, Senator.

Chairman LIEBERMAN. Do you know of anything personal or otherwise, that would in any way prevent you from fully and honorably discharging your responsibilities as Deputy Director of FEMA?

Mr. BROWN. No, sir.

Chairman LIEBERMAN. And do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Mr. BROWN. Absolutely.

Chairman LIEBERMAN. Thank you very much.

Mr. Brown, as we have indicated here today, as much as any other agency, FEMA's role will be greatly expanded as we reorganize government to prepare for and respond to terrorist attacks at home. FEMA, of course, has done an outstanding job in working closely with State emergency managers to respond to natural disasters.

However, I know there is a concern among some, including some law enforcement officials and regional councils of government, that FEMA sticks pretty closely, if I can put it in the vernacular, to its own network of State emergency management personnel and local emergency management personnel. Given FEMA's expanding mission, what would you intend to do to expand FEMA's network and to reach out to these other groups that you may have more contact with than you have had in the past?

Mr. BROWN. I think we have already started down that path, Senator. Director Allbaugh met, I think, possibly 30 days ago or so with a group of law enforcement officials and literally sat down with them at Tortilla Coast in a room. I envisioned a room with a chair in the middle, the way he describes it, and a single light bulb over his head and they grilled him extensively about the relationship that FEMA has with law enforcement agencies. He very forthrightly told them that our partnership has to be with all agencies responding to the disaster, all first responders, and the impression I had from my conversation with him is they walked away feeling much better about that.

We also have reached out to FBI Director Mueller and had a meeting with him a couple of weeks ago and they have agreed to detail an FBI Special Agent to our FEMA Operations Center so that as we do our planning, as we do our preparations, we will have that law enforcement component as a part of our emergency support team.

So I think we are already doing that. My pledge would be that just as we have good partnering relationships with State and local

government, I will do my best to expand that partnership attitude, those partnership relationships to all aspects of law enforcement that may be involved in first response.

Chairman LIEBERMAN. Thank you very much. That is a good answer.

In the homeland security bill that this Committee reported out about a month ago, FEMA would be the key component in the Emergency Preparedness and Response Directorate, as we called it in that bill, of the new Department of Homeland Security. That particular directorate would be responsible for all of the disaster response activities currently handled by FEMA as well as the Federal, State, and local planning, training, and exercise programs and the coordination that needs to occur between the Federal agencies, State and local governments, and the private sector.

The role envisioned for FEMA in the administration's proposal, it seems to me, is quite similar to the one in our Committee bill, but in addition, the administration in its bill would create a Chemical, Biological, Radiological, and Nuclear Countermeasures Directorate. Among that directorate's responsibilities would be, "to direct exercises and drills for Federal, State, and local chemical, biological, radiological, and nuclear response teams and plans."

I am going to ask this question on Thursday, or I am sure somebody will, of Governor Ridge, but the question that I want you to give a response to, and think about further if you would like, is whether the responsibilities of this fourth directorate that the administration bill proposes, to the extent that it would focus on training and exercises for and in response to catastrophic terrorism, may duplicate what FEMA would be doing in the Emergency Preparedness Directorate. So I am wondering whether those responsibilities, separate from what I take to be the research and development parts of this new directorate, would better be consolidated within FEMA or the FEMA-dominated directorate in our Committee bill.

Mr. BROWN. Let me answer the question this way. First and foremost, I will support whatever proposal the President submits and will work hard to implement that and make certain that it works.

In this respect, Senator, FEMA has what I think is the absolute appropriate approach to hazards and it is the all-hazards approach. And not to be crass, but on September 11, if the planes had gone into the towers because of a failure of the air traffic control system or whether they had gone into the towers because of the terrorists who were flying them into the towers, FEMA's response would have been the same. It is the all-hazards approach. We train first responders. We train State and local governments. We build the partnership such that regardless of the cause of the disaster, our response is the same, and we will make certain that we are well prepared for whether the tanker truck carrying ammonium nitrate falls over because of a flat tire or falls over because someone shoots at the tire, that our response is adequate and geared to solving whatever the response needs to be for that incident.

So in terms of the restructuring, I think as long as FEMA continues its all-hazard approach, its all-hazards mission, that we will be able to fulfill whatever mission it is that the President and Congress give us to fulfill. Now, we currently have the CSEP (Chemical

Stockpile Emergency Preparedness) and the REP (Radiological Emergency Preparedness) programs in which we have some of those training responsibilities already. We would continue those. I think we have a good track record in that regard, so we would, not to continue repeating myself, but we would continue to take the all-hazards approach regardless of what responsibilities we are given in some final version of the bill.

Chairman LIEBERMAN. I urge you to continue to think about that. We are all together. We are all trying to figure out in a very new circumstance what the best way is to organize the government's response. It is just the question was raised in my mind whether parts of the functions of this new CBRN Directorate, frankly, would be better in the other directorate with FEMA, and I encourage a continued dialogue on that.

Mr. BROWN. I think there will be a lot of dialogue in that regard.

Chairman LIEBERMAN. Sure. Thank you. Senator Bunning.

Senator BUNNING. Yes. In following up on the Chairman's questions, has FEMA's relation with emergency responders changed since September 11 or has the focus of the agency changed? Are you doing more with local responders than you used to?

Mr. BROWN. I do not think so. Let me answer the question this way, Senator. People often ask me what has happened, what has changed in terms of our function since September 11 and I answer, not flippantly but very seriously, everything has changed and nothing has changed.

Everything has changed only in the sense that the intensity with which we approach our mission, the intensity with which the employees who are here today and the employees back in headquarters and throughout all the regions, that they approach their job has taken on a new meaning to them. It is much more acute, much more intense in terms of making sure that we are prepared in every possible sense of that word.

But in the actual implementation of that preparation, nothing has changed. We are continuing to build the partnerships. We are continuing to make certain that our relationships with all of the partners of State and local government are in place and that it is a good working relationship.

We have brought on who was going to be the new President of the National Emergency Managers Association into FEMA as an employee. We are reaching out to law enforcement. We are reaching out to—I gave a speech, I forget, it was the Association of Supreme Court Justices and made it reach out to them and said, how many of you have talked to your State emergency managers or your State homeland security director? Nobody in the room raised their hand. But it was the point of trying to get them to start building those partnerships that we are already good at and trying to expand those partnerships as much as possible.

Senator BUNNING. I can just say to you that the relationship between the local responder and FEMA has changed in Kentucky because they are more friendly doing their job. They always did their job, but the response has been a more friendly response and a willingness to cooperate. I want to make sure that if you are put in homeland security, that this function that is placed in homeland

security does not get someone involved that does not have that same attitude as far as responding is concerned.

Mr. BROWN. Well, Senator, I will make this pledge to you, that as long as I am around, those partnerships will continue to grow and expand as much as possible. The partnerships, both with our State and local partners and with our Federal partners, are exactly what makes FEMA successful.

Senator BUNNING. You were in city government like I was before I became a State Senator and a Member of the House and a Member of the U.S. Senate. You were an Assistant City Manager in Edmond, Oklahoma, one of my old hangouts when I managed the Oklahoma City 89-ers, in the mid-1970s, actually. So was I, 1976. How has the responsibility and focus of local officials changed since September 11, the relationship to FEMA?

Mr. BROWN. First of all, I would say I probably went to some of those ballgames, but I am sure I never screamed at the manager.

Senator BUNNING. Yes. I can remember you specifically doing that. [Laughter.]

Mr. BROWN. I never did that. [Laughter.]

State and local governments are looking to us for leadership. They are looking to FEMA to tell them where are the holes in our response plans? Where are the holes in our mutual aid agreements? What incentives can you provide us to fill those holes?

And I think as long as we continue those relationships—we did an assessment immediately following September 11 at the request of Governor Ridge, Director Allbaugh, and the President and we went to the State and local governments and said, tell us what your greatest needs are. Tell us what your greatest vulnerabilities are. And because they trust us, they were willing to give us that unabashed response about: In Oklahoma, our hole is here. In Colorado, our vulnerability is here. In Kentucky, we have a weakness here that we need to get filled. And so they looked to us for that kind of leadership and I think will continue that. I do not think that will change regardless of where the Congress and the President end up putting the FEMA structure.

Senator BUNNING. In other words, you will be able to do your two main functions, to respond to natural disasters and prepare for any terrorist attack, no matter where you are placed?

Mr. BROWN. That is my intent, and I think that is a true statement, that regardless of where we are placed, our coordination will stay the same and we will be able to do that job as well as we have, and hopefully even better. Under the proposed structure, I think it would be even better because the partners we now work with will now be part of our organization.

Senator BUNNING. This will be my last question, Mr. Chairman.

Chairman LIEBERMAN. No problem.

Senator BUNNING. You mentioned in a speech the need for a national accreditation system for emergency responders. Do you think that is necessary, to put a grade on our responders or to say that this group is better than that group, or how did you mean that?

Mr. BROWN. Accreditation is probably not the proper word, but some sort of certification that says this group has been through this type of training and they are able to do A, B, and C, so that when you have a mutual aid agreement and there is a requirement

that says we need additional response from somewhere else, we know we can turn to your team and your folks and they will have the necessary training that we need for that particular incident that is taking place.

Senator BUNNING. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you, Senator Bunning. Senator Bennett, good morning.

Senator BENNETT. Good morning, Mr. Chairman. Good morning, Mr. Brown.

Mr. BROWN. Good morning, Senator.

**OPENING STATEMENT OF SENATOR BENNETT**

Senator BENNETT. We appreciate your being here. I must say for the record what I have said privately but cannot really say too often, how grateful we in Utah are to FEMA and the other agencies that were involved in providing security for the Olympics. As the head of security for the Olympics said to me as I stood in the command center where all of the agencies were present, he said, "Senator, this is boring, and in the security business, boring is good." [Laughter.]

I think we saw in the Olympics a model that can be used now for the Homeland Security Department, as every agency who was involved in providing security for the Olympics had a coordinated role and obvious stake in seeing to it that it stayed boring. It was amazing, the contrast, for example, with the Atlanta Olympics, which took place against a backdrop of no terrorism around the world, at least as far as Americans were concerned, and the Utah Olympics that took place against the backdrop of September 11. The difference was stark. Atlanta had bomb scares in the hundreds every day. In the Salt Lake Olympics, we had less than 100 bomb scares through the entire 17 days. So that was an example of how different agencies can work together and provide security.

The concern I have with respect to the creation of this new department is what happens to your other missions. FEMA has missions other than security missions. If the primary focus of the new department is homeland security and that becomes the primary focus of FEMA, what happens to your other responses in situations that have nothing to do with homeland security and homeland defense? Have you given any thought to that as you have looked to your new home?

Mr. BROWN. I have given considerable thought to it, Senator, and I am honestly convinced that it really has no detrimental effect to our all-hazards approach that we currently have. I sincerely believe it will enhance our ability to convince all of our partners, State, local, and Federal partners, that the whole concept of having an all-hazards approach is the best way to secure the homeland.

If we are prepared against, and again, I give the example, another example of the all-hazards approach is if we are prepared for responding to the breaking of a dam, regardless of the cause of the breaking of that dam, we have secured the homeland. If we are prepared to respond to wildfires occurring in Colorado, then we have secured the homeland regardless of the cause of those wildfires.

It is the all-hazards approach that is developed solely on these partnerships that I think will be enhanced by the new structure. I do not think we will lose that core mission at all.

Senator BENNETT. The reason for my concern, and the Chairman has heard me on this subject before, I was present at the creation of the Department of Transportation, where we did pretty much the same thing, brought a number of agencies in from a number of different places, and frankly, the Department did not function for years as it should have functioned because the Coast Guard and the FAA and the Urban Mass Transit Administration and the highway people all had very different cultures and different attitudes and they were not used to thinking in terms of a single Department focused on transportation and it took years for the cultures to change.

I am concerned about that happening here. I am delighted with your answer, which does demonstrate that you have given some thought to it, and my only counsel to you is continue to look in that direction because putting together this new department is going to be very difficult.

Mr. BROWN. If I can be so bold as to offer a little further insight into my thinking, FEMA is in essence being taken lock, stock, and barrel and placed into the new organization, and I think because, again—I know I am repeating myself—but because of our partnership relationships, it is my belief that our culture, building partnerships and working together, will probably, in my way of thinking, permeate the new organization.

Senator BENNETT. Well, let us hope.

I congratulate you on your nomination. I intend to support it with great vigor and look forward to working with you. Thank you, Mr. Chairman.

Mr. BROWN. Thank you, Senator.

Chairman LIEBERMAN. Thank you, Senator Bennett.

Just a couple more questions that have actually come in to us from others. I received some communications from a member of the New York City Council, Peter Valone. I know you are aware, Mr. Brown, that discussions have been going on between FEMA and the City of New York regarding the City's request for reimbursement of costs incurred by the police department in connection with the attacks on the World Trade Center. I just wonder if you could report to us on the status of those discussions, if you know them at this point.

Mr. BROWN. I can report on that generally and specifically, Mr. Chairman. We have had ongoing discussions. I have set up within FEMA a New York Special Task Force that all these issues, such as the reimbursement for the police, come to. I have included the Inspector General of FEMA in those discussions so that whatever decision that we make, the Inspector General has had a chance to look at our policy direction that we are going to make sure he is comfortable with it. We are coordinating all those decisions with the White House and I think we are very close in terms of New York City police overtime, of having a mechanism where we can do those reimbursements.

Chairman LIEBERMAN. That is encouraging. I thank you for that and I know that will mean a lot to folks in New York.

Finally, there has been, as you know, obviously, increased scrutiny lately on the evacuation plans for nuclear plants. That is of some significance to us in Connecticut because we have four nuclear plants, two active and two that are decommissioned. There has been some concern expressed in Connecticut about whether the evacuation plans are adequate to ensure the safety of people living near the plants should there be an accident or a terrorist attack.

I also note that a member of the New York State Assembly, Richard Brodsky, has conducted hearings into the adequacy of the evacuation plans for a particular plant in New York, namely the Indian Point plant, and has filed a petition asking FEMA to reconsider and disapprove the evacuation plan which has been in place since 1996.

As Deputy Director, you will be responsible for considering the petition, so I wanted to ask you generally how you see your role in investigating the adequacy of these evacuation plans for nuclear power plants in the United States.

Mr. BROWN. I think my role is a very serious one. I think the agency's role is a very serious one, that we should not just wait for someone to petition or request that we evaluate, that those types of plans should be evaluated on an ongoing basis. It would be my intent to somehow implement the ongoing evaluation so we do not have to look in hindsight and say, gosh, we wish we had looked at that. We should be looking at that all the time to make sure they are adequate, and I will pledge to you that we will certainly do that.

Chairman LIEBERMAN. I appreciate that, obviously, from the point of view of Connecticut. I am not asking for what your response will be, but do you have any sense of how you will handle this petition from New York about a review of the Indian Point plant?

Mr. BROWN. In all honesty, I do not. I just received it yesterday——

Chairman LIEBERMAN. You did?

Mr. BROWN [continuing]. When I got back into the States and I just looked at it for the first time yesterday.

Chairman LIEBERMAN. Understood. We will continue to want to be in dialogue with you on this, as well, and I appreciate the commitment that you made to be involved in ongoing review of these plans because it is obviously critical.

Senator Bunning, do you have any other questions?

Senator BUNNING. No, no more questions.

Chairman LIEBERMAN. Mr. Brown, I thank you very much. I will certainly support your nomination. I will do my best to move it through the Committee as soon as possible so we can have you fully and legally at work in your new position. In the meantime, I thank you very much. I thank your family for their support of you, and at this point, we will adjourn the hearing.

[Whereupon, at 11:19 a.m., the Committee was adjourned.]

# APPENDIX

---

**Michael D. Brown**
**BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES**

**A. BIOGRAPHICAL INFORMATION**

1. **Name:** (Include any former names used.)

   Michael DeWayne Brown

2. **Position to which nominated:**

   Deputy Director, Federal Emergency Management Agency

3. **Date of nomination:**

   March 22, 2002

4. **Address:** (List current place of residence and office addresses.)

   Home: ___ ___ ___ ___ ___

   Local: ___ ___ ___ ___ ___

   Office: 500 C Street, S. W., Room 828
   Washington, DC 20472

5. **Date and place of birth:**

   November 8, 1954
   Guymon, Oklahoma

6. **Marital status:** (Include maiden name of wife or husband's name.)

   Married
   Tamara Ann Oxley Brown

7. **Names and ages of children:**

   ___ ___ ___ ___

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

   Guymon High School, 1970-1973; Diploma, 1973;
   Southeastern Oklahoma State University, 1973-1975;
   University of Central Oklahoma, 1975-1978; BA, Political Science/Public Administration, 1978
   Oklahoma City University School of Law, 1978-1981; Juris Doctor, 1981

**Employment record:** List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)

February 2001 to Present
Chief Operating Officer and General Counsel
Federal Emergency Management Agency
Washington, DC

January 2001 to February 2001
Executive Director
Independent Electrical Contractors
Denver, Colorado

August 1991 to January 2001
Commissioner
International Arabian Horse Association
Denver, Colorado

1988-1991
General Counsel
Dillingham Insurance, Suits Drilling, Suits Rig, Latigo Energy, Dillingham Ranch and other Dillingham Family Partnerships
Enid, Oklahoma

1983-1988
Attorney at Law
Enid, Oklahoma

1982-1983
Attorney
Jones, Gungoll, Jackson, Collins & Dodd
Enid, Oklahoma

1980-1982
Staff Director
Senate Finance Committee
Oklahoma Legislature
Oklahoma City, Oklahoma

1978-1980
Executive Secretary
Edmond Economic Development Authority
Economic Development Director
Edmond Chamber of Commerce
Edmond, Oklahoma

1975-1978
Assistant City Manager, Police, Fire & Emergency Services
Edmond, Oklahoma

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with federal, State, or local governments, other than those listed above.

1980-1982
City Councilman
Edmond, Oklahoma

1980-1988
Chairman, Treasurer, Board Member
Oklahoma Municipal Power Authority
Edmond, Oklahoma

11. **Business relationships:** List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

Owner, Michael D. Brown, Attorney at Law, sole proprietorship
Enid, Oklahoma and Denver, Colorado

12. **Memberships:** List all memberships and offices currently or formerly held in professional, business, fraternal, scholarly, civic, public, charitable and other organizations.

Theodore Roosevelt Association
Trustee, Development Committee Member
Oyster Bay, New York

Central Christian Church
Board Member, Trustee
Enid, Oklahoma

Old Stone Congregational Church
Trustee
Lyons, Colorado

Colorado Bar Association
Member; Hearing Officer, Supreme Court Disciplinary Committee; Law & Education Committee Member
Denver, Colorado

Oklahoma Bar Association
Member, Associate Bar Examiner on Ethics
Oklahoma City, Oklahoma

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Candidate, 6th Congressional District, Oklahoma, Republican Nominee

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Associate Counsel, Oklahoma Republican Party
Special Counsel, Oklahoma Republican Party
Member, Oklahoma Republican Party

Rules Committee Chairman, Oklahoma Republican Party

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 5 years.

Bush for President, 1999, $500
Bush-Cheney 2000, 2000, $500

**Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Full Debate Scholarship
Southeastern Oklahoma State University, 1973-1975

Michael D. Brown Hydroelectric Generation and Dam Project
Named in my honor by the Oklahoma Municipal Power Authority
Kay County, Oklahoma, 1988

**Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

**Speeches:** Provide the Committee with four copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

See Attachment I.

**Selection:**

(a) Do you know why you were chosen for this nomination by the President?

Since my appointment as FEMA's General Counsel in February 2001, the agency has undergone significant change. Obviously, much of this change has been a result of the agency's involvement in the aftermath of September 11th. However, I recognize that a part of the agency's change has been a result of FEMA's management. I hope the President has nominated me for the position of Deputy Director based on my commitment to the agency and my ability to work closely with the Director to continue to improve the agency's performance. As we enter a new age of emergency preparedness and emergency management, I believe that we must continue to strive to improve the agency's core responsibilities as we increase efforts to improve the capabilities of the nation's emergency responders. I understand what FEMA has accomplished in the past and I understand what must be done now. Most importantly I know what FEMA must focus on within the Agency to be successful in the future.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

During my early career in municipal government, I was actively involved in emergency services at the state and local government level, including police, fire, public works and public safety. I believe that my administrative and management experience in state government and in a large, international nonprofit organization has provided me with the requisite management skills to lead and direct the Federal Emergency Management Agency. In addition, my legal background includes the representation of emergency service personnel. Through this experience, I was responsible for handling labor, legislative and personnel issues relative to emergency services.

Finally, my tenure as FEMA's General Counsel has provided me with an understanding of the wide-ranging issues that FEMA must handle.

**B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

   As the current General Counsel of FEMA, I have already severed all such connections effective February 2001.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

   No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

   No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

   Yes.

**C. POTENTIAL CONFLICTS OF INTEREST**

1. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

   None of the clients I have represented nor any of the business relationships, dealings or financial transactions I have had during the last 10 years would result in a possible conflict of interest.

2. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy other than while in a federal government capacity.

   None.

3. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

   Yes.

**D. LEGAL MATTERS**

Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Yes. In 1987, an attorney for the Oklahoma Corporation Commission filed a complaint against me with the Oklahoma Bar Association. The attorney alleged that I had misled a hearing examiner by stating that one of my clients had incorporated in Bermuda when, in fact, the client had incorporated in the Turks and Caicos Islands. The Oklahoma Bar Association immediately dismissed the complaint without hearing and no action was taken.

To your knowledge, have you ever been investigated, arrested, charged or convicted (including pleas of guilty or nolo contendere) by any federal, State, or other law enforcement authority for violation of any federal, State, county or municipal law, other than a minor traffic offense? If so, provide details.

Yes, in August 2000, a neighbor filed a complaint with the local sheriff's office because one of our St. Bernard dogs escaped our "invisible fence" system. The municipal judge dismissed the charge upon payment of court costs.

Have you or any business of which you are or were an officer, director or owner ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

Yes. In April 1998, David C. Boggs, and others, filed civil litigation against my former employer, the International Arabian Horse Association, and myself. The claims made against us originated from our prosecution of Mr. Boggs on multiple counts of violations of the rules of the Association, an international equine sports organization that promotes the safe and ethical treatment of Arabian horses, licenses competition officials, and maintains an Arabian horse registry. The litigation filed by Mr. Boggs and his partners included the following:

(A) David C. Boggs v. International Arabian Horse Association & Michael D. Brown, Commissioner, Civil Action 98-Z-2488, United States District Court for the District of Colorado. The Association and I won the case on a motion for summary judgment. The case was appealed, which resulted in a dismissal.

(B) International Arabian Horse Association v. David C. Boggs v. International Arabian Horse Association and Michael D. Brown, Commissioner, Civil Action 98-Z-973, United States District Court for the District of Colorado. The Association and I won the case on a motion for summary judgment.

(C) Boggs v. International Arabian Horse Association & Michael D. Brown, Commissioner, United States Court of Appeals for the 10th Circuit, Denver, Colorado. The case was dismissed.

(D) David C. Boggs v. International Arabian Horse Association, a Colorado nonprofit association, Tom Connelly, Michael D. Brown and Mary Anne Grimmell. Case No. 99-CV-3430, Arapahoe County District Court, Colorado. I was ultimately dismissed, with prejudice, from the litigation prior to trial. The Association won the case following a trial by the court.

(E) Mystique Lady Ventures, a Nevada partnership, v. International Arabian Horse Association, a Colorado nonprofit association, Maria Murdock, Bradley Gallun, Tom Connelly, Barbara Burck, and Michael D. Brown, Commissioner. Case No. 99-CV-3457, Arapahoe County District Court, Colorado. I was dismissed from the case prior to trial at the request of plaintiffs.

(F) London Derby, S.A., an Argentine corporation, and Mayed, S.A. f/k/a Trieste, S.A., an Argentine corporation, v. International Arabian Horse Association and Michael D. Brown, Commissioner.

Case No. 00-CV-1214, Arapahoe County District Court, Colorado. I was dismissed from the litigation prior to trial and before the case was settled by the insurance company.

(G) Harold Orr and Dolly Orr, d/b/a Orrion Farms v. International Arabian Horse Association, a Colorado nonprofit association, and Michael D. Brown, as Judges and Stewards Commissioner of the International Arabian Horse Association, Case No. 00-CV-1858, Arapahoe County District Court, Colorado. The case was dismissed.

For each of the foregoing cases I was represented by Wheeler, Trigg & Kennedy, Mr. Michael O'Donnell, 1801 California Street, Suite 3600, Denver, Colorado 80202. Telephone 303-292-2525 or direct for Mr. O'Donnell at 303-294-1850. Mr. O'Donnell has been instructed to provide any additional information needed with respect to the litigation.

4. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None.

**E. FINANCIAL DATA**

***The Answers to the Financial portion of this Questionnaire are available for inspection in SD-340.***

The District of Columbia

**AFFIDAVIT**

Michael D. Brown, being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Michael D. Brown

Subscribed and sworn before me this 30th day of April, 2002.

Andrea Williams
Notary Public

ANDREA WILLIAMS
Notary Public, District of Columbia
My Commission Expires May 14, 2006

## ATTACHMENT I

## MICHAEL D. BROWN

### NATIONAL LEADERSHIP FORUM ON DISASTER VOLUNTEERISM

INTRODUCTION

- Thank you very much Ms. Cooper (President of the UPS Foundation) for taking the initiative in spearheading the planning for this important meeting on disaster volunteerism.

- Of course, it is a very timely meeting as we are approaching National Volunteer Week next week – a time when many thousands of Americans will be involved in local community and neighborhood projects. It is timely in that this is also the month President Bush has launched the CitizenCorps program which is all about engaging the public in a meaningful way to be more involved in public safety and emergency preparedness issues in their own neighborhoods.

- I read with great interest of the extraordinary support the UPS Foundation, under your leadership, has made to volunteerism throughout the country through the *Volunteer Impact Initiative*. Your commitment to building the capacity of organizations like Big Brothers - Big Sisters, 100 Black Men, and Junior Achievement is exemplary. In turn, these organizations, and many like them, allow people to get involved in their communities and make a positive difference. It's what makes this country great.

- When we as a society are successful in expanding the number of citizens involved in their own communities, we are building a stronger foundation to society. We are building a stronger civil society. It is a critically important investment and our hats go off to the UPS Foundation for your support and generosity.

- The tragic events of September 11, 2001 are still difficult to comprehend. In the aftermath, among many other considerations, it is clear that more needs to be done to guide the public about how it can be most helpful in disasters of all kinds.

ACKNOWLEDGEMENTS

- It is an honor to be co-convening this meeting with the Points of Light Foundation, perhaps the nation's leading non-profit organization involved in volunteerism. The work of the Volunteer Centers in volunteer management in disasters dates back to at least the 1980's. It is a good model to build upon.

- Allow me to thank those of you in the audience who might have served directly or indirectly, or whose organization members might have served in the response or recovery of the September 11th incidents.

- As we all know, considerable money was collected, and considerable in-kind contributions were made from all parts of society throughout the country. The UPS employees who assisted in transporting supplies to the Ground Zero area in New York City, and providing other support for the first responders in New York are to be commended for their service.

- In addition, UPS has been very generous in supporting the September 11th Fund which overall has provided over $235 million to victims, families, and communities including the Shanksville, PA Fire Department. UPS has supported some of the voluntary agencies involved in disaster work and helped many local relief agencies.

**DEVELOPING A VOLUNTEER STRATEGY JOINTLY**

- When a critical issue such as how the public can help in disaster work is addressed, it is vital that a broad cross-section of society is at the table from the beginning. A wide number of organizations with an interest in disaster volunteerism should be welcomed to define the issues, share experiences, and jointly help identify steps to make progress. The coordinators of this event have done a tremendous job in welcoming a wide body of individuals and organizations to attend.

- This post-September 11th environment can be seen as a teaching moment for the country on the broad subject of disasters and public safety & volunteerism. There is considerable information that needs to be pulled together from many organizations that shows how people can get involved in both the disaster preparedness and disaster response periods.

- The volunteer opportunities under the various CitizenCorps programs will be part of the equation. The strong voluntary activities of the many members of the National Voluntary Organizations Active in Disaster already offer a number of volunteer opportunities. In addition, the National VOAD members offer skilled volunteer managers. When their efforts are combined in various partnerships, the potential to manage large numbers of volunteers is even greater.

**EXPECTED OUTCOMES & CONCLUDING REMARKS**

- From FEMA's point of view we are happy to see such a meeting take place and the wonderful public – private partnership that it really is.

- For specific outcomes, we hope that this meeting will lead to the development of simple, useful training tools for State and local governments and voluntary agencies involved in disaster volunteer management. We look forward to some useful public education materials stemming from this meeting.

- We also hope that there will be a sense of commitment made on the part of everyone here to help communicate with the public about the effective ways to both donate and volunteer in disaster times. When you see a community initiative that may not be an appropriate one, please step in and provide some guidance. We want to keep the public's interest alive and strong but do so without sending inappropriate donations or volunteers to disaster scenes.

- Above all, we look forward to cooperating in the development of an overall national strategy regarding disaster volunteerism --- one which enables people to find useful and constructive ways of helping with disaster and public safety work without hindering or interfering with disaster response operations.

**APRIL 5, 2002**
**THE NATIONAL VOLUNTEER FIRE COUNCIL'S**
**SPRING MEETING**
**DENVER, COLORADO**

---

## INTRODUCTION

- Good afternoon and thank you for inviting me to speak in Denver, CO.
- I am pleased to be with such an important group of individuals today, and I am excited about the opportunities to work with you to implement some of President Bush's key initiatives, and to provide you information about FEMA's budget priorities.
- Director Allbaugh and I have seen and learned how important the fire service--and the entire first responder community—is to protecting our country.
- For your work, sense of duty, and dedication to your communities, we are sincerely grateful.
- And the volunteer fire service deserves an extra round of applause.
- Statistics that you know so well about the volunteer fire service really stand out in my mind, because they say a lot about who you are:
  - Nearly 80% of the fire service is comprised of volunteers.
  - The volunteer fire service protects about 57% of the U.S. population.
- What you do through volunteerism makes your communities safer, and your personal investments are being recognized and the state and at the national levels.

## KEY ISSUES OF THE NATIONAL VOLUNTEER FIRE COUNCIL

- I was given a lot of background materials about the National Volunteer Fire Council and your key issues before speaking with you today. I am pleased to see how you are engaged at the national level in a way that will make a difference locally.
- A few of the things that caught my attention:
  - **First,** you know we cannot review all the applications and administer the **FEMA fire grant** funds without your help.
    1. As of **April 4,** FEMA received **around 14,000 completed applications.**
    2. At 5PM today, that open application period ends.
    3. It is good to be a part of an organization that is helping to meet your basic needs.
  - **Second**—you recognize the importance of being counted in **the national fire department census.** This information is important to FEMA so we can better articulate the needs of the fire service.
  - **Third—it is important to continue your dialogue with the Office of Homeland Security.** We are working hard to develop a truly national strategy that will meet the needs at the local, state and federal levels. FEMA

and the United States Fire Administration will help be your advocate with Governor Tom Ridge's office.

- **Fourth,** you are working in **partnership** throughout local communities to meet your goals. We want to work with you to best prepare the entire first responder and volunteer community.
- **Fifth,** the NVFC understands the importance of **volunteerism,** as you provide vital services day-in and day-out in each of your communities. And the President has made this a focal point within his FY03 budget request through the creation of **Freedom Corps.**

- Many of your key issues mirror the goals established by President Bush for FEMA since the State of the Union. To implement these goals, FEMA will work in partnership with you to:

  1. Develop and implement a true **national strategy** dealing with terrorism.
  2. Recognize on the national level that **first responders** are so vitally important to saving lives in the first minutes and hours of any incident.
  3. Support and eventually administer the proposed Fiscal Year 2003 budget of **$3.5 billion** in federal aid to first-responders.
  4. Implement **Freedom Corps** and coordinate FEMA's part, **Citizen Corps.**

## THE IMPORTANT RELATIONSHIP BETWEEN THE FIRE SERVICE AND EMERGENCY MANAGEMENT PROFESSIONS

- Since his arrival at FEMA, Director Allbaugh defined **three primary goals** that require the first responder and emergency management communities to forge close working relationships with each other. **And you are important to our success in each.**
- **These goals are still important to us, and they support the priorities established by the President:**
  - **First**, we must continue our efforts to reduce damage from natural and man-made disasters through **mitigation.**
  - **Second**, we must be prepared to deal with any type of **catastrophic disaster.**

**NEMA Conference:** As I reflect back on the days before and immediately after September 11, I realize now how eerie a statement our Director had made on September 10. The senior management of FEMA was attending a conference in Bozeman, Montana with all of the State Emergency Management Agency Directors. On that day, Director Allbaugh stressed the importance of preparing for the unthinkable. For putting the plans in place, and getting the equipment and training to State and local responders so that they could manage any type of event that may come their way. The importance of those comments is so apparent to us all now.

- **And third,** we must work to enhance the capabilities and resources of our **nation's fire services.**

  **Why firefighters?** Quite often, we forget that firefighters are frequently the first to respond to any disaster. As we saw on September 11th, these heroes make great personal sacrifices for their community, and without any expectation of thanks or recognition. Many times, giving their lives in an effort to protect others. We must continue to find ways to provide our nation's firefighters and first responders with the training and equipment they need to protect us from all hazards.

- We all know the country's focus was forever changed following the terrorist attacks of September 11th. The tragic events have changed the way we view the past and the future.
- It is true in each of our personal lives; at our places of work. And it is true at FEMA.
- And yet, those three goals must continue to be emphasized and FEMA must strive to attain them.
- Throughout these areas of focus lies a common thread of continuing our long-standing commitment to heightening the country's readiness to respond to natural and man-made disasters.
- FEMA's core mission remains the same now as it was last year. We must "prevent the loss of life and property by working with states and communities to address their risks."
- The steps to attain these goals meant we had a very full plate. And this was all prior to September 11.
- Our mission has only grown more urgent as we try to strengthen our homeland security.
- Our part in helping President Bush and the team former Governor Tom Ridge has assembled is to give communities the tools they need to become more prepared for any disaster that might come their way.

## WHERE ARE WE TODAY?

- Much has been done in the past several years to strengthen the relationship between the fire service and prevention community and emergency management activities.
- In the year I have been in Washington and at FEMA, I have visited numerous communities and witnessed first hand the impact disasters have on our citizens.
- The firefighters in Olympia, Washington were the first responders to the Washington earthquake last year.
- And September 11, 2001 demonstrated to the world the resolve and the commitment of the fire service.
- That is the norm. That is what you do, and we have come to rely on you.
- And the country has come to know—and rely on FEMA-- for its response and recovery role and pre-disaster mitigation and prevention activities.
- And now we are taking a larger role in National Preparedness.

- You are a key link to all of our local communities in devising plans for successful, proactive prevention and preparedness. You know your communities. You know your risks.
- The partnerships that are being built between emergency management and the fire service are vital to building a community-wide approach to preventing the disaster damage that occurs.
- The fire service knows first hand what this is all about. After all, if you had not taken steps to prevent injuries and deaths from the ravages of fire, we would continue to see those percentages increase. The opposite has occurred.
- We are doing a better job at making our communities safer. We have to start taking the same approach in loss prevention from all hazards.
- A part of my job, by necessity, is to visit communities where nature has taken a toll. Where things have gone wrong. But I believe it's even more important to highlight things that are right—like the work all of you have done in fire safety.
- **And the foundation you have built in each of your neighborhoods and communities will make the President's call for volunteerism successful.**

FREEDOM CORPS

- As announced during the State of the Union address, Freedom Corps is the President's initiative developed as a result of the overwhelming response of American citizens to help each other after the terrorist attacks of September 11.
- It is the coordination point for the President's call to service of 4,000 hours in a lifetime.
- The Freedom Corps includes:
  - Peace Corps,
  - AmeriCorps,
  - Senior Corps, and
  - Citizen Corps.

WHAT IS CITIZEN CORPS/FEMA's ROLE IN FREEDOM CORPS?

- Citizen Corps is an initiative to harness the power of the American people so that individuals become active—not passive--participants with emergency managers and first responders.
- It gives Americans the means to embrace our responsibility for the safety of our families, neighbors and communities.
- The programs provide a structured approach to citizen preparedness in homeland security measures.
- And, it links volunteer activities to the first responder community to make our nation safer, stronger and more secure.
- **FEMA's federal partners in this initiative include:**
  - DoJ
  - HHS
  - VA
  - Corporation for National and Community Service

- **The 5 Programs currently included** are each in varying stages of development, but all will be ready in August of 2002. They are:
  - Neighborhood Watch
  - Volunteers in Police Service (VIPS)
  - Terrorism Information and Prevention System (TIPS)
  - Community Emergency Response Teams (CERT)
  - Medical Response Corps

WHY WAS FEMA ASKED TO COORDINATED CITIZEN CORPS?

- FEMA was asked to lead this charge of bringing together local citizens, volunteers, first responders, the business community and elected officials.
- In part, FEMA was charged with this lead because our core mission is to lead the nation's efforts to mitigate against, prepare for, respond to and recover from disasters from any hazard.
- And because, historically, we have developed strong relationships with State and local partners from through preparedness and response to natural disasters.
- Citizen Corps is a change in how we do business. Through this structure, we will be able to work with volunteers and first responders to promote preparedness practices, loss reduction measures, and response capability in their community for all types of disasters.
- **I'd like to give you some examples of what volunteers did in NY and at the Pentagon**:
  - Firefighters came to the scene from all across the country because they wanted to help;
  - School children sent bottled water with notes to all first responders;
  - Churches, citizens and voluntary agencies alike provided food for responders, the citizens of New York and families at the Pentagon;
  - Countless people made donations of money, food, blood supplies.
- I am joining you today to help bring a sharper focus to activities that communities can take to reduce their own risks and vulnerabilities.
- Citizen Corps is a great opportunity for us to bring the right people together to accomplish those goals.
- And I am here to acknowledge your important role.

WHAT CAN THE VOLUNTEER FIRE SERVICE DO?

- Soon FEMA will be issuing guidance on how to **create a Citizen Corps Council** in each of your local communities.
  - Contact your Mayors and let them know you are interested.
  - Offer your assistance to get this started.
- By now, the national fire service organizations should have received an **Executive Summary of the Citizen Corps Council guidance.** Please look at this and **give us your input.**

- Help locally by taking advantage of the **Citizen Emergency Response Team (CERT) training** as a trainer, or as an individual.
- Have you seen **our website, www.citizencorps.gov**?
- If so, have you taken the time to sign up for Citizen Corps? If not, I encourage you to do so—and soon.
- The Administration is asking each state to put in place what 23 states have already done. And that is to set up a **1(800) FIRE-LINE** to link citizens and volunteer opportunities within each of your communities.
- With your support, we can better identify and implement real, tangible projects that directly lead to reducing disaster costs within our communities.
- The President has asked for your support by creating Freedom Corps, and
- FEMA needs your support to be successful at reducing damage and reducing the loss of lives and property from fire and other hazards.
- I also know that FEMA cannot ask this of you-- nor expect this of our first responders-- if we do not properly prepare, train and equip you to safely and effectively handle these tasks.
- That is our role, and we are working to fulfill that role. Once we have done so, your local efforts will clearly demonstrate savings at the local, State and Federal levels from the loss prevention, preparedness and security activities you initiate.

CLOSING

- The President stated that the terrorists who attacked our Nation on September 11 did not understand the very fiber, the character, or the values of our country.
- They do not understand that the American people all across this country are assessing their role in protecting this great nation. Americans are asking what they can do to help. What can they do to fight the terrorist and do in their communities? We are seizing this horrible moment and turning it into an opportunity to help each other.
- The enormity of what lies ahead—the challenges we all face professionally and personally—give us all a sense of purpose and the desire to help our Nation.
- The response by the American people following the attacks has been overwhelming. The support this country has shown makes this a great Nation.
- We all want to help, and there are things each of us can do. As individuals. As public servants. As leaders in our respective areas of business and places of work.
- This Administration is taking that spirit of volunteerism and personal responsibility, and giving each of us guidance on how we can participate and serve our neighbors, our communities, and our public.
- The services you provide are essential.
- I know that when the alarm rings, each time you are faced with uncertainty. And you are faced with the knowledge that any call could be an occasion of fateful danger.
- But these calls ring because someone is in need. And despite the potential for danger, every call is answered.

- The fire service answers the call because they live in the very neighborhoods where disasters and emergencies strike. You experience the same trauma your community's experience. Your families live in the same communities that are decimated by disasters. Yet, you continue to serve.
- We owe a tremendous debt of gratitude to you, and I pledge to you my support.
- I pledge to you my support and advocacy at the Federal level, and I look forward to working with you to make the Freedom Corps and Citizen Corps programs successful.
- Thank you. And I'd be happy to take any questions.

**CONGRESSIONAL FIRE SERVICES INSTITUTE**
**April 18, 2002**

- For too long, firefighters and first responders have been first in line for budget cuts and last in line for recognition.

- The President is committed to changing that perception through the FIRST RESPONDER INITIATIVE.

- **The First Responder Initiative**, to be managed by FEMA, includes **$3.5 billion** - - a 1000 % increase -- in federal aid to local first responders to enhance:

  - **PLANNING - $105 million** to help local communities plan for and respond to terrorist attacks;
  - **EQUIPMENT - $2 billion** for first responders to purchase a wide-range of equipment - like the gear we used today;
  - **TRAINING - $1.1 billion** to train first responders to respond to a terrorist attacks;
  - **EXERCISES - $245 million** to support training exercises to assess and improve local response coordination and capabilities;

- **And these totals do not include the $360 million Assistance to Firefighters Grant Program.**

- Firefighters, police, and emergency services are the first-in, last-out, front-line defense of America's Homeland Security.

- While it may not be possible for us to thank First Responders enough, I think making sure they have the resources and tools they need to do their job is a good place to start.

- I look forward to implementing the President's First Responder Initiative and working with Director Allbaugh to bring this unprecedented investment in emergency planning and response to communities around the country.

MAJOR ISSUES FOR THE FUTURE:

- The WTC/Pentagon event again noted the age-old problem of poor radio and cellular **communications** between emergency services units and command posts at the scene.

  - **Interoperability** between all aspects of emergency response has continually hampered operations. Even FEMA USAR assets were having significant communications problems.

- The Federal Government needs to take a ole in developing **spectrum and communications** systems that work together at major incidents.

- There is no simple resolution to this question. The Federal Communications Commission is looking at increasing the public safety spectrum. The Department of Treasury is leading a task force, with FEMA/USFA participation on the Federal aspect of the communications problem. The current focus centers on interoperability of first responders and narrow-banding. FEMA/USFA have and are having meetings with major communications manufactures to look at technology to address this problem.

- **National Emergency Services Credentialing**: Self dispatch of emergency services of all kinds to the WTC site caused significant problems for NYC and the federal response agencies. Many of those who showed up were not trained, certified, requested or of any help.

  - Self-deployment of agencies and assets outside the Federal, state or local plan, or the **Incident Commanders** requests, creates difficulty in coordination and strains the time and attention of legitimate responders. Standardized state and regional mutual/automatic aid plans would be helpful. Also, attention and training must include focus on the problems with maintenance of long-term "campaign" emergency operations that will go on for extended periods of time

  - FEMA/USFA in cooperation with the state and the emergency services associations need to develop a program for a national emergency services credentialing system to document emergency responder qualifications and provide an ID tag to those responders. These programs would assist in reducing uninvited "volunteers" and provide better emergency scene security.

- Together we to address **mutual aid** issues and explore a national credential for emergency personnel.

  - Working with NEMA and the EMAC Committee FEMA/USFA and the states need to strengthen the state to state and we all need to work to improve intra-state mutual aid programs. In some states this is going to require legislation in your state.

- **Stronger Partnerships with Emergency Management**: It is increasingly clear that the cooperation between the emergency management community and the fire services needs to be strengthened and encouraged. While at the local level emergency managers are at many times the local fire chief, at higher levels there is often a disconnect. Improved cooperation should include joint training development and delivery and cooperative agreements. Resources directed for

terrorism preparedness should have a strong fire services component.

- **Information Sharing:** Currently there is no secure means to provide first responders with important, un-compromised information. Obviously, this void could severely hamper effective fire service operations in a terrorist environment. We need to work with the FBI and other law enforcement agencies to resolve this issue.

- **The Federal Response Plan**: We have to communicate with all response and supporting agencies at every level of the Federal Response Plan, which is the framework for the federal support that they will need in terrorist events. It is important that all local fire and public safety agencies and their staffs are aware of the plan and how it meshes with their state, county and local planning. There should also be training and exercises to ensure understanding and ability to work within this structure.

- **ICS/IMS**: We cannot manage incidents with entities that have unique or different incident command or incident management systems or with those entities not operationally conversant with the standard incident management system. We need to work toward an institutionalized operating, common ICS/IMS throughout the country.

- **PARTNERSHIPS:** The most important partnership you can create is with your community. Your planning for effective prevention and response will demonstrate to your community how should follow in their own homes and businesses.
  **INFORMATION SHARING**: Share with your own community what the others doing to be prepared and let them know what you expect from them to make the plan work.

Federal Emergency Management Agency

# Office of National Preparedness

April 2002

# Office of National Preparedness

*Overall Mission...*

- "Lead the national effort to help state and local emergency responders be better prepared to handle the consequences of acts of terrorism."

# Office of National Preparedness

*Functions...*

- Build state, local capability for responding to all disasters, whatever the cause
- Coordinate national terrorism preparedness efforts
- Participate in development of National Homeland Security Strategy

# Office of National Preparedness

*Priorities...*

- Implement First Responder Initiative
- Establish system for coordinating federal terrorism preparedness efforts
- Launch Citizen Corps

# Office of National Preparedness

- *Structure…*
  - Program Coordination Division
  - Assessment and Exercise Division
  - Technical Services Division
  - Administration Division

# Office of National Preparedness

## *First Responder Initiative...*

- Establish first responder grants process
  - Ensure input from state, local responders, emergency management
  - Determine eligibility criteria, allocation formula, etc.
  - Ensure funds reach local first responders
  - Develop evaluation process

# Office of National Preparedness

## *First Responder Initiative...*

- State and local listening session, Ap. 10
- Issues discussed:
  - General conditions of grant
  - Allocation formulas
  - First Responder Definitions
  - FY 2002 Supplemental
  - FY 2003 Initiative

# Office of National Preparedness

## *First Responder Initiative...*

- Funds to be channeled through, coordinated by states
- Funds to be used by emergency responders for:
  - Planning
  - Training
  - Equipment
  - Exercises

# Office of National Preparedness

## *First Responder Initiative...*

- FY 2002 Supplemental Proposed
  - FEMA: $175,000 for state/local planning
  - ODP: $325,000 for equipment, training, exercises
- $3.5 billion requested for FY 2003

# Office of National Preparedness

## *First Responder Initiative...*

- ONP working to resolve issues critical to success of first responder initiative
  - National mutual aid system
  - National exercise program, evaluation process
  - Standards for interoperable equipment, training, exercises

# Office of National Preparedness

*Coordinate national preparedness efforts...*

- Develop national preparedness standards
- Coordinate federal preparedness programs
- Integrate ODP functions, programs into ONP
- Assess preparedness of states, localities

# Office of National Preparedness

## *Support Office of Homeland Security...*

- Implement First Responder Initiative
- Develop, implement consequence management component of National Homeland Security Strategy
- Participate in OHS forums
  - Homeland Security Council
  - Policy coordinating committees

# Office of National Preparedness

- *Citizen Corps....*
  - Builds community pride and patriotism
  - Promotes risk reduction practices
  - Supplements professional first responders
  - Prepares citizens for helping in a crisis

# Office of National Preparedness

## *Citizen Corps Organizations...*

- Neighborhood Watch - DOJ
- Volunteers in Police Service - DOJ
- Operation Tips - DOJ
- Community Emergency Response Teams - FEMA
- Medical Reserve Corps - DHHA

# Office of National Preparedness

## *ONP Committees and Boards...*

- National Interagency Coordinating Committee
- State and Local Advisory Group
- Regional Interagency Steering Committees
- Interagency Board
- National Urban Search & Rescue Advisory Group
- National Disaster Medical Systems – Senior Policy Group

# Office of National Preparedness

## *ONP Vision...*

Carry out and sustain an endeavor ensuring that emergency responders are trained and equipped to respond to all hazards, whatever the cause.

As a result of this initiative, emergency responders have effective response plans that are tested by regular exercises and sustained with the resources needed.

**UNITED STATES CONFERENCE OF MAYORS**
**OCTOBER 24, 2001**

Thank you to Mayor Moore for the introduction, and I also want to thank you and Mayor Oberndorf for this opportunity.

I looked forward to this forum—a meeting in which our nation's mayors come together to discuss emergency management and lay your concerns and ideas about local planning, emergency communications and equipment, and the needs of those you represent out on the table.

Your input is import to us because:

- You set the priorities and directives of your cities
- You are responsible for public safety
- Collectively as mayors, you know our nations 1st responders, their work, their needs and their importance
- This Administration knows it is the first responders who respond to the 911 phone calls are the local and State emergency managers, fire, and emergency medical services and law enforcement
- We also realize that mayors will have an increased burden and will have make tough decisions now and in future on this issue

I think all of us here today have seen or felt the devastation that the events of September 11th caused. September 11 had a profound affect on all of us.

I want to acknowledge and pay our respects to the local first responders—the hero of September 11th: the local firefighters, police officers, emergency medical technicians and emergency managers placed themselves in harm's way to help others in need.

I am also pleased to report that the level of cooperation and professionalism by the Federal, State and local agencies and emergency responders has been outstanding. The American people can be proud of the work all of these responders are doing to help this Nation recover.

It is very important for us to continue to work together:

- **Solutions are National**: We recognize that the solutions to what we face as a nation on the issue of Homeland Security are national—not just Federal solutions, not just State solutions, and not just local solutions. We realize that this is not a one size fits all solution. We rely on the wisdom and experience of

those at the State and local levels as we prepare a national plan that includes the active participation of all levels of government.

- **Your Input is Vital to our National Success**: We want to know what you think. What you discuss in this meeting and what you decided are your priorities as America's mayors are important in shaping our national strategy. We want to stay in touch with your perspective and recommendations, I see two ways we can do that:

Through conversations, email, phone calls, or meetings with you through our Congressional and Intergovernmental Affairs Division. (Kristina is with me today representing that team and how they can be of assistance to you.)

Through organizations like the US Conference of Mayors and others that represent you, we want to continue to keep those lines of communication open to these organizations and hear what their members are saying.

- **What Our Responsibility to You Is**: The Federal government must provide a comprehensive national strategy to prepare for and respond to terrorist attacks. Ours is to provide the best resources, education, guidance, and training to enable them to respond when they are called to duty. Working together we will achieve this goal.

**What we do now/what FEMA has done:**

**FEDERAL RESPONSE PLAN**: On September 11th FEMA did what it does on average 53 times a year, FEMA used the Federal Response Federal Response Plan—the system in place that the Nation to respond to major disasters and emergencies in an all-hazards manner.

A plan that we improved on after events such as the Okalahoma City Bombing, Y2K....

Many of the Mayors in this room may have experienced a Presidentally declared emergency or disaster. The members of this audience may remember their own experiences with natural or man-made disasters in their states. Disasters such as floods, ice storms, avalanches, winds, mudslides, hurricanes and tornados...

You know that FEMA mission is to reduce the loss of life and property and assist in protecting our nation's critical infrastructure from **ALL hazards.**

You know that when a disaster overwhelms the response capabilities of State and local governments, the President may sign an emergency or major disaster declaration at the request of a Governor. On September 11, these emergency declarations were signed immediately for New York, Virginia and New Jersey.

As in response to other Presidentially declared disasters and emergencies, FEMA used the Federal Response Plan to coordinate the federal government's response activities to these disasters.

We use this coordinating tool –on average–53 times per year over the last 10 years-- for all hazards.

The Federal Response Plan provides the framework for 26 federal departments and agencies, as well as the American Red Cross, to support the response efforts of State and local governments.

These federal agencies are organized into interagency functions based on their authorities and expertise, and the needs of their counterparts at the State and local levels. For example, the Department of Health and Human Services is the lead support agency for health and medical needs.

Since 1992, the Federal Response Plan has been used time and time again to successfully manage major disasters and emergencies regardless of cause.

And when a Presidentially declared disaster struck your state, the Federal Response Plan worked. It worked in Oklahoma City, and it is working in New York City and at the Pentagon to organize the federal government's response to the consequences of the September 11 attacks. Its effectiveness has been demonstrated. And that is why the Federal Response Plan is currently being used to identify federal resources and response capabilities for the threat of biological terrorism.

**COORDINATION FOR THE OFFICE OF HOMELAND SECURITY:**
Talk about the **HS-EST** and how it could relate to them

1. What is HS-EST?
2. How does this relate to what we do now?

As we are coordinating information for the Office of Homeland Security for Director Ridge, we want to know how can we get your message or information in that information. How can we ensure your voice is heard?

**ASSESMENT OF STATE AND LOCAL CAPIBILITIES:**

Talk about the FEMA assessment

1. What is its' purpose
2. How will the assessment be done
3. How can mayor's be involved

**TRAINING FOR MAYORS:**
FEMA offers a Senior Official Workshop on Terrorism. The workshop is a 1-day course for mayors and their cabinets to focus on terrorism preparedness policy issues. The course includes a 3-hour instructional module followed by a 3-hous exercise. Courses like this one and others are available to you and we have brought brochures for you to tell you how.

We are committed to working with Governor Ridge and all of our partners on these and other issues of importance to America's cities.

Again, thank you for this opportunity and I would welcome questions and I look forward to hearing your comments and ideas.

**MARKET ACCESS CONFERENCE**
**OCTOBER 22, 2001**

Good Morning.

Don, thank you for the introduction and thank you for putting on this conference. These types of conferences bring the private and the public sector together. We applaud that effort and we believe in that partnership.

I think all of us here today have seen or felt the devastation that the events of September 11th caused. I am aware of the profound effect September 11 has had on many of our county's business leaders and to our federal, state, and local partners in the audience.

I would like to take a moment and reflect on the people who are the image of the words "duty", "honor", "country".

On September 11th--and every day since—our local 1st responders demonstrated to all of us true heroism: the local firefighters, police officers, emergency medical technicians and emergency managers placed themselves in harm's way to help others in need.

Many of these heroes tragically lost their own lives doing what they do best; rushing to the scene to save lives; rescuing the trapped and injured. BEING THE first responders.

Our hearts hurt for the innocent families who lost loved ones. And now we must be prepared for long-term recovery efforts, and stand united and ready to assist those who were injured both physically and emotionally.

The level of cooperation and professionalism by the Federal, State and local agencies and emergency responders has been outstanding. The American people can be proud of the work all of these responders are doing to help this Nation recover.

Today, I represent Director Joe Allbaugh and the women and men of FEMA as I talk about

- What FEMA did in the **response** effort to the events of September 11th;
- What lies ahead in the area of **recovery;**
- How we need to work together in the area of **prevention and preparedness** for the future;

- First, this Administration recognizes that the first individuals who respond to the 911 phone calls are the local and State emergency managers, fire, and emergency medical services and law enforcement.

- Second, we rely on the wisdom and experience of those at the State and local levels as we prepare a national plan that includes the active participation of all levels of government.

- Third, the Federal government must provide a comprehensive national strategy to prepare for terrorist attacks. Ours is to provide the best resources, education, guidance, and training to enable them to respond when they are called to duty.

I would like to give you a broad overview of FEMA's preparedness and response activities to both natural and man-made disasters, and how those programs make FEMA uniquely suited to deal with the consequences of terrorism.

The FEMA mission is to reduce the loss of life and property and assist in protecting our nation's critical infrastructure from **ALL hazards.**

When a disaster overwhelms the response capabilities of State and local governments, the President may sign an emergency or major disaster

declaration. On September 11, these emergency declarations were signed immediately for New York, Virginia and New Jersey.

As in response to other Presidentially declared disasters and emergencies, FEMA used the Federal Response Plan to coordinate the federal government's response activities to these disasters.

We use this coordinating tool –on average--53 times per year over the last 10 years-- for all hazards.

The Federal Response Plan provides the framework for 26 federal departments and agencies, as well as the American Red Cross, to support the response efforts of State and local governments.

These federal agencies are organized into interagency functions based on their authorities and expertise, and the needs of their counterparts at the State and local levels. For example, the Department of Health and Human Services is the lead support agency for health and medical needs.

Since 1992, the Federal Response Plan has been used time and time again to successfully manage major disasters and emergencies regardless of cause.

The members of this audience may remember their own experiences with natural or man-made disasters in their states. Disasters such as floods, ice storms, avalanches, winds, mudslides, hurricanes and tornados which may have hit your states.

And when a Presidentially declared disaster struck your state, the Federal Response Plan worked. It worked in Oklahoma City, and it is working in New York City and at the Pentagon to organize the federal government's response to the consequences of the September 11 attacks. Its effectiveness has been demonstrated. And that is why the Federal Response Plan is currently being used to identify federal

resources and response capabilities for the threat of biological terrorism.

CONSEQUENCE MANAGEMENT WORKING GROUP
Immediately following the attacks on September 11, President Bush recognized the need to react quickly to identify what else the Federal Government should do to better prepare the nation.

The President convened three working groups, and turned to FEMA to take the lead in Consequence Management. This working group was responsible for reviewing the Federal Response Plan, identifying any gaps that needed to be addressed, and to determine which ones of those shortfalls needed to be resolved immediately, in the short run, or if they were longer term fixes.

The need to better prepare for and communicate emergency preparedness measures for biological terrorism was included in that immediate list. The results of this preparedness are stockpiles of vaccines and other needed goods, increased surge capacity…

Governor Ridge is the President's spokesperson on all issues of terrorism and I know you look forward to his speech later this morning. Governor Ridge asked FEMA to create a Homeland Security – Emergency Support Team modeled after FEMA's own…to help him communicate to the American people information about biological terrorism several days ago. This center is up and running and is supported by our staff and our Federal partners.

BIOLOGICAL TERRORISM
The threat of a biological attack presents unique challenges to this country's response system. The first responders in a biological event shift from the traditional responders—the firefighter, police officer and local emergency manager— to the less traditional emergency responders like a doctor, hospital nurse or even the animal control worker.

Connections between these non-traditional first responders and the larger federal response have not been routine. These non-traditional responders must be included in our planning and preparedness activities.

The Department of Health and Human Services is a critical link between the health and medical community and the larger federal response. In all disasters, FEMA works closely with HHS, the Public Health Service and Centers for Disease Control.

In New York, the Department of HHS and its Public Health Service continue to be important partners in the health and medical response. They care for those who have been injured. They assist in the honorable burial of those who have died. They track illness trends. They treat the rescue dogs that help find those who are missing. They serve on burn teams and coordinate needed pharmaceutical supplies.

And this is why FEMA relies on the Department of Health and Human Services to meet the unique challenges of a biological terrorism event. These past several weeks foreshadow the work we have before us.

Another example of Federal Government cooperation is the U.S. Government's Interagency Domestic Terrorism Concept of Operations Plan. This document, which was written and signed by FEMA, the Federal Bureau of Investigations, the Departments of Health and Human Services, Defense and Energy, and the Environmental Protection Agency, details the interagency working roles in response to domestic terrorist events. As the lead Agency responsible for coordinating the response, we have tasked HHS to prepare a bio-terrorism response annex to the plan. We recognize from recent national exercises and training the holes that need to be fixed and this is how we will fix them.

---

This plan, together with the Federal Response Plan, provides the framework for managing the response to the causes and consequences of terrorism.

We have been meeting with Governor Ridge to provide him with information about this very response mechanism.

OFFICE OF HOMELAND SECURITY

In Director Allbaugh's testimony last week before the Senate Committee on Environment and Public Works, he stated that he could think of no greater person than Governor Tom Ridge for the position of Director of the Office of Homeland Security. We are committed to working with Governor Ridge to help implement the overall national strategy by bringing to bear our experience and information on how we coordinate all-hazards preparedness, response and recovery activities, including natural and man-made disaster activities.

As Director Allbaugh will serve on the President's Homeland Security Council, FEMA will support to the Office and Council of Homeland Security in our role as the lead federal agency for consequence management.

We have already started that process in our initial meetings with Governor Ridge several times during the past several weeks.

ROLE OF THE OFFICE OF NATIONAL PREPAREDNESS

I would like to give you a brief report on the Office of National Preparedness. On May 8, 2001 the President asked Director Allbaugh to establish this office to lead the management of the consequences of the use of a weapon of mass destruction within the United States, if such use should occur despite the efforts of our government to prevent it. A crucial part of any such consequence management effort, and a part for which FEMA is uniquely suited, is to work closely with State,

local and tribal governments to ensure their planning, training and equipment needs are met.

A principal goal of the ONP is to develop a coordinated local, tribal, State and Federal effort to deal with mass destruction in the United States.

I am pleased to report that FEMA is ready to assist Governor Ridge as he crafts and seeks to implement an overall strategy for the nation.

## SUMMARY

FEMA is taking a hard look at the lessons we've learned from our responses to the attacks in New York City and the Pentagon.

The Federal government has focused its efforts on providing assistance to those affected by these terrible events.

We have done so successfully, in part, because of the strong partnerships and teamwork FEMA has fostered through years of preparedness planning, and responding to all types of disasters.

The recent attacks remind us that disasters can strike without warning.

The same disaster response capabilities that have served us so well during the response to the World Trade Center and the Pentagon tragedies will be there for future disasters or terrorist attacks. We continue to remain ready and able to respond.

FEMA needs to ensure that the Federal Response Plan—the very system in place that the Nation uses 53 times a year to respond to major disasters and emergencies--has the tools and capacity to adapt to a biological attack, or any other weapon of choice.

We have appreciated the support of Congressman Curt Weldon (R-PA), who will be addressing you next and many others in Congress. We also appreciate and support Governor Ridge's efforts as the Director of the Office of Homeland Security. I thank you for your attention this morning and Don, thank you again for this opportunity.

PRE-HEARING QUESTIONS FOR
MICHAEL D. BROWN TO BE DEPUTY DIRECTOR
OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

I. Nomination Process and Conflicts of Interest

1. **Why do you believe the President nominated you to serve as Deputy Director of the Federal Emergency Management Agency (FEMA)?**

As General Counsel and Chief Operating Officer of FEMA, I have gained valuable insight into the structure and management of the Agency. I believe the President nominated me for the position of Deputy Director based on this understanding and experience. I have had the benefit of participating in the operations of the Agency from a practical, hands-on perspective.

2. **Were any conditions, expressed or implied, attached to your nomination? If so, please explain.**

No.

3. **What specific background and experience affirmatively qualifies you to be Deputy Director of FEMA?**

The majority of my governmental experience prior to FEMA involved working at the state and local level. My professional experience includes serving as a city councilman, municipal planner, city administrator, and working on state budget issues as the staff director of a legislative finance committee. In addition, I worked closely with police and fire departments through my municipal experience.

My experience as General Counsel and Chief Operating Officer of FEMA has provided me with a unique perspective into the operations of the Agency, which will serve me well as Deputy Director.

4. **Have you made any commitments with respect to the policies and principles you will attempt to implement as Deputy Director of FEMA? If so, what are they and to whom have the commitments been made?**

The only commitment I have made is to the President to uphold the policies and principles of his Administration.

II. Role and Responsibilities of the Deputy Director of FEMA

1. **How do you view the role of Deputy Director of FEMA?**

The Deputy Director has several functions. First and foremost, the Deputy serves as the principal advisor to the Director. As such, the Deputy must be prepared to support the Director and must be prepared to fill-in for him in the event of his absence. Second, the Deputy acts as a resource for the Director to implement policies and provide assistance in Agency decision-making processes. Finally, the Deputy is responsible for assisting the Director in providing oversight for all missions and functions of the Agency.

2. **What challenges currently face FEMA? How will you as Deputy Director address these challenges and what will be your top priorities?**

FEMA faces numerous challenges. One of these challenges is the Agency's human resource needs. The majority of the Agency's workforce is retirement-eligible in the next several years. FEMA must develop a plan to replace this brain drain and adequately support the existing personnel with the tools, resources and training to do their jobs well. Since the workforce *is* the Agency, this issue would be my number one priority. I would begin to address it by implementing incentives to retain qualified, competent employees in FEMA's workforce and identifying ways to attract talented employees.

FEMA's current employees are being asked to take on additional responsibilities and duties. We must give these employees the resources, facilities and support to continue doing the incredible work they have done while expanding the Agency's role in combating disasters caused by incidents of terrorism. As Deputy Director, I would work diligently to first provide a safe, esthetically acceptable, and motivating work environment for our current employees. In addition, I would work as quickly as possible to identify facilities for the future housing of FEMA. Finally, I would work to create an *esprit de corps* throughout our workforce through communication, team building and recognition.

3. **How do you plan to communicate to Congress on your efforts to address FEMA issues?**

The three branches of government are equal. Therefore, it is incumbent upon me to inform Congress of our initiatives and actions. As Deputy Director, I will strive to inform Congress of FEMA's activities through Agency reports, meetings with Senators and Members of Congress, and providing testimony through Congressional hearings and briefings.

4. **How do you plan to communicate FEMA's priorities to FEMA staff?**

Should I be confirmed as Deputy Director, I will hold regular meetings with the Agency's entire staff. This effort will include meetings with each directorate and visits to FEMA regions and facilities. I will also challenge the Agency's management staff to do the same. Only through candid communications can our priorities be properly communicated to the Agency.

III. Policy Questions

1. **What is your assessment of the capabilities of State and local governments to respond to disasters?**

The Capability Assessment for Readiness National Summary Report ("CAR") reflects the important ingredients comprising a State and local level emergency management system. The CAR's, mandated by the Senate in 1996, have been used by the States to evaluate their readiness levels and have been developed in partnership with the National Emergency Management Association (NEMA). FEMA presented to Congress a national Summary Report in 1997 and 2001. FEMA has also expanded the CAR family to include Tribes, Chemical Stockpile Emergency Preparedness Program (CSEPP) communities, and local jurisdictions. Based on the 2000 CAR assessment, the national average of the status of all jurisdictions was rated as generally capable. In this assessment, the lowest three scoring emergency management functions were hazard identification and risk assessment, logistics and facilities, and resource management.

In November of last year FEMA conducted a comprehensive, objective assessment of each State's ability to prepare for, respond to and recover from the effects of a WMD/terrorist incident. The results of this assessment are currently classified because of the sensitive nature of the State data. However, some of the pressing needs identified included interoperable communications equipment, security clearances for public officials, and funding for planning, training, equipment and exercises.

2. **What has been your experience dealing with State emergency management agencies?**

Over the course of my fifteen months of experience at FEMA, I have worked closely with both individual State emergency management agencies, and their association, the National Emergency Management Association. I have found them to be professional, willing to participate, constructively criticize, and assist FEMA in every way possible. As we enter into the post-September 11th era, we must work even more closely with them to ensure their concerns are heard and addressed.

3. **FEMA is best known for its role in responding to natural events. However, the terrorist attacks of September 11 highlighted the importance of preparedness to handle man-made, in addition to natural, disasters.**

**How do you see FEMA's role in responding to terrorist attacks?**

FEMA's role is to coordinate all facets of emergency management without directly "owning" any of the specific programs and activities. Regrettably, FEMA has a great deal of experience defining our role and working with States and local communities, and other Federal Departments and Agencies to improve our response and recovery efforts following the Oklahoma City bombing and the September 11th terrorist attacks. The Office of National Preparedness within FEMA provides leadership coordinating and facilitating all Federal efforts to assist State and local emergency response organizations with the planning, training, equipment, and exercises necessary to build upon and sustain a capability to respond to any emergency or disaster, including terrorist incidents involving a weapon of mass destruction, as well as other natural or man-made hazards.

**The President's Budget for FY 2003 proposes to move the Office of Domestic Preparedness from the Department of Justice to FEMA. What changes will this make in FEMA's operations? How will this move improve the country's preparedness and response programs? What other changes do you believe are necessary to improve the effectiveness of FEMA's role in homeland security?**

The transfer of all functions and activities of the Department of Justice's Office of Domestic Preparedness builds upon the core mission and core competencies of FEMA. On a daily basis the Agency coordinates the delivery of essential preparedness and response services to build State and local capabilities for both natural and man-made disasters. This is precisely FEMA's mission – preparing for and responding to *all disasters, regardless of cause*. The agency is singularly focused on this mission, and has been for over two decades. An ODP-ONP transition plan that addresses logistical and personnel issues will be developed once the Administration has received Congressional approval for the move. The ODP functions will not go away, but will simply be folded into FEMA, thus providing two advantages: one-stop shopping for State and local governments; and, more efficient distribution of monies to assist those State and local governments.

FEMA has taken the following steps to improve the country's preparedness and response programs:

- Realigned preparedness activities from the Readiness, Response and Recovery Directorate to the Office of National Preparedness;
- Realigned all training activities into the U.S. Fire Administration to allow greater coordination between training for emergency managers and training for firefighters;
- Moved the authority for credentialing, training and deploying Urban Search and Rescue Teams from the Readiness, Response and Recovery Directorate to

the U.S. Fire Administration.

In addition, ONP is organized in FEMA Headquarters under a Director (reporting directly to the FEMA Director) and supported by a Management Services Unit and four Divisions to carry out its function to coordinate and implement Federal programs and activities aimed at building and sustaining the national preparedness capability. The divisions and their functional responsibilities include the following:

- Administration Division - Provides financial and support services, and manages the grant assistance activities for local and State capability building efforts.

- Program Coordination Division - Ensures development of a coordinated national capability involving Federal, State, and local governments, including citizen participation in the overall efforts to effectively deal with the consequences of terrorist acts and other incidents within the United States.

- Technological Services Division - Improves the capabilities of communities to manage technological hazard emergencies- whether accidental or intentional- and leverages this capability to enhance the capacity for dealing with terrorist attacks.

- Assessment and Exercise - Provides guidance and exercises, as well as assessments and evaluation of progress in meeting national goals for development of a domestic consequence management capability.

**How will this move improve the country's preparedness and response programs?**

I believe there is an opportunity to unify and simplify a fragmented system and improve the nation's preparedness and response programs in the area of homeland security. It is important to give first responders a single point of contact for Federal assistance for terrorism-related training and equipment. The "one-stop shop" concept was the rationale for the creation of FEMA in 1979 and this would build upon that premise.

As numerous studies have reminded us, the Federal Government's efforts related to terrorism preparedness are vast and complex. Our major challenge is to work constantly on our relationships so there is a cooperative and willing exchange of information. Without constant attention to these relationships we will have difficulty exercising leadership on program implementation.

FEMA is working to cement interagency coordination and cooperation at the program implementation level. The Agency has held monthly meetings with senior representatives of our partner agencies to make them aware of what we are doing, invite

their comments, and solicit information from them on their own efforts. We have detailees from some agencies working in FEMA to ensure close day-to-day coordination, and are still seeking detailees from others. We are continually discovering efforts that can be related and made to work together.

Some members of Congress are familiar with FEMA, its authorities, and its work, by virtue of their oversight activities or their experiences with our Agency in times of disaster. However, others are naturally more familiar with the departments and agencies they oversee, and perhaps less familiar with FEMA and its authorities. We face a challenge of educating more members regarding FEMA's authorities and responsibilities, while at the same time moving forward with the work the President has asked us to do. I will work diligently to ensure that all members of the legislative branch understand and are familiar with FEMA's vast coordination and role in the Federal government.

**4. Presidential Decision Directive 62 designated FEMA as the lead agency in responding to the consequences of terrorist acts. However, many other agencies, including the Departments of Justice, Health and Human Services, Agriculture, Energy and others have significant roles to play depending upon the specific kind of attack, its scope, etc. Do you believe FEMA now has sufficient legal authority to coordinate and direct the activities of other agencies? If not, what additional authorities should Congress consider for FEMA?**

Since coming to FEMA as General Counsel in February of last year I have asked the lawyers on my staff to look at ways we can improve how FEMA does business including any changes we may need in FEMA's legal authorities.

FEMA strongly believes that the authority given to the President in the Stafford Act and delegated to FEMA provides robust authority to respond to the consequences of terrorist acts. Under the Federal Response Plan, FEMA coordinates the response activities of 27 Federal agencies and the American Red Cross. The Federal response after September 11th proved again the effectiveness of the Federal Response Plan. The President declared a Major Disaster in New York and an Emergency in Virginia and FEMA quickly implemented the Plan. Every signatory to the FRP participated in the response. Congress also responded quickly to these events and immediately enacted appropriations necessary to help the Federal government respond to the unforeseen events. We experienced no lack of legal authority to respond to the disasters and to coordinate the activities of other agencies. The broad authority given to FEMA combined with Congress' willingness to react swiftly and appropriately ensures that the Federal Government can provide the American people appropriate responses to the consequences of terrorist acts.

While I continue to believe that FEMA's authorities allow us to respond robustly, we have identified one possible area in which our authority could be further clarified: modify

the Stafford Act definition of "major disaster" to specifically include consequence management of WMD events. Currently, the statutory definition of "Major Disaster" is limited to natural catastrophes or "regardless of cause, fire, flood or explosion." (42 U.S.C. 5122(2)). Many acts of terrorism, especially radiological, biological or chemical, may not fit squarely into the apparent limitations of the "fire, flood or explosion" definition of Major Disaster. Therefore, the definition of Major Disaster could be expanded to include "...fire, flood, or explosion regardless of cause *or the consequences of a weapon of mass destruction*". With this change the President may provide assistance beyond the more limited assistance available under an emergency declaration.

$ **In the post-September 11 environment, what changes in FEMA's culture, as well as its organization, do you believe will be necessary for FEMA to transform itself from an agency that has historically led the response to natural disasters, to one that will be playing a larger role in leading the response to acts of terrorism?**

$ **According to the President's FY 2003 Budget, FEMA is a relatively small organization, with about 5000 employees. Do you think this is enough to fulfill the expanded role that has been envisioned for FEMA in homeland security?**

The Federal Response Plan (FRP) structure provides a framework for inter-agency coordination and cooperation that is just as relevant for terrorism as it is for natural disasters. It offers an all-hazards approach that makes certain we are not attempting to re-invent the wheel after each event. The FRP enables FEMA to orchestrate the vast array of Federal resources into an effort using the most appropriate forms of supplemental Federal aid applicable to a given situation.

In light of the lessons learned from September 11 and the various organizational changes in the Administration, we are working with the Catastrophic Disaster Response Group, made up of representatives of all of the Federal Agencies, to update the FRP. This could involve adding new emergency Support Functions such as law enforcement and security, adding signatories, or realigning some existing functions. We are also reviewing the Code of Federal Regulations and the Stafford Act with our Federal partners to identify areas that may need to be updated.

Our current staffing level is not adequate, however, to handle the extensive planning and coordination work needed for Federal, State and local governments to be prepared to respond to the consequences of a major terrorist attack. FEMA currently has approximately 2500 permanent full time staff. The remainder of the workforce is primarily comprised of Disaster Assistance Employees (DAEs). DAE's provide FEMA

with the flexibility to expand its workforce as needed to respond to declared disasters and emergencies. They are temporary, intermittent employees, who by law work only on disaster-specific assignments. They are not authorized to augment or replace the staff performing work related to planning, coordination, preparedness, or other critical FEMA functions. Since September 11, the disaster response planning workload has increased and intensified. All of the Federal, State and local response plans must be reviewed, coordinated, tested and updated. The need for more deliberate, detailed planning, at all levels, as well as the need to strengthen our secure communications capabilities, ensure our ongoing operational readiness, and integrate procedures both horizontally and vertically across all levels of government will inevitably require more manpower.

5. **The President's Budget for FY 2003 proposes to increase FEMA's budget by $3.5 billion to enhance State and local preparedness against terrorist attacks. Do you believe any increase should be proposed for the FEMA Inspector General's budget, to enable that office to monitor and oversee the agency's implementation of these new homeland security responsibilities and the expenditure of the new funds?**

First, I would like to say that the Office of Inspector General provides an invaluable service to FEMA through its independent and objective program of audits, inspections, and investigations. Over the years, the OIG has not only saved the agency millions of dollars, it has also been instrumental in the improvements made to many of FEMA's programs and operations.

There is no doubt that the President's proposal to increase FEMA's budget by $3.5 billion will place a heavy burden on the OIG's already heavily taxed resources. It would seem to me, without additional resources, the OIG would be very hard pressed to provide effective coverage and oversight of a new program as large as the one being proposed in the President's FY 2003 budget.

I certainly would not be adverse to any proposal to increase the OIG's budget to enable it to monitor and oversee FEMA's implementation of its new homeland security responsibilities and the expenditure of new funds. The exact extent of any proposed increase, however, is something that I believe should be discussed with the Inspector General.

6. **The Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services held a hearing on bioterrorism preparedness in July 2001. In his testimony, the director of the newly created FEMA Office of National Preparedness (ONP), Bruce Baughman, stated, "the ONP will focus its efforts on the coordination of preparedness programs and activities focused on developing, building and maintaining the national capability to manage the consequences of terrorism involving weapons of mass destruction." How does the mission of ONP**

**contrast with that of the Office of Homeland Security? What responsibilities for bioterrorism preparedness are being handled by the Department of Health and Human Services (HHS)? How will the efforts of these three offices be coordinated?**

To a large degree, Homeland Security has been responsible for developing the policies that have lead to the establishment of the overall national strategy while FEMA and other agencies have been responsible for their actual implementation. In this respect, FEMA is one of the many agencies supporting the Office of Homeland Security. This support includes providing information on how FEMA coordinates all-hazards preparedness, response and recovery activities for natural and manmade disasters; setting up the Homeland Security-Emergency Support Team; serving on the President's Homeland Security Council; detailing two staff members to the Office of Homeland Security, and recently, completing a State assessment to provide real-time information regarding State terrorism readiness and planning. These efforts will help the Office of Homeland Security determine the allocation of funding needed to meet State capability enhancement needs and to ensure Governor Ridge's goal of creating a national strategy to deal with the broad range of terrorism issues that is truly representative of all levels of government.

FEMA plays a key role in developing our Nation's capability to manage the consequences of a domestic terrorist event. FEMA is working closely with the Office of Homeland Security and other Federal departments and agencies to meet State, Tribal and local government planning, training and equipment needs. FEMA has been charged with coordinating the efforts to deal with a weapon of mass destruction incident in the U.S. FEMA is *uniquely* suited for this role, as it builds on our existing relationships with State and local partners, and our all-hazards approach to managing the consequences of any disaster. The relationships FEMA built through our mitigation, preparedness, response and recovery programs during the 20th century provide a solid foundation to further strengthen our capabilities to manage man-made incidents that overwhelm State and local governments. The successes and lessons learned over the last decade must be incorporated in how we proceed from here.

Most grant funds provided to the Department of Health and Human Services for bioterrorism preparedness and response will assist in a more indirect way, and will be more specialized than the proposed FEMA First Responder Initiative grant program. For example, proposed HHS grant funding will support:

- Medical surveillance systems to link the public health and emergency response networks;
- Improvements in State public health lab capacity;
- Incentives for hospitals to cooperate with each other and enhance their levels of preparedness for mass casualty events; and
- Curriculum developments to better prepare medical professionals for bioterrorism.

FEMA does believe the First Responder Initiative has been fully coordinated at the national level. Currently, the following agencies have detailed individuals to ONP: Department of Health and Human Services; U.S. Army Corps of Engineers; the Environmental Protection Agency; and the U.S. Coast Guard. We are expecting to add detailees from the Department of Justice, the Department of Energy, as well as additional support from HHS. We expect the number of liaisons to grow significantly.

7. **FEMA provides management framework and financial resources to help State and local governments meet the needs of their community during natural disasters and national crises. The Federal Response Plan is the heart of this framework. Since 1992, the Federal Response Plan has been used to manage the activities of 26 Federal agencies and the Red Cross during all phases of disasters, including readiness, response, recovery, and mitigation. In 1999, FEMA published the 2nd edition of the Federal Response Plan Terrorism Incident Annex. Do you anticipate large-scale changes to the Federal Response Plan to reflect the national strategy for homeland security being developed by the Office of Homeland Security due out in July 2002?**

The Federal Response Plan (FRP) structure provides a framework for inter-agency coordination and cooperation that is just as relevant for terrorism as it is for natural disasters. It offers an all-hazards approach that makes certain we are not attempting to re-invent the wheel after each event. In light of the lessons learned from September 11 and the various organizational changes in the Administration, we are working with the Catastrophic Disaster Response Group (CDRG), made up of representatives of all of the Federal Agencies, to update the FRP. This could involve adding new emergency support functions such as law enforcement and security, adding signatories, or realigning some existing functions. Whatever changes are made to the FRP will be integrated with the national strategy for homeland security.

8. **In the past three fiscal years, only 23 of 56 States and other jurisdictions have received Federal funds from Justice Department programs to supply biological, chemical, and radiological response equipment for emergency officials. Justice Department officials acknowledge this delay is due to the long grant application process and slow response from intended recipients in completing the necessary paperwork. The President's FY03 budget request seeks to move the first responder grant program from Justice to FEMA's Office of National Preparedness. What steps will you take to ensure the grant process is expedited under FEMA's oversight?**

The President's First Responder Initiative will be led by FEMA and implemented under our Office of National Preparedness. FEMA will award grants and the Governors will determine the allocation of funds among their localities based on the State's needs. FEMA will implement a procedure designed to speed the flow of resources to the States

and localities. Federal funds will be used to support State and local governments in four key areas: planning, equipment, training, and exercises. By building upon existing capabilities at the Federal, State, Tribal and local levels, the First Responder Initiative will maximize effective response capabilities and strengthen our preparedness as a nation.

State strategic plans will serve as the basis for First Responder grant awards. The supplemental FY 2002 funding requested ($175 million) will allow States to modify and enhance their plans, as needed, so that they meet the following criteria:

- Address all-hazards, to include terrorism,
- Reflect interstate and intrastate mutual aid agreements,
- Facilitate communication interoperability protocols, and
- Establish a common command and control system.

Mutual aid is an important component to effective and efficient response operations. FEMA has established a priority to enhance mutual aid agreements between State and local governments, and thereby enhance the nation's ability to respond to all-hazards, including a terrorism event. One means to accomplish this is through the Emergency Management Assistance Compact. As part of this process, FEMA will establish a database management system to identify resources by type and kind, location, utilization requirements, availability, and cost. It would also track a resource from its source, to utilization in a disaster, through rehabilitation, and back to the point of origin.

FEMA is working with its Federal partners, including the Interagency Board and the Federal Communications Commission, to address the issue of communications interoperability. A first step in this process is to develop a better understanding of each organization's role, capabilities, and activities in the area of emergency services communication interoperability.

FEMA is also working directly with the first responder community. ONP has solicited direct input from state and local authorities as well as representatives from the fire, law enforcement, public health and emergency medical services communities to understand their concerns and how they believe the program can best be administered. The first in a series of meetings with these groups was held on April 10-11, 2002 in which concerns and recommendations were heard by key ONP staff. In addition, a Federal Register Notice was published on April 16 asking for comments on the First Responder Initiative. To date, over 700 comments have been received. We will aggressively pursue our outreach efforts to all first responders in the coming weeks and months.

Finally, to ensure that the grant funds are used in an effective way, and to provide for greater accountability, an evaluation process will be developed. Using Emergency Management Accreditation Program (EMAP) standards as a base, FEMA will conduct

evaluations to measure enhancements to State and local first responder capacity and capability to respond to a terrorism event.

Our criteria for this program is reflective of FEMA's priorities and core-mission: *an all-hazards approach, whether natural or man-made; necessity for mutual aid among state and local governments, interoperability of equipment, communications and training; and, common command and control systems.* With FEMA's ability to effectively and quickly process grant funding, we will take the lead in enhancing our nation's security.

9. **According to a November 10, 2001 Associated Press story, the Republican Governors Association discussed the need to improve communication among local, State and Federal agencies so States can respond better to terrorist threats. In an appearance before this group on November 9, 2001, you reportedly stated that FEMA plans to study this communication issue and find solutions. The article also indicates that you asked the governors to provide information to FEMA to help the agency identify terrorism targets.**

   $ **What has FEMA done to follow up on your remarks? What do you plan to do, as Deputy Director, to improve communication among these agencies and to identify potential terrorism targets?**

Improving communications among local, State, and Federal agencies continues to be a top priority in responding to terrorist events. The issue is complex, involving the use of protocols and systems for horizontal communication among agencies, and the need for vertical communication involving all levels of a response effort. Systems also need to be developed to include the private sector, particularly when dealing with public health issues. Many jurisdictions are working on this issue. For example, the District of Columbia is working with the Metropolitan Washington Council of Governments in developing a Regional Information Coordination System that will begin to bridge communication gaps. This is the type of system that could serve as a model for jurisdictions throughout the nation.

Regarding communications, FEMA has emerged as a leader and an active partner to the Department of Justice and Department of Treasury in the Wireless Public SAFEty Interoperable COMmunications Program, or Project SAFECOM, one of the Office of Management and Budget's 24 E-Government initiatives. The scope of this program is being refined under OMB's direction, such that FEMA will assume the lead role in addressing State and local first responder communications issues. FEMA's Chief Information Officer (CIO) is working with our Office of National Preparedness and U.S. Fire Administration to connect the Project SAFECOM community to other groups and initiatives relating to communications, and to channel these efforts toward common goals and an agreed-upon division of labor. We are positioning the Agency to integrate the

communications interoperability work of Project SAFECOM with the financial incentives of the President's proposed First Responder Initiative, so that we will be able to do a great deal to resolve technical communications issues for the nation's first responders.

Regarding terrorism targets, we have provided general guidance on the types of facilities that might be attractive targets. Our Federal Insurance and Mitigation Administration (FIMA) is working with the U.S. Army Corps of Engineers and others on enhanced methods for analyzing the vulnerability of potential targets in order to mitigate vulnerabilities where feasible and cost effective. We have asked States whether or not they have done work to identify vulnerabilities in their critical infrastructures. However, given the uncertainties and the range of targets available, our primary focus currently is for local, State, and Federal Governments to prepare to manage the consequences of whatever kind of attack may occur, wherever it may occur.

**10. Many States are entering into Emergency Management Assistance Compacts (EMAC). EMAC is an interstate agreement that streamlines the assistance one governor can lend another after a natural disaster or terrorist attack. What role does FEMA have in providing guidance and advice to State governments participating in EMAC's during the drafting and implementation of agreements?**

FEMA is a strong proponent and supporter of EMAC. It is the only such compact (other than the outdated Civil Defense Compact and the more narrowly focused Southern Interstate Nuclear Compact) that has been approved by Congress. Further, unlike other compacts, EMAC establishes an implementation plan in which all member States agree to standard operating procedures for requesting and providing assistance. EMAC also requires the legislatures of each member State ratify the compact language, eliminating confusion over who is a member of the compact, and providing a legal framework to facilitate assistance and reimbursement.

FEMA encourages all State governments to join EMAC, and have assured States that their resulting increased access to interstate resource support availability will not jeopardize or influence disaster declaration determinations. FEMA does not have a formal role in providing guidance to the States when drafting and implementing the agreements, as we have no direct oversight of EMAC. However, we do work informally with the States and we work side-by-side with EMAC national management teams during catastrophic disasters. For example, during the response to the events of Sept 11, an EMAC coordinating element was invited and deployed to the interagency Emergency Support Team at FEMA Headquarters. This co-location facilitated an organized and effective coordination between our organizations. We will not hesitate to request their presence during similar future situations.

As part of FEMA's efforts to build national operational capability in emergency response

and recovery, we are interested in expanding the number and type of mutual aid agreements between localities, States, and regions to help create an enhanced national response structure based on mutual assistance. Though still in the conceptual stage, the vision is to create a coordinated sharing of emergency management assets and capabilities within disaster response and recovery. We plan to work closely with the States and localities in further examining this enhanced mutual aid structure.

11. **What should FEMA's role be in ensuring that every region in the country develops the kind of multi-jurisdictional emergency operations center (EOC) which was so effective in planning, coordinating, preparing and eventually responding to the September 11 terrorist attacks in New York? Does FEMA know which jurisdictions have fully equipped, technologically advanced EOC's to coordinate Federal, State, and local activities (to respond to attacks by weapons of mass destruction) and which do not, and why? Is there a mechanism to measure the effectiveness of these centers?**

As part of FEMA's efforts to build national operational capability in emergency response and recovery, we are interested in enhancing the national emergency communication system through a more robust linking of Federal, State, and local emergency operations centers. Ensuring a direct, reliable link between the Federal government's operations centers, States, and localities is the first line of collective response and testing. Exercising the links would be needed to maintain proficiency and ensure reliability.

FEMA once had programs for Facilities and Equipment; Direction, Control, and Warning; and Survivable Crisis Management. These programs dealt with facilities, supporting communications infrastructure, and ensuring the continuity of infrastructure. We also provided guidance on Emergency Operations Centers (EOC), such as Civil Preparedness Guide 1-20 ["one dash twenty"]. However, this program area waned in the early-to-mid 1990s as part of the post-Cold War "peace dividend." We are exploring with the Office of Management and Budget the potential for reviving this program area, beginning with a $56 million down payment in the fiscal year 2002 supplemental request. State-of-the-art EOC's can be expensive, even if the Federal share of the cost is limited under the Stafford Act to 50 percent. In responding to disasters with our State partners and in day-to-day coordination, we are aware of several State and local governments that have invested in their EOC's -- and many more who would like to do so. At this moment, we do not have a firm baseline by which to judge those investments. That is something we will develop, to include concepts for protecting EOC physical infrastructure and personnel. We have experience with regard to developing a baseline to revitalize our own Regional Operations Centers some years ago, and are confident we can work successfully with States and locals on such a project.

12. **In April 2002, the Justice Department announced $17 million in grants to improve domestic preparedness and security at nine sites across the country. This money**

**will be administered through two Justice programs and will be used to buy equipment and provide training to State and local fire, police and emergency personnel. How does this program relate to the $3.5 billion requested in the President's budget for FEMA first responder grants? FEMA also provides training to first responders. How will you ensure that these training programs are coordinated?**

The $17 million for Justice Department grants is included in the $3.5 billion requested for first responders.

For years, duplication and redundancy have plagued Federal programs designed to assist communities to prepare to deal with terrorist events. To address this problem, the President's FY 03 Budget calls for the consolidation of FEMA and Justice Department programs for emergency responders, within FEMA. This consolidation will unify the management of programs to assist with planning, training, exercising, and equipping emergency responders.

Working closely with the various training activities, FEMA's Office of National Preparedness, as the single point-of-contact for preparedness efforts, will ensure that all the training (and equipping) programs are coordinated this year. Our goal will be to consolidate the programs into a single, comprehensive, competency-based program in the coming years.

13. **Do you believe that FEMA is effectively monitoring State and local planning, exercises and other drills to prepare for terrorist incidents? If so, how is this being accomplished? If not, what should be done to strengthen this capability? To what extent does FEMA actually participate in these exercises?**

Through our Regional offices FEMA has established an excellent working relationship with every State and territory. FEMA's core responsibilities are its all-hazard emergency management activities involving preparedness, response, recovery and mitigation. FEMA coordinates Federal disaster and emergency assistance programs and activities to support State and local governments in their preparedness and response efforts. FEMA, State and local governments, and first responders work together to provide a coordinated response to any disaster, natural or man-made.

FEMA is active in preparing each State and jurisdiction to respond to a natural or man-made disaster. As an example, FEMA participates in tabletop exercises provided to cities through the ODP Domestic Preparedness Program, interfacing with State and local level government officials and first responders.

Approximately 40 Federal Departments and Agencies have been involved in the overall effort to build the national capability for preparedness and response to the consequences of terrorist incidents. Many of these activities have been primarily focused on the development or enhancement of Federal capabilities to deal with terrorist incidents. Other Federal programs and activities are focused on building the local and State first responder and emergency management capabilities, including the providing of resources and funding to support planning, training, exercises and equipment acquisition. Various independent studies and commissions have recognized the problems inherent in this uncoordinated approach. Recommendations by the Gilmore Commission, for example, stress the importance of giving States and first responders a single point of contact for Federal assistance for training, exercises and equipment.

Of the $3.5 billion funding request, $235 million represents the President's request that the Office for Domestic Preparedness (ODP) be transferred from the Department of Justice to FEMA. With this proposal the President has shown true leadership in his willingness to address a long-standing problem - the need for central coordination among the myriad of Federal programs dealing with terrorism preparedness. By providing this single point of coordination, FEMA will be able to effectively monitor all aspects of State and local preparedness activities, including planning, training, exercises, and equipment acquisition, and promoting nationwide emergency management standards.

14. **As FEMA takes on more homeland security missions, it is also critical that FEMA's responsibilities for natural disaster response are fully maintained. In an April 17, 2002 article in *Homeland Security and Defense*, U.S. firefighters expressed concern with the Administration's plan to fold fire assistance grants into the budget for homeland security-related grants to first responders. What will you do to ensure that all aspects of FEMA's mission are carried out?**

Although it was originally proposed that the programs be combined, subsequent discussions with OMB have led to the decision to keep the programs separate and distinct. Each program is providing an element of support to the fire service, and to the nation, that is unique and complimentary. It is important to continue both the basic needs program of the fire service as well as the national security preparedness program of first response to terrorist incidents. A generous amount of funding will be available for meeting the challenges specific to the threat of terrorism, but FEMA must maintain its commitment to the overall health and safety needs of the first responder community, so that firefighters can do their jobs in a safe and effective manner.

Our experience in both of these program areas has been that connections to the user communities -- the fire service and all first responders -- are an essential component in ensuring that our mission is effectively carried out. Therefore, I would propose we

continue on this path that the President and Director Allbaugh have set for us. We should continue to seek and obtain input on the best way to provide critical support both to the fire service and to all first responders. We know that first responders are the backbone of our emergency management system, and that effective and responsive support to them helps us ensure we are addressing all aspects of our Agency's mission.

The purpose of the Assistance to Firefighters Program is to provide Federal grants directly to local fire departments to help meet their basic day-to-day fire and emergency needs in such areas as personal protective equipment and clothing, health and safety initiatives, fire prevention programs, and critical vehicle expenditures. Without this assistance, many fire departments across the country cannot obtain some of this equipment.

The need for a program of this nature was identified in numerous Congressional hearings, and established as necessary by virtue of the fact that the U.S. has one of the highest fire death rates in the industrialized world.

Nearly 100,000 firefighters are injured each year, and an average of over 100 on-duty firefighter deaths occur annually. These deaths and injuries to individual firefighters indicate the difficulties local governments have in meeting the basic health and safety needs of the fire service. In the first year of the program FEMA received nearly $3 billion dollars in requests but only $100 million in appropriations.

The role of the fire service includes traditional activities such as first response to fires, fire prevention, and emergency medical services. Even within these traditional services all fire department personnel are not yet protected from such communicable diseases as tuberculosis or hepatitis. The public safety role of a fire department now includes a significant number of hazardous materials events, preparing for, responding to and recovering from emergencies, disasters and catastrophes regardless of the origin or magnitude. The role of the fire service includes providing protection for Federal facilities such as DOD bases, Federally owned forests, national highway systems and other critical infrastructures.

FEMA will continue to work closely with the fire and emergency services community to include them as partners in all hazards disaster planning and response. We look at the proposed First Responder Grant Program and the Assistance to Firefighters Grant Program as critical tools in that ongoing effort. In a fundamental sense these are complementary programs. The Firefighter Grant program helps local departments meet all of their basic needs and prepare them for the more sophisticated equipment and training that would be a part of the First Responder program.

**15. What is your opinion of FEMA's implementation of the Government Performance**

**and Results Act (GPRA)? Are there improvements that you feel are necessary in FEMA's strategic or performance plans? Will you give high priority to GPRA planning and measurement requirements in order to address FEMA's ongoing management challenges?**

As part of the Agency realignment in June 2001 the Director restructured its GPRA planning operations, putting the strategic plan development in the Office of the Director and purposefully moving annual performance planning to the Financial and Acquisition Management Division under the Chief Financial Officer. This structure strengthens at a high level the connection between planning and budgeting that GPRA demands. The Director and I have put great emphasis on developing a new strategic plan and on tying the annual performance planning to the framework of the strategic plan. In January 2002 the Director created a *Planning and Budget Council*, which has senior management representation from every office and directorate in the Agency. This *Council* oversees development and implementation of both the strategic and annual performance plans, and ensures a link between performance and budget. These initiatives should result in the agency being better able to make management decisions. They also address recommendations from FEMA's OIG that the Agency put stronger leadership emphasis on GPRA. As Deputy Director and a member of the President's Management Council, such management oversight would be a key focus of mine.

16. **How would you view your own role in achieving the goals set forth in FEMA's strategic plan and annual performance plan? How do you plan to hold yourself and FEMA's other senior managers accountable for implementing the goals and objectives set forth in FEMA's GPRA plans?**

As the Deputy Director of FEMA, I have a critical and personal responsibility to provide leadership and oversight in the implementation of FEMA's Strategic Plan and Annual Performance Plans. I will ensure that major policy, programmatic and resource decisions are made in the context of our Strategic Plan and annual priorities. Along with the Director, I will also ensure that the SES performance appraisal process reinforces our commitment to a results-oriented government. All senior executives in the Agency are required to address how their accomplishments under their own performance plans are tied to FEMA's Strategic Plan and to the Agency's Annual Performance Plan. This applies to both career and noncareer executives. The high standards for outstanding performance, applied consistently across the Agency, encourage FEMA's senior management team to work together toward implementation of our strategic goals.

17. **The President's FY 2003 Budget States that FEMA generally does well in getting resources to stricken communities and disaster victims quickly but performs less well in its oversight role to ensure the effective use of such assistance. What problems has FEMA encountered in this regard? What will you do, as Deputy Director, to improve FEMA's performance in this area?**

FEMA provides disaster assistance to communities and disaster victims through its Public Assistance and Individual Assistance Programs, and we strive to provide this assistance to disaster victims as quickly as possible. However, we also stress the importance of ensuring that the assistance is used effectively and appropriately.

Within the Public Assistance Program, we believe we use an appropriate balance between allowing communities the flexibility to use resources to accomplish their recovery using a unique local perspective, while also ensuring the effective use of the assistance. We are working with our Office of Inspector General (IG) to identify areas of misunderstanding or confusion by Public Assistance applicants and have begun developing ways to eliminate identified problem areas.

One focus over the past few years has involved providing wider distribution of our written policies and guidance to State and local governments and private nonprofit organizations that might become disaster assistance applicants in future disaster situations. We also put in writing on the FEMA Web page, in a uniform format, the policies that implement our regulations. This has reduced applicant questions and challenges, as they are now better able to understand the rationale behind FEMA decisions. This practice has improved the consistency of policy application in the Public Assistance Program and has reduced the necessity to recover funds. We are now better able to "do it right the first time."

Within the Individual Assistance Program, we have a number of mechanisms to provide oversight of program funds. For example, our system for providing assistance to individuals includes on-site verification of the disaster losses of every one of the hundreds of thousands of individuals and families who apply for assistance. The system uses trained professional inspectors using State-of-the-art handheld computer technology. The system includes a minimum of five separate data fields that prevent the potential duplication of benefits or fraud, including name, address, social security number, home phone number and water meter number. We are confident that in the vast majority of cases (more than 99%) assistance is provided only to individuals who have experienced eligible disaster-related losses. This assistance is routinely provided within 10 days after a person registers for assistance over the telephone - more quickly than large insurance companies with claims from disaster victims living in the same area. It would not be cost-effective to follow up with disaster victims to determine how they actually used the assistance we provide. Indeed, assistance provided by FEMA usually loses its identity and is often combined with insurance proceeds, personal funds, or contributions from voluntary agencies to effectuate the recovery process.

**18. FEMA's performance on its fiscal year financial audit deteriorated from a clean opinion in FY 2000 to a qualified opinion on its FY 2001 audit. Why did FEMA's**

**audit results decline in FY 2001? What actions will you take, if you are confirmed as Deputy Director, to correct the problems noted in this audit?**

The Office of Inspector General and their contractor KPMG qualified FEMA's financial Statements for fiscal year 2001 because of two areas: (1) equipment and related depreciation and (2) the reduction to unliquidated obligations. In both areas KPMG was not able to perform their auditing procedures to satisfy themselves as to the accuracy of the areas. It must be noted that these conditions existed within FEMA during the years of "clean" audit opinions. FEMA did not change the way it conducts business to trigger an unfavorable audit opinion.

1. Equipment and related depreciation. KPMG performed compliance testing on the Logistics Information Management System (LIMS), FEMA's inventory and property system. KPMG found many instances where the system data was misstated in both asset numbers and value. Furthermore, there is not an interface or connection between the LIMS data and the financial data in the Integrated Financial Management Information System (IFMIS), FEMA's financial system. Since KPMG found valuation errors in LIMS and could not tie the LIMS system to the financial data in IFMIS by document, they were not able to perform their audit procedures in a reasonable amount of time. Thus, KPMG did not gain an assurance of the accuracy of the equipment inventory, which led to the qualification on property.

   Correction Plan. The Facility Management and Services Division (FMSD) has developed a plan requiring all Accountable Property Officers (APO) to perform a complete inventory of all accountable property. This inventory will be completed by June 2002. The APO's will focus on establishing or recreating a value for the capitalized property items by researching invoices and purchase order numbers or using approved estimation methods by October 2002. Additionally FMSD in coordination with the Information Technology Services Directorate (IT) and Financial and Acquisition Management Division (FAMD) established a working group to identify agency property management requirements. The working group is currently meeting with various software vendors to research the best possible property software to address this need.

2. Reduction to unliquidated obligations. KPMG found that FEMA's general ledger did not match the controlling subsidiary ledger for unliquidated obligations. FEMA researched the issue and discovered data converted from the prior financial system was still included in the general ledger. FEMA performed a one-time entry to remove the data from the general ledger thus tying the data with the subsidiary reports.

   Since KPMG was unable to look at individual documents that made up the

converted lump sum data that FEMA removed, it was not practicable for them to perform their audit procedures to satisfy themselves as to the accuracy of the adjustment.

Correction Plan. This was a one-time adjustment to correct a data conversion misstatement. This should not be an issue with KPMG in the future. FEMA is developing a process to compare the subsidiary reports to its general ledger to assure that the data is consistent.

**19. What improvements are needed in FEMA's financial management systems to ensure that the agency is capable of producing accurate, relevant and timely data to support its ongoing management and decision-making? Are you aware of any impediments to achieving this goal?**

For management purposes, FEMA's Integrated Financial Management Information System (IFMIS) does produce accurate, timely and relevant data. However, the reports that present this data are probably geared more to workers and middle management than upper management. They are not intuitive or attractive to people who need a quick picture of the current status of funds under their control. IFMIS does not support a level of organizational control that a senior manager might want to see regarding parts of their organization. Our financial management officers are constantly working with their users to improve the usefulness of the reports. Given that IFMIS is an off-the-shelf system, we cannot always mandate revisions to core reports. For that purpose, we have additional programming support to develop extractions of data from IFMIS and reports using third party tools. These reports are distributed in hard copy and posted on the FEMA Intranet.

Furthermore, we are in the process this summer of testing the latest version of IFMIS, in anticipation of implementing it before the end of the fiscal year. The major enhancements of this version are that we will be able to produce financial statements for FEMA directly from the system and on a vastly accelerated timetable.

I do not see major impediments to improving our reporting.

**20. FEMA has made disaster mitigation a primary goal in its efforts to reduce the costs of Federal disaster assistance. Do you agree that disaster mitigation should be a primary focus for the agency? How do you plan to effectuate that goal?**

Mitigation activities reduce the risks of future damage in hazard-prone areas, thereby reducing the need for future disaster assistance. Mitigation will continue to be a primary focus for the agency.

The key to strengthening our mitigation programs and increasing effectiveness is to allow mitigation to be achieved in a more predictable manner. With more funding available on an annual basis, State and local governments would be in a much better position to plan, establish, and implement their mitigation priorities.

FEMA plans to collaborate with its State partners and other stakeholders to improve the programs, as well as to develop a fair, reasonable and appropriate means for competitive review and selection of grant proposals. For example, criteria would focus on quality of the proposed projects, ability of the project to address State and community mitigation priorities, and cost-effectiveness. The competitive award of the grants should bring a greater emphasis to selecting projects that would offset the Federal costs of disasters, again leading to increased effectiveness of the Federal dollars expended for this purpose.

In addition, we plan to establish a project evaluation process to determine how well projects achieve mitigation goals. This effectiveness evaluation will better link resources to performance information for planning and reporting purposes, and will provide opportunities to identify and promote "best practices". The effectiveness information also could be used in reviewing and adjusting the evaluation criteria for future grant competition, as appropriate.

**!1. The President's FY 2003 Budget proposes a major change in FEMA's disaster mitigation programs by proposing to eliminate the Hazard Mitigation Grant program and Project Impact and replace them with a new competitive grant for pre-disaster mitigation. The result of these proposed changes would be to shift all of the focus to pre-disaster mitigation and to eliminate funding for post-disaster mitigation.**

- **There clearly is value in providing significant funding for pre-disaster mitigation programs which will help communities address known problems. However, other communities will suffer unforeseeable major disasters. In such cases, it often makes sense to address mitigation issues to prevent future damage at the same time that the community is making needed repairs from the earthquake or other disaster it experienced. How will FEMA ensure that these communities that have had an unexpected major disaster receive timely assistance to help prevent future destruction if the Hazard Mitigation Program is eliminated?**

- **A competitive grant pre-disaster mitigation program places a premium on the ability of a community to put together a sophisticated and well-planned grant proposal that correctly anticipates which mitigation efforts will best serve the community in future disasters, a**

**planning ability which not all localities possess. Pre-disaster awareness will also be affected by the proposed elimination of Project Impact, which is designed to create partnerships between FEMA and communities at risk for flooding and other disasters and establish programs to boost awareness of how to prepare and lessen damage from disasters. What will you do as Deputy Director to ensure that communities that may be eligible for grants under the competitive program are aware of its existence and have access to the resources they will need to prepare and submit well presented grant applications?**

**Part I**

FEMA has requested $300 million in the FY 2003 budget, under the National Pre-Disaster Mitigation Fund, to initiate a competitive grant program for pre-disaster mitigation. The proposed program provides a different funding source for the formula-based HMGP, currently funded through the Disaster Relief Fund (which obligates on average $250 million per year), and an existing $25 million pre-disaster mitigation grant program.

If post disaster grant funds were no longer available, FEMA would continue to work with State and local governments to take advantage of post-disaster mitigation opportunities with whatever resources are available. While there are specific opportunities that occur immediately after a disaster, an annual grant program providing a consistent source of funding would allow States and communities to develop more comprehensive proposals and projects to reduce their overall risks. Communities would no longer be dependent on a disaster declaration in order to obtain a FEMA grant to protect their constituents.

Although we strongly support the proposed program, the Director and I also strongly believe that both pre-disaster and post-disaster mitigation funding is necessary, and that a balance needs to occur in the use of those programs and funds. In the immediate post-disaster environment, States, local communities and citizens affected by disasters recognize the need for effective mitigation and are willing to take the steps necessary to remove themselves from harm's way and reduce or eliminate the losses and costs associated with future events. Funds made available following disasters have enabled critical mitigation work to be done. However, because the funds are tied to specific disaster events, implementation of long-range mitigation priorities established through a comprehensive planning process at the State and local community level is sometimes difficult to achieve. The current proposal for a pre-disaster mitigation program, providing consistent levels of funding from year to year, coupled with an appropriate post-disaster program or post-disaster funding would greatly assist in achieving those mitigation priorities.

**Part II**

States currently play an essential role in the implementation of all of FEMA mitigation grant programs. States provide technical assistance to communities, solicit and review applications, and coordinate statewide mitigation activities. FEMA's strategy is to include the States in a pre-disaster competitive grant program as well. In addition, FEMA plans to partner with the States and organizations representing local officials to involve them in a number of ways, collaborating to define the competitive grant program guidance and policy. FEMA will look for both formal and informal opportunities to ensure that collaboration takes place. For example, senior FEMA managers recently attended a meeting of the National Emergency Management Association (NEMA), where we were able to obtain their thoughts and ideas regarding the implementation of the proposed program. In addition, we are planning to hold a listening session later this year to include other constituent organizations for both State and local officials. As the program is implemented, States will play a substantial role in coordinating with their local communities to solicit, review and prioritize grant applications. We anticipate establishing a board consisting of Federal, State and local experts to conduct the final application review and selection.

FEMA was appropriated $25 million for Pre-Disaster Mitigation in FY 2002. The program will provide technical and financial assistance to States and local governments to assist in the implementation of pre-disaster hazard mitigation measures. There is an emphasis on planning this year in order to meet the new criteria for State and local hazard mitigation plans authorized by §322 of the Stafford Act. This will require a plan that meets the new criteria prior to the approval of mitigation projects for Pre-Disaster Mitigation funding after November 1, 2003.

**22. Concerns have been raised regarding the extent to which flood insurance losses have exceeded premiums received from policyholders in the National Flood Insurance Fund. However, homebuyers in some areas have also expressed concern about the high cost of flood insurance premiums. What action will you take, as FEMA Deputy Director, to improve the financial condition of the Fund but still keep premiums affordable for homeowners?**

First, to accomplish those dual objectives over the long run we must encourage and fund mitigation projects to reduce losses to existing, older flood-prone properties. We will prioritize and make the best use of our authorities and available funding for pre- and post-disaster mitigation.

Second, we will continue to work with State and local governments so that local communities have the tools and knowledge they need to see that new construction is built at least to National Flood Insurance Program standards. Well-built and well-located

buildings can be charged very reasonable full-risk premiums that protect the financial solvency of the NFIP.

The President's FY2003 Budget contains two proposals in particular that can help the solvency of the program while maintaining reasonable premiums for homeowners. One is to phase out subsidies for occupancies that are not primary residences. These include second homes, vacation properties, rental properties and non-residential properties, but not primary homes.

The second proposal is to provide a total of $350 million for updating and modernizing our Flood Insurance Rate Maps. By providing the best up to date information about the flood risk to local communities, we can avoid inadvertent construction in flood-prone areas. Thus, reasonably priced premiums can be charged that accurately reflect the risk.

23. **FEMA has instituted a modernization of its Flood Insurance Rate maps, many of which are more than 10 years old. According to FEMA's FY 2001 Annual Performance Plan, re-mapping would place thousands of additional properties in Special Flood Hazard Areas and could trigger mitigation initiatives as well as stimulate the purchase of flood insurance. The President's FY 2003 Budget proposes to spend $350 million to modernize flood maps. What is the status of this remapping effort? What will you do as Deputy Director to ensure that this initiative is fully funded and completed within a meaningful time?**

FEMA is currently finalizing a map modernization business implementation plan that details our strategy for most effectively using the $350 million. The plan has been developed with input from the local communities, States, and interested Federal agencies. Funding of $350 million will allow FEMA to make significant progress in eliminating our backlog of outdated maps. The $350 million will be used in three primary areas:

- Digital conversion of existing paper maps;
- More comprehensive flood data updates for communities with the most pressing flood data needs;
- Creating DFIRMs for half of the most at risk, flood-prone, unmapped communities.

I will make sure we have the right leadership in place to oversee the wise use of this funding. We will fully utilize our resources, the resources of our Federal partners, the States, and contractors to complete this effort in a timely manner. We will utilize the latest technology to produce State-of-the art flood hazard data, and we will do so, to the greatest extent possible, in partnership with States and local communities.

24. **Given our growing dependence on information technology, it is essential that FEMA promptly correct any cyberspace security weaknesses that may compromise its homeland security efforts. In the FY2001 Report to Congress on Federal Government Information Security Reform, OMB recognized FEMA for its good work in implementing its restructured IT management controls. However, OMB reported on several weaknesses that remain in FEMA's information security program and systems. For example, OMB noted continuing deficiencies relating to assuring that the workforce is appropriately trained, reliable, and cleared with respect to security. OMB also expressed concern about FEMA's current abilities and policies with respect to defending against, detecting, and reporting incidents. What would you do to correct these and other significant weaknesses in information security at the agency?**

**General Approach**

FEMA's IT security philosophy is straightforward. As a Federal agency, we must deliver mandated services and products, and we must do so in full compliance with the law. Our approach to correcting the security weaknesses identified by OMB focuses on the development and implementation of an agency-wide IT security program that fully meets the security requirements put forth in public law, Executive Branch directives, Federal standards, and agency-specific policies.

We view the above-mentioned security requirements as providing the minimum security standards for our systems. A critical component of our process is ensuring that all of our information systems meet a minimum set of standards. These standards are consistent with public law and include: (a) a formally certified system security plan, (b) formal accreditation and approval to operate by the appropriate management official, (c) tested contingency plans, (d) implemented incident handling capabilities, (e) security education awareness program, and (f) capital plan for funding security across the system's lifecycle

**Capital Planning for Security**

Our approach involves the use of a well-disciplined capital planning and investment process that ensures security costs are incorporated into the system development lifecycle. Our capital planning process is strongly linked to the agency's performance plan and goals. Using this approach, we have created a framework whereby IT solutions are implemented to support prioritized agency mission requirements, and security is made a part of the IT solution itself. In this manner we are also able to demonstrate that the resources we apply to our IT security activities are directly in line with the agency's performance goals.

**Prioritization**

Successful implementation of a risk-based approach to IT security requires prioritization of effort and resources. FEMA plans to develop an asset valuation standard founded on a three-tiered model. Using this standard, FEMA will be able to accurately determine the importance of systems and apply resources to the most important systems first. FEMA intends to use a three-tiered model that includes the following categories and definitions:

(1) Nationally Important: (a) National Critical Infrastructure Systems (NCIS): Those IT systems and applications designated as critical to the mission of the United States Government; and, (b) National Security Information Systems (NSIS): Those IT systems that disseminate and transmit confidential information. If the confidentiality, integrity, and availability of these systems were impaired, compromised, or violated in any way, then the "downtime" or loss of the system would pose a significant threat to the overall security and well being of the nation as a whole.

(2) FEMA Mission Critical Systems (FMCS): Those IT systems that are determined to be critical to the core missions and goals of FEMA.

(3) All Other Sensitive Systems: All other IT systems that are sensitive, but do not fall into the other categories.

**IT Security Education & Awareness**

The realignment of the FEMA Information Technology Services Directorate established an Office of Cyber Security with explicit responsibility for implementing the agency-wide computer security Education & Awareness program. Computer security training for all levels of FEMA personnel is a key enabler to implementing an effective computer security program. FEMA's plans for computer security training include targeted training at all levels including senior managers, security managers, system administrators, system users, and compliance auditors. FEMA has already begun its IT security training program by integrating security into systems training for our computer systems administrators. Record keeping for training attendance is an important part of the program's management and will be implemented as part of the program.

**Workforce Reliability**

FEMA understands it must assure the reliability of its workforce with background checks. We also recognize the problem is significant in terms of numbers of personnel and costs associated with background checks. We are implementing this requirement in a prioritized manner based on the importance of the system or function. The path to a successful accreditation (authorization to process) of any system or application includes

adequate personnel security as one of the required elements. Using this approach, all new systems and applications will require adequate personnel security to have been implemented in order to pass accreditation review. For existing systems, the reaccreditations will be scheduled based on importance, and the personnel security issues will be addressed as part of the accreditation.

FEMA understands that reliability of the workforce extends to its contractors' workforce. The Chief Information Officer will work closely with the procurement section of the FEMA Office of Financial Management to develop adequate and legally binding language for contract vehicles. This language will require contractors to exercise standards of conduct for information protection that are consistent with Federal requirements and FEMA policies.

**Intrusion Detection and Incident Handling**

Since the FY 2001 GISRA report was submitted, FEMA has acquired contracted services that have installed network monitoring sensors both inside and outside our firewall perimeter. These sensors are monitored on a twenty-four hour a day, seven day a week basis, with notifications promptly sent to FEMA security personnel. In addition, FEMA has acquired the in-house capability to scan systems for vulnerabilities at the request of the system owners. FEMA plans to enhance our incident handling and intrusion detection program during FY02.

25. **In explaining the Administration's GovNet proposal in the fall of 2001, Richard Clarke, the Special Advisor to the President for Cyberspace Security, specifically cited disaster relief as one of the Federal activities that is so important that it needs the extra protection that a highly secure network such as GovNet would provide. (GSA press release, Nov. 28, 2001.) However, the public reaction from companies and other experts to the GovNet proposal has been mixed at best. The Administration's budget proposal would set aside $5 million to study the feasibility of the GovNet concept through FY2003. Also proposed is $7 million to FEMA to establish secure videoconferencing with States, including funding under the initiative to support first responders. What efforts will you undertake as Deputy Director to establish secure communication for disaster relief and first response and what is your timetable for such action?**

This response addresses these three issues: (1) utility of a potential GovNet for disaster relief efforts, (2) secure videoconferencing to the States, and (3) support to first responders.

1. We are evaluating all FEMA areas of business to determine if a secure network, such as GovNet, would be beneficial to us. However, disaster

relief efforts would likely not involve a secure network without connection to the Internet. Most of the disaster relief information and services we provide must be accessible to the public. For that reason, we are concentrating on Internet applications or wireless systems, like cellular phones and personal digital assistants (PDAs) -- all unsecure -- to ensure maximum accessibility. We are, of course, concerned with protecting individual privacy data and are working on that issue via our E-Government initiatives.

2. The secure videoconferencing initiative for the States, which we expect to implement this year, is not a disaster relief or first responder initiative. The purpose of this secure capability is to: (a) provide a secure means for disseminating early warning information from the Federal Authorities to State Authorities; (b) provide a secure means to collect information collected from the State Authorities for use by the Federal Authorities; and (c) provide secure communications between the Federal & State Authorities to coordinate their responses to an event. Please note that a secure network, such as GovNet, could also support these objectives.

   Communicating in the secure mode with the Governors and the States is not a new requirement for FEMA. In fact, FEMA has had a capability for almost 20 years to communicate at the SECRET level with the States via the Agency's Secure Telephone Unit (STU-III) program. We hope to maintain this basic capability in the future, assuming funding for equipment upgrades and maintenance of security clearances can be obtained.

3. We are deeply involved in improving communications for first responders. FEMA is a managing partner for the Wireless Public SAFEty Interoperable COMmunications Program (Project SAFECOM), one of the President's E-Government initiatives to improve communications interoperability for first responders. The goal of Project SAFECOM is real-time, effective, interoperable communications between public safety officials throughout all levels of government, before, during, and after their response to a variety of life-threatening and/or property-destroying events. Project SAFECOM will have three components:

   - Improvement of Federal-to-Federal interoperability where appropriate;

   - Expansion of the ongoing Public Safety Wireless Network (PSWN) Program to include more aggressive assistance to Federal

and State agencies and the implementation of Federal-to-State interoperability links; and

- Development of standards and solutions for local first responder wireless communications interoperability, regardless of jurisdiction.

Our goal for FY 2002 is to assess the current state of communications interoperability among first responders and associated communications technology, develop a broad set of standards, and evaluate potential procedural improvements for interoperability. In the next fiscal year we will continue technology assessment, evaluate regulatory constraints, and address local, State, and Federal funding issues.

26. **On January 22, 2001, the United Nations' Intergovernmental Panel on Climate Change released its third report on global warming. According to this report, unless we find ways to stop global warming, the projected increase in the Earth's average temperature may swell sea levels significantly by 2100, flooding homes and coastal property. The report also predicts that severe weather disturbances and storms triggered by climatic phenomena, such as El Nino, will become more routine. What will FEMA do under your leadership to address the findings of this report?**

While this is primarily a responsibility of science-based agencies, within its limited authorities FEMA is undertaking several initiatives.

As recommended in FEMA's *Coastal Construction Manual*, coastal building design and construction standards can be enhanced by establishing floodplain management requirements for coastal A Zones that are consistent with the coastal high velocity areas (V Zones). Increasing sea level and storm activity will threaten homes currently in coastal hazard areas that are outside the V Zone and are not currently required to elevate the foundation or plan for hazardous high velocity flows and waves. The end result will help reduce flood losses and damages to coastal buildings, and improve building performance in coastal disaster-prone areas.

As recommended in the April 2000 report by the Heinz Center on the *Evaluation of Coastal Erosion*, FEMA has been directed by Congress to consider establishing a new hazard area for inclusion in the NFIP for long-term coastal erosion. Adoption of erosion zone hazards and mappings into the NFIP will project the hazard area 60 years into the future based on existing trends of shoreline change for specific reaches of the coastline. These erosion hazard areas will be evaluated and the flood maps updated as necessary every 5 to 10 years, thereby increasing public awareness of increased risks and also establishing commensurate insurance surcharges and structure ratings based on risk of impacts and damages due to erosion.

27. **The Administration's budget for Fiscal Year 2003 proposes to transfer FEMA's Emergency Food and Shelter Program to the Department of Housing and Urban Development. The budget document States that FEMA has not demonstrated the effectiveness of this program and has no expertise in managing programs for the homeless. FEMA has been administering the Emergency Food and Shelter Program for 19 years, longer than HUD has operated similar programs. In overseeing the program, FEMA has kept administrative overhead to less than three percent, and it has won the praise of non-profit organizations that serve on the program's national board.**

$ **Do you agree that FEMA has not demonstrated the effectiveness of the program and has no expertise in managing programs for the homeless? If so, on what do you base that opinion?**

$ **Do you agree that the Emergency and Shelter Program should be transferred to HUD? Please State the basis for your opinion.**

We believe that FEMA has done an effective and credible job in administering the Emergency Food and Shelter Program over the past 19 years. Nevertheless, this program is, after 19 years of reauthorization by Congress, no longer an "emergency" program and it could have a greater impact if it were administered in concert with other homeless programs. As such, the program fits better with the mission of the Department of Housing and Urban Development (HUD) and conversely, is not part of FEMA's core mission. For this reason, I support the transfer of the program to HUD.

28. **Recent articles in *The New York Times* have been critical of FEMA's role in providing assistance to families affected by last fall's World Trade Center disaster. An April 26, 2002 article reported that FEMA has paid out less than $65 million to needy families, an amount that is far less than what the agency has distributed in the months after other large catastrophes. The reasons cited for the low level of aid include faulty aid applications, claims judged under outdated eligibility requirements, and a key change in FEMA's eligibility guidelines for mortgage or rent assistance that required families to show that their losses were a *direct* result of the catastrophe. On May 2, the *Times* reported that Director Allbaugh had ordered a review of the denied applications for housing assistance, but this announcement did not specifically address the new direct result eligibility requirement. A May 4 *Times* article noted that a bipartisan group of four members of the Senate Environment and Public Works Committee has asked GAO to examine FEMA's response in New York, including the standards the agency used to determine eligibility for aid applicants. Please describe the guidelines FEMA will use to review the denied applications. Will the review be limited to those denied housing assistance or will applications for other forms of assistance such as unemployment**

**benefits and aid to local businesses also be considered? What will the agency do to reach out to victims who may be eligible for aid?**

FEMA is now reviewing all housing assistance applications for possible program eligibility to ensure that no one eligible for assistance has been overlooked. In addition, FEMA is preparing a mailing to all applicants who received applications for the Mortgage and Rental Assistance Program and, for whatever unknown reasons, did not return the applications to us. The review will not look at other forms of assistance such as unemployment benefits and aid to local businesses.

The eligibility guidelines we use for the Mortgage and Rental Assistance Program are basically the same as those that were used initially, because we believe that we implemented the program in accordance with our legal authorities from the outset. The definition addresses individuals who experienced hardship as a result of the disaster, not the secondary national economic affects that occurred after the disaster. References to income losses being "directly" related to the disaster refer to the connection to the disaster's physical damage, as opposed to subsequent economic impacts of the disaster. We are concerned that application forms may have confused the applicants or not provided us all of the information we needed to make an informed decision. As we revisit these applications we should be able to have the most accurate information and provide all of the help these applicants should be receiving from FEMA.

IV. Relations with Congress

29. **Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?**

Yes.

30. **Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed?**

Yes.

V. Assistance

1. **Are these answers your own? Have you consulted with FEMA or any interested parties? If so, please indicate which entities.**

Yes, these answers are my own. Where appropriate, I have consulted with FEMA program staff for factual and programmatic information and clarification.

The District of Columbia AW 5/23/02
MB 5/23/02

AFFIDAVIT

I, Michael D. Brown, being duly sworn, hereby state that I have read and signed the foregoing Statement on Pre-hearing Questions and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Michael D. Brown

Subscribed and sworn before me this 23rd day of May, 2002.

Andrea Williams
Notary Public

ANDREA WILLIAMS
Notary Public, District of Columbia
My Commission Expires May 14, 2006

**Questions for the Record**
**Senate Committee on Governmental Affairs**
**Nomination hearing for Michael Brown to be Deputy Director of FEMA**
**June 19, 2002**

Senator Akaka

**1) Question: Many states are entering into Emergency Management Assistance Compacts, or EMAC. An EMAC is an interstate agreement that streamlines the assistance one governor can lend another after a natural disaster or terrorist attack. Will FEMA use the ability of a state to enter into mutual aid agreements to rank preparedness and response plans? While I agree that mutual aid agreements are important, what are geographically remote areas, like Hawaii and the pacific territories, to do?**

Answer: Participation in mutual aid agreements, such as the interstate EMAC, is just one indicator of the ability of State and local governments to receive rapid outside assistance. In the case of the State of Hawaii and non-continental U.S. territories, the logistical inability to rapidly move critical resources dictates the development of other contingency plans and strategies to achieve enhanced readiness (i.e. stockpiling a higher volume of critical assets, greater federal/military preparations). FEMA is committed to assisting those States and territories in developing these other contingency plans. I would still encourage the adoption of mutual aid agreements, both intra-state and inter-state, to facilitate the sharing of critical personnel resources that may only be available through other State/local governments.

**2) Question: The majority of FEMA's workforce will be eligible for retirement in the next several years. You have stated that developing a plan to replace this workforce and support the existing personnel with tools, resources, and training is your top priority. Will the Administration's proposal to create a Homeland Security Department complicate your efforts to implement incentives to recruit and retain a talented workforce? Do you plan to hire more personnel than needed to replace retiring workers to address FEMA's expected new responsibilities and mission?**

Answer: The workforce retirement eligibility issue and accompanying potential drain on institutional memory and knowledge is a challenge not only confronting FEMA, but the entire Federal Executive Branch. Calculations have already been made relative to the percentage of FEMA's workforce eligible to retire over the next three to five years, the rate and timeframe for those retirements, and the projected gaps that will result. Historically, FEMA's actual retirement experience has proven to be lower than eligibility statistics otherwise indicate. Accordingly, we anticipate that the number of actual retirements over the next several years will be below the number of certified eligibles.

To address retirement issues and the gap analysis results, FEMA is implementing a human capital management program designed around leadership continuity and succession planning; strategic planning and organizational alignment; establishing skill sets and core competency

requirements; performing selective recruitment; implementing training and development programs; and, creating a results-oriented culture. FEMA is striving to foster innovation, reward performance and creativity, and provide challenge and opportunity for change; build, sustain, and effectively utilize and deploy a skilled, knowledgeable, diverse and high performance workforce; and, refine, reshape, and redefine the way we manage human capital.

I believe the proposed Department of Homeland Security will complement, not complicate, our efforts. The new Department offers great opportunity for integration and innovation and brings about a wealth of benefits and opportunities for strategic human capital management including: a ready pool of skills and talents, flexibility and agility in personnel management and practices, and a sharing of best practices in the human capital arena. Considering the current circumstance, I do not foresee the need to drastically adjust our workforce level to offset retiring workers or the anticipated change in responsibility or mission.

**3) Question: Under the President's homeland security proposal, many federal assets, such as some Justice Department offices, that coordinate with the first responder community are to be transferred to FEMA. As the terrorist attacks and anthrax events of last fall demonstrated, the definition of first responder should be expanded to include the hospitals and clinics that form our nation's health care community. I am concerned that because this community does not have a federal counterpart, it is in danger of being neglected in homeland security plans. Hospitals and clinics are not organized under public health or emergency medical response agencies. As you proceed with implementing a homeland security strategy, how will you bring the health care system into the governmental organizational structure?**

Answer: FEMA recognizes the need to include and integrate the full medical and health care systems into the overall emergency management and homeland security strategy and organization. The President's reorganization proposal incorporates the National Disaster Medical System (NDMS), Metropolitan Medical Response System (MMRS) and National Pharmaceutical Stockpile (NPS) capabilities from the Department of Health and Human Services into the new Department of Homeland Security, thus ensuring continued and enhanced integration and advocacy at the federal level. Through the Federal Response Plan designation of Emergency Support Function 8 (Health and Medical) as one of the twelve critical emergency support functions, FEMA demonstrates a commitment to addressing the health and medical capabilities. FEMA encourages incorporation of medical surge capability as part of the proposed FY-03 First Responder Initiative.

**4) Question: The President's proposal for a Homeland Security Department lists several examples of how the new department will make America safer. In one scenario, the Nuclear Regulatory Commission and state officials decide to distribute potassium iodide to everyone within a ten-mile radius of a nuclear power plant. The scenario continues with FEMA disagreeing with state officials and the NRC to distribute drugs outside the ten-mile radius. In the ensuing evacuation and chaos, many exposed individuals do not receiving**

**the critical drugs they need. Frankly, I feel that this example does a disservice to FEMA and the relationships you have worked so hard to achieve. Can you describe how FEMA would coordinate with the NRC and state and local governments during this kind of crisis?**

Answer: The decision to distribute potassium iodide in the event of a nuclear reactor accident belongs to the effected State and local governments, not the NRC or FEMA. Both federal agencies recognize this and support it. Assuming a Stafford Act declaration was made, FEMA would use all of its capabilities and relationships established by the Federal Response Plan and the Federal Radiological Emergency Response Plan to coordinate the federal response in support of the State and local decision to get the public to locations where the potassium iodide would be distributed. The NRC and FEMA would work through a Joint Operations Center/Disaster Field Office to coordinate such off-site actions. Public and media information would be distributed through a Joint Information Center. If potassium iodide became a concern, FEMA and NRC would work closely with EPA and HHS to address the issue. Finally, if State and local officials have developed plans to distribute potassium iodide, FEMA would work to ensure the success of those plans by providing the State and local officials with what is needed for effective implementation.

**Senator Collins**

**5) Question: Mr. Brown, should President Bush's initiative to form Homeland Security Department become reality, how do you perceive your role in facilitating FEMA's transition from its present independent status to part of a larger agency responsible for a wide range of concerns including border security and transportation; information gathering and analysis; defense against weapons of mass destruction; and emergency preparedness and response?**

Answer: Should Congress enact the President's initiative to create a Department of Homeland Security, I believe the role of the Deputy Director of FEMA is to provide guidance, strong communication about the ongoing changes, and a sense of stability to the Agency. Transitioning from an independent agency into a larger department with the broad mission of protecting all aspects of the homeland will require close coordination internally and externally with the other affected departments and agencies.

To that end I have created a working group within FEMA to identify what must be done to make this transition run smoothly for our employees. This group will look at how we maintain our traditional services as a disaster preparedness, response and recovery agency. It will also determine how we will build on the lessons learned from the vast all-hazards disaster experience and the partnerships we have built at all levels of government. This group will help the Director and me in making recommendations on how to apply those lessons to the newly formed Department.

FEMA has much to offer as we coalesce into a single new department, and in exchange, our mission will be strengthened in the future. FEMA's core mission will provide the Department of

Homeland Security with a sound structure for building consensus and solidifying partnerships. Our experience in building partnerships will serve the new Department well as it brings together the functions of emergency preparedness and response, border security and transportation, and information gathering and analysis. In return we will also benefit from the resources of this new agency. We will be able to leverage the resources of information technology to improve our own means of delivering services, and tap into the resources of the new Chemical, Biological, Radiological and Nuclear Countermeasures section to improve our planning, training and exercises for State and local governments. These changes will also provide opportunities to strengthen our relations with law enforcement officials.

These are just a few of the benefits I see in merging these agencies into a single department. I intend to demonstrate FEMA's strength in forging partnerships, leveraging the vast resources of the federal government in times of disaster, and building consensus so that our role is clear within the existing Agency, at the new Department, to our external partners, and of highest import to the citizens who must call upon us to prepare for and respond to an actual disaster.

**6) Question: Mr. Brown, in April, I introduced the Securing Our States Act of 2002 [S.2077]. This bill, which is consistent with President Bush's first responders proposal, is designed to strengthen our first line of defense, the first responders in our States and communities. With the proper training and equipment, these individuals have the greatest potential to save lives and limit casualties after a terrorist attack. Unfortunately, response capacities vary from community to community. How will you help to ensure that those on the front lines are properly prepared to respond to a terrorist attack?**

Answer: The President's First Responder Initiative will sustain first responder activities and will be broken down into four essential categories:

- Planning: to support state and local governments in developing comprehensive plans to prepare for and respond to a terrorist attack;
- Training: to train firefighters, police officers, and emergency medical technicians to respond and operate in a chemical or biological environment;
- Equipment: to allow state and local first responder agencies to purchase a wide range of equipment needed to respond effectively to a terrorist attack;
- Exercises: to support a coordinated, regular exercise program to improve response capabilities, practice mutual aid, and assess operational improvements and deficiencies; and

A specific, detailed breakdown between these four categories will depend on a number of factors: State assessments conducted by FEMA and other Federal Agencies, the particular needs of each state relative to these functions, identifiable priorities such as communications interoperability and mutual aid agreements. This information will be utilized to prioritize the needs of State and local government in each of the four categories, thus properly preparing our first line of defense.



○